

DARTMOOR NATIONAL PARK AUTHORITY
DEVELOPMENT MANAGEMENT COMMITTEE

1 March 2024

Applications to be Determined by the Committee

Report of the Head of Development Management

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Item 1

Application No: **0487/23** District/Borough: **South Hams**

Application Type: **Full Planning Permission** Parish: **Harford**

Officer: **Sassie Williams**

Proposal: **Conversion of barn and shippon into a live-work unit**

Location: **Broomhill Farm, Harford, Ivybridge, Devon, PL21 0JG**

Applicant: **Mr & Mrs J Cole**

Recommendation: **That permission by REFUSED**

Reasons for refusal:

1. The proposed change of use, by reason of the introduction of a domestic use to the building and the surrounding land, would have a detrimental impact on the character, appearance, setting, and local distinctiveness of this part of the Dartmoor National Park and in particular the medieval field system, and on the tranquillity of the immediate area, contrary to policies SP1.1, SP1.2, SP1.5, SP2.1, SP2.6, SP2.7 and P6.6 of the Dartmoor Local Plan, and to the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2023, in particular paragraph 176.
2. The proposed conversion works to the barn and the rebuilding of the ruined shippon, in particular the introduction of domestic elements and detailing, would have a harmful impact on its fabric, character, setting and appearance, contrary to policies SP1.1, SP1.2, SP1.5, SP2.7, SP2.8, P5.9 and P6.6 of the Dartmoor Local Plan, the advice contained in the Dartmoor Design Guide, and to the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2023, in particular paragraph 176.
3. The proposed development would introduce a new residential use in an isolated and unsustainable location in the open countryside of the National Park which is not considered to be located with reasonable access to necessary infrastructure, services and facilities, contrary to policies SP1.2, SP2.8 and P5.9 of the Dartmoor Local Plan.

1 Introduction

- 1.1 This application seeks permission for the conversion of a barn and shippon to a local-needs dwelling on land which forms part of the agricultural holding of Broomhill Farm, Harford. It is presented as a farm diversification scheme.
- 1.2 The site lies in the open countryside of the National Park, approximately 430m north west of the farmstead associated with Broomhill Farm, 200m east of the River Erme, and 200m west of Harford Road, and is accessed via an existing farm track.

2 Planning History

- 2.1 **0040/23** – Full planning permission for conversion of traditional barn to dwelling – refused 17 March 2023

3 Consultations

3.1 Devon County Council - Ecology

- 3.1.1 No ecological concerns previous comments (ref 0040/23) remain valid for this application as set out below;
- 3.1.2 Further information required as follows. It can be seen on the Carport Drawing that there will be the inclusion of a minimum of 5 Biodiversity Enhancement Features to comply with Dartmoor Local Plan Strategic Policy 2.3. However, this is not explicitly mentioned in the Planning, Design & Access Statement. While the conversion of the barn to dwelling does not need provision of Biodiversity Net Gain under the Dartmoor Local Plan, the addition of a covered carport goes beyond changes of use and would be considered the same as an outbuilding. For this reason, clarification is required on the area of the carport to be provided, to ensure that the 5 enhancement measures proposed are compliant with Dartmoor Local Plan Policy 2.3.

3.2 Dartmoor National Park - Archaeology

- 3.2.1 The proposed development site consists of a disused barn and yard which, according to the mid-19th century tithe map, was one of three buildings on the site, all of which had an agricultural function. Based on their historical and evidential values, these buildings are considered to possess a degree of archaeological significance at a local level sufficient for them to be considered non-designated heritage assets. Also running through the site is a leat which takes water from the Butterbrook and supplies several properties including Broomhill Farm. It dates to at least the 16th century and, based on its historical value, also possesses a local level of archaeological significance and is thus also a non-designated heritage asset although no works are proposed to this feature in the application. Of greater significance is the wider historic landscape within which the proposed development is set. Between the River Erme to the west, the moorland to the east, Harford to the north and Lukesland to the south is a landscape characterised by relatively small, elongated enclosures often with slightly curved or sinuous boundaries. These are typical of late medieval enclosure of strip fields and indicate that this area is an unusually complete medieval landscape which has changed little since perhaps the 13th or 14th century.
- 3.2.2 The landscape within which the proposed development is set is a fine and unusually complete example of a late medieval Dartmoor agricultural landscape and is thus considered to possess a local to regional degree of archaeological significance based on its evidential and historical value. The imposition of an isolated domestic and office structure with its associated infrastructure into a landscape characterised by scattered farmsteads would have a negative impact on this significance and does not either conserve or enhance Dartmoor's cultural heritage.

3.3 Dartmoor National Park – Building Conservation Officer

- 3.3.1 Broomhill Leat dates to at least the 16th century and lies in close proximity to the site Historic Environment Record (HER) MDV12133. The Barn and former shippon of Torlands Barn HER MDV13121 dates the building/structure to somewhere between 1600 and 1750.
- 3.3.2 The shippon, although on the HER, lost its roof sometime between 2006 and 2010 based on arial photographic evidence. The south elevation has collapsed, together with part of the western gable and the “central wall”, structural repairs are needed to the remaining walls to enable them to remain standing. With only three partial walls and no roof the shippon is no longer a building. Strategic Policy 2.8 refers to the conservation of buildings, rather than structures. Furthermore, 2.8(2)(a) (iii) requires that the building is structurally sound and capable of conversion without “reconstruction, excavation or alteration”, it is not structurally sound and requires reconstruction and alteration in order to achieve conversion of part of the structure to habitable space (thermal envelope, tanking and insulation noted on drawing). The conversion of the structure is not complicit with the requirements of the policy. It may be the case, that it is too late to save the structure, and that it is recorded as it stands and then left to continue in its ruinous state.
- 3.3.3 The Barn, as a building would be considered as a non-designated heritage asset, which may be eligible for conversion under SP2.8, being a building, with architectural interest and historic interest of traditional building form and materials. However, two large modern openings have been introduced into the structure, changing its character, significant structural repair is required together with significant alteration. The alteration includes providing a new mezzanine level without evidence that such existed historically, providing a fully new interior to the building involving tanking and internal walls and a full structural ground floor (a box within the barn) meaning that the stone walls are no longer visible and the character entirely changed, vertical and horizontal subdivision of the space together with the domestication would further change the buildings character, additional openings are created in the west end which has no current openings, the provision of a subdivision for the two bedrooms which backs on to the window will likely lead to visible partitions (the lights are quartered and the partition off centre), the projection of the bathroom beyond the plane of the mezzanine railing is clunky. The proposed conversion cannot meet SP2.8(2)(a)(iii) and(iv), SP2.8(2)(c)(i) to (iv). In relation to the optimum viable use under SP2.3(3) the proposal is over development and therefore not the optimum viable use.
- 3.3.4 Turning to Strategic Policy 2.7. All development is required to conserve and enhance heritage assets, and all proposals should avoid harming an asset’s significance. Harm where justified should be minimised. Part (3) states that the change of use or alteration of heritage assets, including development in their settings will be permitted only where (b) any harm has been balanced against the significance of the asset and found to be reasonable and justified. The proposals cause harm to the non-designated heritage assets, as set out above, the harm is not justified by the proposal, and the harm has not been minimised, and when balanced against the significance of the asset is not reasonable.
- 3.3.5 There is no proposed site plan setting out gardens, parking and the like, the impact on the significance of the setting of the non-designated heritage asset of this cannot

be assessed, however, a degree of domestication can be expected, further, causing harm to the significance of the setting of the non-designated heritage asset.

- 3.3.6 I object to the proposal to substantially reconstruct and then convert the shippon and the substantial conversion of the barn under policies SP2.7 and SP2.8 due to the harm caused to the significance of the non-designated heritage asset and its setting.

4 Parish Council Comments

- 4.1 The Parishioners of Harford reiterate their support for the application to convert the barn and shippon to a live-work unit.
- 4.2 The development is a mere 35 minutes on foot from the Ivybridge railway station with access to London. The development is 25 minutes on foot to the local primary and secondary schools and bus service. By car or bike, this journey time is significantly reduced. The development will have access to high-speed fibre to the property providing high speed internet access.
- 4.3 The linear nature of the Parish along the sides of the Erme Valley and the aspect do mean that the visibility of the barn is negligible. The barn is not visible within the wider landscape, other than aerial views. The trees around the barn and the mature hedgerows around the site provide protection and reduce visibility. The development would not be visible from within the Dartmoor National Park.
- 4.4 The historic leat that originates from the Butterbrook provides water to various properties in the Parish. The leat splits at Meads Farm and takes two routes. The flow to Torlands Barn serves only the fields of Broomhill Farm before entering the River Erme. Whereas the leat from Meads Farm, serves Broomhill farm, Broomhill Cottage and Broomhill House. This part of the leat is not affected by the proposed development.
- 4.5 The PC recognises the National Policy to increase housing across the country, this development will be one more house that would enable a local family to provide accommodation to their younger generation. This would help to address some of the problems recognised in the Dartmoor Local Plan of unaffordable houses and help address the issue of enabling multi-generational accommodation available in the Harford Parish for local families and working people to live on Dartmoor.
- 4.6 The exciting part about the project is the off-grid proposals of the development in line with 3.1.6 and 3.1.7 conversion of suitable redundant historic buildings within the Dartmoor Local Plan.
- 4.7 Harford is a small Parish extending to around 3,000 acres with approximately 31 houses and about 66 occupants with an average age of 50 years old. The average house price is probably close to £750,000 well out of the reach of any young parishioner wishing to stay in the Parish.
- 4.8 The PC recognises the value of policy and guidelines, but we as a small Parish recognise that our Parish needs to seize an opportunity to allow a small-scale development to enable younger generations to stay in our Parish. The last new build house in the Parish was completed in 1974, and since then our parish policy

has been to do up derelict buildings such as stables and barns to make new dwellings; but many of these have been required by planning consent to remain short-stay holiday lets. These may provide diverse income streams, but they do not inject new life and a sense of community into a small parish.

- 4.9 The PC would welcome a condition that would ensure the developed barn remains with the farm and provides the opportunity for family members or local people to live there.
- 4.10 The PC appreciate the care taken in the planning application to ensure the development is discrete, and the off the grid nature of the building. The Parish appreciates the wildlife enhancements of this project.
- 4.11 Farm buildings would have been built for a purpose and adapted as the farm changed over the years. Milking byres were repurposed to calf houses and then many repurposed again to dog kennels for working dogs or calf houses, always adapting to change and this is what this barn is doing, adapting to change.

5 Relevant Local Plan Policies

- 5.1 Strategic Policy 1.1 Delivering National Park purposes and protecting Dartmoor's Special Qualities
Strategic Policy 1.2 Sustainable development in Dartmoor National Park
Strategic Policy 1.3 Spatial Strategy
Strategic Policy 1.5 Delivering good design
Strategic Policy 2.1 Protecting the character of Dartmoor's landscape
Strategic Policy 2.2 Conserving and enhancing Dartmoor's biodiversity and geodiversity
Strategic Policy 2.3 Biodiversity Net Gain
Strategic Policy 2.6 Protecting tranquillity and dark night skies.
Strategic Policy 2.7 Conserving and enhancing heritage assets.
Strategic Policy 2.8 Conservation of historic non-residential buildings in the open countryside.
Policy 4.4 Parking standards for new development
Policy 4.5 Electric Vehicle Charging Points (EVCPs)
Policy 5.9 Farm diversification
Policy 6.6 Renewable Energy Development

6 Representations

- 6.1 Three public comments received: two supporting the application and one objecting.
- 6.2 Summary of comments of support:
 - This project is crucial for the local community, involving the restoration of a neglected barn to provide housing for our grandchild and family.
 - Urgent housing shortage in Harford
 - Allow young people to move back and contribute to the community they grew up in.
 - Proposed development aligns with local planning policies and enhances the area's character.

6.3 Summary of objections:

- Isolated and unsustainable location for residential use
- Unclear how scheme will financially support farm business
- There are other more suitable traditional buildings for conversion on the farmstead itself which will pose less harm to the historical importance of the local area.

7 Observations

SITE

- 7.1 The barn proposed for conversion to a dwelling is located in the open countryside of the National Park, approximately 430m north west of Broomhill Farm, 200m east of the River Erme, and 200m west of Harford Road. It is contained within a small stone-walled enclosure to the north and west, with the south and east walls of the barn immediately adjoining the fields beyond. The enclosure is traversed by the Broomhill Leat. The western end of the enclosure leads to a walled lane between fields which provides access to further agricultural fields some 60m to the west.
- 7.2 The enclosure also contains the remains of a shippon to the north west of the main barn, proposed to be converted to a home office. The shippon appears to have lost its roof sometime between 2006 and 2010 based on arial photos, the south elevation has collapsed, together with part of the western gable and the “central wall”. With only three partial walls and no roof the shippon is no longer considered to be a building in planning terms.
- 7.3 The plans show the barn as accessed via an existing track and the track is shown on the 1864 historic map. No track was apparent at the time of a site visit in February 2023 though it was clear that tractors had traversed the ground and there was some evidence of rolled stone having been laid in the past. More recent photos submitted with this application confirm that the track has since been resurfaced in crushed stone.
- 7.4 The barn is surrounded by agricultural fields on all sides, being some 200m distant from the road and 250m from the nearest building. The fields are small and enclosed by a mixture of hedges, banks and stone walls. Broomhill Woods, classed as a woodland of conservation importance, lies 175m to the west, and section 3 moorland at Hanger Down and Ugborough Moor lies 500m to the west and east respectively.
- 7.5 The barn and enclosure are on the Dartmoor Historic Environment Record, as is the leat crossing the site, with the following detail provided about the barn:

“About 200 yards west of the Harford Road, near the farmstead named 'Meads'. On the far side of a field named 'Barn Field' in the Tithe Apportionment 1838-1840, (field no.151). No track leads to the site, and access is gained by crossing the adjoining field from a gate on the Harford road. The site has a barn roughly 12 metres by 4 metres, and a shippon 15 metres by 3 metres, separated by a small court.

Both buildings are in a fair state of repair, and mostly granite rubble with some modern brick lintels. The roofing is corrugated iron: except one half of the barn

roof which is modern welsh slate. The ruins of a small building adjoins on to the west side (the narrower side) of the barn. Water comes from a leat which takes water from the Butter Brook near Tor Rocks on the open moor 1/2 mile distant, and which also supplied water to the now deserted site of 'Tor Cottage'. West of the barn and court a short track bounded by stone walls leads to other fields. The walls and roof of the barn were extensively repaired in 1979. First documentary reference is parish rate book 1695".

- 7.6 The Historic Building Officer states the following in her formal response to the application:

"Broomhill Leat dates to at least the 16th century and lies in close proximity to the site Historic Environment Record (HER) MDV12133. The Barn and former shippon of Torlands Barn HER MDV13121 dates the building/structure to somewhere between 1600 and 1750"

PROPOSAL

- 7.7 This application follows a previous refusal (0040/23) for the same barn and a similar scheme comprising a 2-storey, 3-bedroom local needs conversion (farm diversification). It was refused on the grounds of the harmful impact on the barn and surrounding medieval field system, and the isolated and unsustainable nature of the site.
- 7.8 This revised application proposes the conversion of the main barn to a 2-storey, 2-bed, local-needs dwelling, together with a home office created from the ruins of the adjacent shippon. Together this would create what the applicants describe as a live-work unit with a habitable floorspace of 100 sqm.
- 7.9 Comparing to the previous application, the rebuilding of the shippon and creation of a home office is a new element not previously proposed, and changes to the proposed internal and external arrangements for the main barn have also been made. The proposal is again made as a farm diversification scheme, and would therefore be tied to the farming enterprise at Broomhill Farm. During the course of the application, revised plans were submitted to show minor internal layout changes and the removal of new external openings in the main barn from the scheme.
- 7.10 The final iteration of the scheme for consideration comprises:
- Main barn: proposed conversion now proposes no additional openings and proposes a roof of slate, oak lintels, and simple timber framed windows and doors. The larger openings on the north and east elevations would be split into tall thin panes with timber frames at ground floor and first floor level, with concrete lintels replaced for oak. A patio is proposed to the west of the building.
 - Shippon: existing structure consists of only three walls and no roof. The proposed scheme proposes the rebuilding of the south elevation, reinforcing / rebuilding / making good of the other walls, and a new roof structure, to create a home office and domestic storage. The roof would be of natural slate with 11 solar panels, and openings would be entirely on the southern elevation.
- 7.11 Externally, a cobble stone yard area is proposed between the two buildings with a turning / parking area for two cars and an electric vehicle charge pump.

HOLDING

- 7.12 The farm diversification statement sets out the extent of the agricultural holding, including the following information about the farm business:
- Broomhill Farm comprises 376 acres owned and a further 154 acres rented land with grazing rights
 - commercial suckler herd with 100 cows, 4 bulls and 150 youngstock,
 - commercial flock of breeding ewes comprising 800 ewes, 15 rams and 150 ewe lambs.
- 7.13 On the basis of the information provided in this statement, the enterprise is considered to qualify for a farm diversification enterprise under Policy 5.9.
- 7.14 It is noted that application 09/24/0174/87 granted permission for the conversion of a barn at Broomhill Farm to holiday units in 1987, but it is not clear if this permission was implemented. However further information provided in the business plan states that total agricultural receipts exceed 94% of business income for business periods 2020 and 2021 which makes clear that significant diversification of the business has not occurred to date.

ASSESSMENT

FARM DIVERSIFICATION

- 7.15 Policy 5.9 makes clear that farm diversification schemes such as this will only be supported where they are located on an established and active farm which contributes to the conservation and/or enhancement of the National Park's Special Qualities, would be ancillary and subordinate in scale to the farm business, and would make use of redundant buildings before proposing new buildings. It sets out that for local-needs dwellings, only one will be permitted per farm holding, that the dwelling should be limited to 93 sqm habitable floor area, that it must be provided through the conversion of a suitable redundant historic building, and that the conversion must accord with the requirements of Strategic Policy 2.8.
- 7.16 Also of relevance, paragraphs 5.6.5 and 5.6.7 of the Dartmoor Local Plan state:

"The conversion of historic buildings will be assessed against Strategic Policy 2.8. On farmsteads the building's location will be presumed sustainable for the purposes of part 2b of Strategic Policy 2.8. However, proposals for high impact uses, such as residential or holiday-lets, will still need to demonstrate less harmful uses are unviable through a business plan (not marketing evidence) and that works will be sympathetic. Isolated buildings are less likely to be appropriate for conversion because of their sensitive character, setting and surroundings, buildings on farmsteads are generally more suitable".

"Any conversion or new build proposed must be of a high quality design and in the case of historic structures minimise its impact on a building's or other asset's significance. Residential and holiday let uses will often have a high impact and there will be occasions where a conversion or new build is not possible due to the adverse impact on the historic environment".

- 7.17 This application is for the conversion of one isolated historic farm building in the open countryside to a dwelling, and the rebuilding of a ruined shippoon for use as an associated home office and domestic storage, creating a total of 100sqm habitable floor area. It is felt that the proposal broadly complies with part 1 of policy 5.9, but fails to comply with part 2 of the policy which requires the conversion to be in accordance with Strategic Policy 2.8. As set out below, the proposal is not felt to conserve and enhance the simple historic character of the building and its setting, nor the character of the surrounding medieval field system and wider landscape.

CONVERSION OF HISTORIC BUILDING

Policy Context

- 7.18 The barn and shippoon, together with the adjacent historic enclosure and leat, are considered to be non-designated heritage assets, all of which appear on the 1864 historic map and the Dartmoor HER.
- 7.19 Strategic Policy 1.5 makes clear that planning applications exhibiting anything less than good design will be refused. Part 3(c) of the policy sets out that the development's character and appearance, and its relationship with the landscape, will be scrutinised to assess the design quality of development.
- 7.20 Strategic Policy 2.7 makes clear that all development must conserve and / or enhance heritage assets. Where harm to a non-designated heritage asset is identified, any harm must be balanced against the significance of the asset and found to be reasonable and justified.
- 7.21 Strategic Policy 2.8 reiterates the requirement for development to conserve and / or enhance the heritage significance of non-residential buildings. Part (c) of the policy makes clear that the conversion of redundant historic non-residential buildings in the open countryside will only be permitted where the proposed conversion work:
- (i) conserves and/or enhances the character and appearance of the building and its setting;
 - (ii) proposes no significant new openings or extensions;
 - (iii) preserves significant historic or architectural elements; and
 - (iv) ensures any garden, fence or wall, parking, lighting, essential utilities (cables and pipes) or other paraphernalia do not harm the building's character, setting or any significant historic or architectural features.
- 7.22 P. 48 of the Dartmoor Design Guide is clear that successful conversions respect and reflect the building's original functions and maintain the agricultural character and historic elements on the outside and inside, and that domesticating the surroundings of the building with gardens etc should be avoided to retain its setting. It also states that making new window openings in walls is not usually acceptable, and that new windows in existing openings should have strong simple framing.

Design / Impact on Character and Appearance

- 7.23 This revised scheme to convert the main barn to a dwelling has removed all new openings from proposals, simplified window and door designs and arrangements,

and removed the solar panels, rooflights and flue which were previously proposed. It is noted that the proposed solar panels have instead been moved to the roof of the adjacent shippon. On the basis of the above amendments, the harm to the host building is reduced, however it is still felt that the proposal fails to respect the simple agricultural form and character of the main barn which does not lend itself to domestic conversion.

- 7.24 The current state of the shippon, with only three walls remaining some of which are visibly unstable, no south elevation and no roof, lead it to be considered as a ruin rather than a building fit for conversion, and therefore falls outside the remit of policy 2.8. The works necessary to create a home office and domestic store from the remaining ruins would be considerable, and with this in mind the proposed scheme is not considered to equate to the conversion of an existing historic building but rather a rebuild / new build.
- 7.25 Strategic Policy 2.8 part 2 (a) (iii) requires a structural engineer's survey to confirm that the building(s) are structurally sound and capable of conversion without the need for reconstruction, excavation or alteration. It is noted that the structural report for both the main barn and the shippon was written by the son of the applicant who is also understood to be the future occupant of the barn as a local-needs dwelling. There is therefore concern that the report may not provide an impartial assessment of the true structural integrity of the barn or the shippon. Also within the enclosure would be a patio, driveway, parking for two cars, an electric vehicle charge point and solar panels. All these aspects of the conversion will create a clear domestic character within the enclosure which would fail to conserve and / or enhance the simple agricultural and historical character and appearance of the building and its setting, contrary to Strategic Policies 1.5, 2.7, 2.8 and 6.6, and advice contained in the Design Guide.

Sustainability

- 7.26 Paragraph 5.6.5 in the pre-amble to the farm diversification policy also states that diversification schemes located on farmsteads will be presumed sustainable for the purposes of policy 2.8 part 2(b). However since this scheme is not located on a farmstead, rather in an isolated rural location, it must meet the requirements of policy 2.8 part 2(b) which are that it must be located within reasonable access to necessary infrastructure, services and facilities in order to gain support. The barn lies around 2.5 miles from Ivybridge and is accessed via a narrow single track country lane. It lies 200m from the public highway. It is clear that future occupants of the barn would be reliant on a car to access facilities in Ivybridge. Paragraph 2.7.17 part 2 is clear that uses which significantly impact on character, such as residential uses, will not generally be acceptable in isolated locations away from basic facilities and services.
- 7.27 The location is therefore not considered to be sustainable, and would be contrary to policies 1.2, 2.7 and 5.9.

Optimum Viable Use

- 7.28 Strategic Policy 2.8 part 2(b) states that the proposal must be shown to be the optimum viable use of the building consistent with the building's conservation and must be located within reasonable access to necessary infrastructure, services and

facilities. Part 3 sets out the requirement for applications for high impact uses such as residential conversions to be supported by evidence which demonstrates the proposal is the optimum viable use and less harmful uses are unviable.

- 7.29 Farm diversification policy 5.9 allows qualifying schemes to evidence the optimum viable use through a business plan to show that other lower impact uses of the building as part of the farm business have been considered and found not to be viable. This information has been provided as part of this submission and shows that due to various factors including the barn's isolated rural location, its location within private land and on a working farm, the poor access arrangements including 200m track from public highway, and the presence of other established holiday / community facilities such as tea rooms and camping barns, the only viable alternative use would be a holiday let which would also be a high impact use. This assessment is accepted and it is agreed that alternative less impactful uses would be equally inappropriate in this location for the reasons listed above.

IMPACT ON THE LANDSCAPE

Policy Context

- 7.30 The National Planning Policy Framework (NPPF) states that great weight should be given to conserving the landscape and natural beauty, cultural heritage and wildlife of National Parks, which have the highest status of protection. The importance of delivering National Park purposes is reiterated in the objectives of Strategic Policy 1.1, which stipulates that National Park purposes will be given priority over other considerations in the determination of planning applications. It goes on to say that where conflict occurs, greater weight will be attached to the first purpose of "conserving and enhancing the natural beauty, wildlife and cultural heritage of the area" in line with the Sandford Principle. This makes clear that the conservation of the Park's natural beauty and cultural heritage must be prioritised over the duty to seek to foster the economic and social wellbeing of the communities within the National Park.
- 7.31 Strategic Policy 2.1 sets out how Dartmoor's internationally renowned landscape should be protected. It is recognised that landscapes change, but the emphasis is on protecting the character and special qualities of Dartmoor's landscape. The policy is clear that development should conserve and/or enhance the special qualities and character of Dartmoor's landscape.
- 7.32 Strategic Policy 2.6 states that development proposals outside classified settlements will only be permitted where they conserve and/or enhance tranquillity and avoid external lighting in order to avoid adverse impacts on tranquillity, dark night skies, biodiversity, visual amenity, landscape character and heritage significance.
- 7.33 Strategic Policy 2.7 makes clear that all development must conserve and / or enhance heritage assets. Where harm to a non-designated heritage asset is identified, any harm must be balanced against the significance of the asset and found to be reasonable and justified.
- 7.34 Paragraph 2.7.1 of the Dartmoor Local Plan explains that "the quality of Dartmoor's historic and cultural environment is a key reason for the area's designation as a

National Park and is fundamental to its Special Qualities. Dartmoor's cultural heritage, including its archaeological features, settlements, buildings, and landscapes, is one of the richest of any area in the UK". The same paragraph goes on to include historic field systems among Dartmoor's various types of heritage asset and stresses the importance of Dartmoor's landscapes in terms of not only their aesthetic value, but also their historical value.

Landscape Character Assessment

- 7.35 The site is located within Landscape Character Type 2D Moorland Edge Slopes, a landscape characterised by a strong historic sense of place, with an intricate pattern of medieval fields, post-medieval hedge banks nucleated hamlets, winding rural lanes and numerous streams crossed by granite bridges.
- 7.36 The Landscape Character Assessment for Dartmoor National Park identifies the strong pattern of medieval fields with prominent Devon hedge banks and drystone walls as one of valued attributes for this landscape type. On p.66, the Landscape Character Assessment cites an increase in barn conversions as having localised impacts on the landscape character of moorland edge slopes, and on p.69 protection of the landscape's small-scale medieval field patterns and sparsely settled character are listed among the planning priorities for moorland edge slopes.

Impact on the Medieval Field System and Landscape

- 7.37 The barn is located in a tranquil area within a medieval field system, and close to areas of ancient woodland and section 3 moorland. The site is remote from other buildings, with the nearest being approximately 250m away. The absence of nearby buildings and the position of the site within an historic field system are significant features contributing to the character of this part of the National Park. Comments from the DNPA archaeologist confirm that the barn is set within a fine and unusually complete example of a late medieval Dartmoor agricultural landscape which has likely remained unchanged since the 13th or 14th century and has a local to regional degree of archaeological significance.
- 7.38 In the context of this application, Strategic Policy 2.7 therefore requires the proposal to conserve and / or enhance the medieval field system, which is a heritage asset. The change of use and conversion of the barn and enclosure will introduce a domestic use into an isolated site located in an important historical landscape. The DNP archaeologist has objected to the scheme on this basis. The introduction of this domestic use will not conserve or enhance the character of this landscape, and a permanent residential use will increase noise and introduce light spill which will impact on the tranquillity of the area.
- 7.39 The development would have a detrimental impact on the medieval field system immediately surrounding the site. It would also fail to conserve and / or enhance the character and special qualities of the local Dartmoor landscape, specifically the strong pattern of medieval fields and features associated with historic land uses. This would be contrary to Dartmoor Local Plan policies SP1.1, SP1.2 parts (a), (j) and (k), SP2.1, SP2.6, SP2.7, P5.9 and P6.6.

PLANNING BALANCE

- 7.40 It is recognised that this proposal offers some public benefit, in terms of providing an ongoing viable use for the building, the creation of a dwelling for a local person, and providing an additional income stream for an existing agricultural business.
- 7.41 However, this report identifies that the scheme would introduce a new residential use in an isolated, unsustainable and inappropriate location which is not supported by Local Plan policies, and furthermore poses harm to the barn, its setting, the medieval field system and the Dartmoor landscape.
- 7.42 The NPPF states that great weight should be given to conserving the landscape and natural beauty, cultural heritage and wildlife of National Parks, which have the highest status of protection. The importance of delivering National Park purposes is reiterated in the objectives of Strategic Policy 1.1, which stipulates that National Park purposes will be given priority over other considerations in the determination of planning applications. It goes on to say that where conflict occurs, greater weight will be attached to the first purpose of “conserving and enhancing the natural beauty, wildlife and cultural heritage of the area” in line with the Sandford Principle. This makes clear that the conservation of the Park’s natural beauty and cultural heritage must be prioritised over the duty to seek to foster the economic and social wellbeing of the communities within the National Park, and again makes clear that the need to conserve this historic setting and landscape should be prioritised over other the limited planning gains previously mentioned.
- 7.43 Therefore on balance it is not felt that the benefits of the scheme outweigh the level of harm posed.

8 Conclusion

- 8.1 It is considered that the works proposed to the historic barn would have a harmful impact on its fabric, character, setting and appearance, contrary to Dartmoor Local Plan policies SP1.1, SP1.2, SP1.5, SP2.7, SP2.8, P5.9 and P6.6.
- 8.2 It is also considered that the introduction of a residential land use on this site would be harmful to the character of the local landscape, the surrounding medieval field system, and also to the tranquillity of the area by introducing potential noise and other disturbance such as light pollution associated with permanent residential accommodation. The level of this harm, coupled with the absence of any significant public benefit to outweigh it, mean that the proposal conflicts with Dartmoor Local Plan policies SP1.1, SP1.2, SP1.5, SP2.1, SP2.6, SP2.7 and P6.6.
- 8.3 The location of the barn is not considered to be located within reasonable access to necessary infrastructure, services and facilities, and is therefore considered to be an unsustainable location for the creation of a new dwelling, contrary to Dartmoor Local Plan policies SP1.2, SP2.8 and P5.9.
- 8.4 The application is therefore recommended for refusal.

9. Member Site Inspection

- 9.1 Members of the site inspection panel convened on the site where the Planning Officer outlined the application and provided a schedule of works proposed for both of the buildings.

9.2 A Parish Council representative and the applicants and the applicant's son attended the site inspection.

9.3 Members inspected the site. The Chair queried the impact of the proposed development on the mediaeval field system. The Planning Officer read out the relevant paragraphs 3.2.1 and 3.2.2 of the committee report.

9.4 The Planning Officer set out the reasons why the proposed works to the shippon barn would be in conflict with Strategic Policy 2.8.

9.5 The Planning Officer confirmed the boundaries of the site and the location of the proposed soakaway and package treatment plant.

9.6 The Parish Council representative re-iterated their support for the application.

9.7 The application site was viewed from the fields to the west and north.

DEAN KINSELLA

Item 2

Application for Development Management Committee on 1 March 2024

Application No:	0432/23	District/Borough:	West Devon
Application Type:	Full Planning Permission	Parish:	Burrator
Grid Ref:	SX542686	Officer:	James Aven
Proposal:	Extension of the working plan area of existing active quarry - Variation of Condition 2 of planning permission 0348/15, and consequential amendments to other conditions, to allow the continuation of approved operations to 3rd May 2042		
Location:	Yennadon Quarry, Iron Mine Lane, Dousland		
Applicant:	Yennadon Stone Ltd		
Recommendation	(i) that the proposed scheme constitutes Major Development		
	(ii) that there are exceptional circumstances and the development would be in the public interest		
	(iii) that permission be GRANTED subject to new and amended conditions and continued compliance with the extant s.106 Planning Obligation Agreement.		

Introduction

Planning application ref. 0348/15 was submitted in July 2015, seeking permission for an 'Extension of the working plan area of the existing active quarry' at Yennadon, and at its meeting in October 2017, the Development Management Committee resolved to approve the application. However, the issuing of the planning decision was delayed for a number of reasons, including the need to secure an extension to the lease of Yennadon Quarry, the requirement under Section 16 of the Commons Act 2006 to deregister the quarry site as common land and secure an area of replacement common, and the need to address objections raised by a third party.

In the meantime, the National Planning Policy Framework (NPPF) had been revised, and local planning policy reviewed. It was therefore considered appropriate for the planning application to be reconsidered by the Development Management Committee on 4 December 2020, when it was resolved that the proposed development constituted Major Development, that there were exceptional circumstances justifying the need for the development, that the extension to Yennadon Quarry would be in the public interest, and that the permission should be granted subject to the recommended planning conditions and S106 planning agreement.

Following completion of the Section 106 Planning Obligation, Planning Decision ref. 0348/15 was issued on 24 March 2022 ('the 2022 Permission'). The approved development commenced later in 2022 following the formal discharge of several planning conditions.

Condition no.2 of the 2022 Permission requires extraction and restoration works to be completed and the application site to be restored by 31 December 2026, stating: *"The development to which this permission relates shall cease and the application site shall be restored in accordance with the approved drawing numbered 7397-RP-20-R1, including the removal of any buildings, structures and machinery, by 31 December 2026, unless otherwise agreed in writing by the Mineral Planning Authority".*

The current application has been submitted under Section 73 of the Town and Country Planning Act 1990, and seeks permission to vary Condition no.2 of the 2022 Permission, by extending the time period within which the extraction and restoration operations at Yennadon Quarry may be undertaken to 3 May 2042.

This, the applicant states, is to provide the operator with sufficient time for the completion of extraction from all three phases, together with the completion of the restoration works required for each phase.

The applicants have advised that the need to extend the period of time specified in Condition 2 arises for the following reasons:

- the delay from submission to the grant of the 2022 Permission means that the extraction of building stone from the three phases in the Extension Area cannot be achieved within the approved timeframe. The progressive restoration of the existing quarry and the extension area is reliant on the materials excavated from all three phases of extraction in the approved extension area.

- the amount of material permitted to be removed from the application site is restricted by Condition 7 on the 2022 Permission to 7,500 tonnes in any calendar year.
- the productivity of Yennadon Quarry is also controlled by Condition 9, which restricts two-way lorry trips to a maximum of 30 in any week. The effect of conditions 7 and 9 is that Yennadon Quarry cannot increase the rate of production in order to work through all three phases of development within the approved timeframe.
- if extraction from the extension area is required to cease when the 2022 Permission expires on 31 December 2026, then Phase 1 will be nearing completion but Phases 2 and 3 will not have been undertaken. This means that only partial restoration of the existing quarry will have taken place and the significant landscape and visual benefits of full restoration will not have been achieved.
- the demand for Yennadon Stone, which is recognised by the British Geological Society (BGS) as geologically unique and distinctive in the regional context of building stone, will not be capable of being met if development ceases on 31 December 2026. In the absence of realistic alternative sources of equivalent stone, this will have an adverse effect on the local built environment and local distinctiveness of the Dartmoor National Park.

The leasehold interest in Yennadon Quarry has been granted to Yennadon Stone Limited until 3 May 2042 to enable the development approved by the 2022 Permission. Hence, this is the date specified in the Section 73 application.

If the Section 73 Application is granted then some consequential amendments and updates to some of the planning conditions will be necessary to ensure references to the correct dates and documents, but no substantive changes are proposed to any of the operations, restoration strategy or aftercare plan approved by the 2022 Permission.

The Site

Yennadon Quarry is located in the southwest of the National Park, 300m to the east of Dousland on the moorland fringe of Yennadon Down. The site is on land owned by the Walkhampton Trust and administered by Lord Roborough's Maristow Estate and leased to the operator. The site produces dimensional building stone (stone with sawn and natural faces to make a block suitable for construction) and stone used in

walling and landscaping.

The 2022 Permission allowed the extension of the existing stone quarry laterally to the north, increasing its size by roughly a third from 2.2ha to 3.2ha. This is an increase of 1ha (roughly equivalent to 1.4 full sized football pitches). Within the proposed 1ha extension to the quarry, the proposed extraction area amounts to around 50% (0.53ha) with the balance being used for landscaping.

The Section 73 Application seeks to vary some of the planning conditions on the 2022 Permission. If successful, the Section 73 Application will result in a new planning permission being granted. For that reason, it is necessary to determine the acceptability of the proposed development in accordance with the Town and Country Planning Act 1990 (as amended) (TCPA 1990), section 70(2), and the Planning and Compulsory Purchase Act 2004, section 38(6). Together, these provisions provide that the DNPA must determine the Section 73 Application in accordance with the development plan, so far as is material to the application, unless material considerations indicate otherwise.

Further information on the legal framework around s73 applications can be found at Appendix 7.

Appendices

To aid comprehension and for ease of reference, a number of appendices have been attached at the end of this report:

Appendix 1: Orientation plan

Appendix 2: Consultation Responses

Appendix 3: Case Studies – Small and ‘Major’ stone (and other) quarry permissions / refusals post 2012 – comparison with Yennadon

Appendix 4: Summary of The British Geological Survey (BGS) Directory of Mines and Quarries (2014 and 2020) for operational slate quarries in Devon and Cornwall

Appendix 5a: Proposed planning conditions

Appendix 5b: Existing & Proposed conditions

Appendix 6: Existing s106 legal agreement

Appendix 7: Legal Framework – s73 applications

Consultation responses (please see Appendix 2)

Burrator Parish Council

Burrator Parish Council is generally in support of this application, subject to the progressive and final restoration of the quarry.

Observations

This report is set out in the following sections:

1. Planning History
2. The Proposal
3. The Major Development Test
4. Landscape
5. Noise
6. Tranquillity
7. Dust and surface water
8. Ecology
9. Need and Alternatives
10. Employment
11. Common Land
12. Archaeology
13. Highways & Traffic
14. Site Inspection
15. Exceptional circumstances and public interest tests
16. Conclusion
17. Appendices

1. PLANNING HISTORY

0348/15	Full Planning Permission	Extension of the working plan area of the existing active quarry.	Grant Conditionally 24 March 2022
0667/13	Full Planning Permission	Extension to working plan area of existing quarry.	Refused 14 July 2014
0979/04	Full Planning Permission	Construction of replacement single storey stone-processing shed.	Grant Conditionally 26 January 2005
03/43/1075/90	Full Planning Permission	Winning and working of minerals & continued use of	Grant Conditionally

		existing buildings.	10 April 1991
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Until the implementation of planning decision ref. 0348/15 in 2022, the site operated under a planning permission granted in 1991. As with all mineral consents, this was a time-limited (temporary) permission that was due to expire in 2026.

In 2008 planning permission was granted for exploratory boreholes. These were drilled in 2010.

An application for Full Planning Permission (ref 0667/13) was submitted in 2013 and a site visit held in June 2014. The application proposed a larger working area than that approved in 2022. It also proposed the creation of new bunds on the application site. It was considered that the Environmental Statement submitted with the application failed to deal adequately with the potential environment impacts of the scheme as then proposed and so Application 0667/13 was refused.

Planning application ref. 0348/15 was submitted in July 2015, seeking permission for an 'Extension of the working plan area of the existing active quarry' at Yennadon. At its meeting on 4 December 2020, the Development Management Committee resolved that permission should be granted subject to the recommended planning conditions and S106 planning agreement.

Following completion of the Section 106 Planning Obligation, Planning Decision ref. 0348/15 was issued on 24 March 2022 ('the 2022 Permission'). The approved development commenced later in 2022 following the formal discharge of several planning conditions.

2. THE PROPOSAL

Section 73 of the Town and Country Planning Act 1990 provides for applications for planning permission to develop land without complying with previously imposed planning conditions. A local planning authority can grant permission unconditionally, subject to different conditions or to new conditions, or they can refuse the application if they decide the original condition(s) should be kept.

The Section 73 Application submitted by Yennadon Stone Limited is to extend the operational life of the quarry to allow the extraction and restoration operations approved under the 2022 Permission to continue until 2042. Permission is not sought to vary the nature or extent of the 2022 Permission, or for any changes in production

methods, output rates, plant numbers, vehicle movements, operating hours, the restoration strategy or aftercare plan.

However, if granted, the Section 73 application will result in a new planning permission being granted for the whole development, albeit with a new set of conditions. For that reason, it is necessary to again determine the acceptability of the proposed development in accordance with the development plan, which includes the Dartmoor Local Plan 2018-2036 ('DLP') that was adopted on 3rd December 2021, i.e. post resolution to grant the 2022 Permission.

The previous application, ref. 0348/15, was determined to be a 'major application' and so the extension of the working plan area of the quarry was considered to be EIA development (Environmental Impact Assessment) by virtue of being a category of development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) ('the EIA Regulations') likely to have significant effects on the environment by virtue of factors such as its nature, size or location. Planning application 0348/15 was therefore accompanied by an environmental statement ('ES') which assessed the effects of the proposed development on the environment, and proposed measures to mitigate the impacts of the development. As the current Section 73 Application relates to the 2022 Permission, it is also an EIA application and is also accompanied by an ES.

The new ES includes the same level of detail as originally submitted in support of the 2022 Permission and considers whether changes to baseline conditions in the period between 31 December 2026 and 3 May 2042 could give rise to any changes to the effects previously predicted and taken into account by the Authority in the determination of planning application 0348/15.

Apart from the proposed extension to the working life of the quarry, the application site and development proposal is unchanged from the 2022 Permission.

The existing, pre-2022 Permission quarry is very close to the working boundaries approved under the 1991 Permission. The depth of working in a quarry is restricted by the properties of the material extracted and how that material allows the height and angle of the quarry faces to be developed safely. The proximity of faces to the permitted boundaries limits the depth to which the quarry can continue to be worked. In order to extend Yennadon Quarry, it is necessary to extend the quarry laterally rather than continue with deeper working.

The site predominantly produces dimensional building stone (which is stone sawn on several faces to make a rectangular block suitable for construction) and stone used in walling and landscaping. The application proposes to reduce the amount of stone capable of being extracted each year from the previous 1991 permission limit of 14,000 tonnes per annum to no more than 7,500 tonnes. A reduction of lorry trips from 35 to 30 (60 movements in total) in any week is also proposed.

Stone is extracted using a 360-degree excavator, with a pecker attachment to break the rock. The rock is then hand sorted at the base of the rock face by two operatives who fill an excavator bucket. Once full, the bucket is connected to the excavator and deposited in a dumper truck. Once full the dumper truck transports the stone to the existing processing area on site. The stone is sorted by size and the larger stone is used as dimension stone, the smaller stone used for walling. Unusable rock would be left for progressive restoration in each phase. In addition to the quarrying activities, stone cutting operations are carried out on site in the existing sheds.

The application site 'red line' incorporates the existing quarry and access track. A new grant of planning permission will allow one set of planning conditions to apply to all parts of the site. A Section 106 Planning Obligation Agreement was completed under the 2022 Permission and revokes the existing planning permission and ensures that there can be no argument that both permissions can be implemented concurrently. This s106 agreement will remain in force with any subsequent approval granted under the s73 application.

The proposal includes the progressive backfilling and restoration of those areas of the site that are worked out, as extraction moves forward. This is an appropriate way to dispose of waste material and will ensure that the restoration works are not left to the end of the scheme. The site will be restored to a lower level than its original profile, in a bowl running north/south. It is proposed to leave some quarry faces on the western side to attract nesting raptors to the site. The land will be allowed to naturally re-vegetate (with seeding if necessary) to return the land to grassland consistent with the surrounding common land.

Screening Bunds

The application recognises that the existing bund located along the quarry's western boundary was visually intrusive within the local landscape. This bund has been reduced in height by 3m to a height of 252m AOD and re-graded, covered in topsoil stripped from the extension area, and seeded with an appropriate grass seed mix as

part of the measures to mitigate the landscape and visual impacts of the existing quarry operations and the proposed extension.

Restoration

The application recognises that the sheer quarry faces along the eastern side of the existing quarry present the greatest visual impact to views from the west. Early restoration will concentrate on backfilling and landscaping the existing eastern and south-eastern faces. There is considered to be no need to backfill and landscape the entire quarry face however and as such, it is not proposed to import soil for restoration purposes. It is proposed to fence the quarry in its entirety at the point of closure to allow the site to naturally re-vegetate over time and protect from grazing.

As all mineral working is treated as a temporary use of the land, every minerals permission must be expressly time limited. In this case it is proposed that the working and restoration would be concluded by 3 May 2042.

3. MAJOR DEVELOPMENT

In reaching a decision on this application, it is of fundamental importance to determine first whether the scheme constitutes “**Major Development**”. The reason why this question is of such fundamental importance to the determination of the application is that if any scheme is found to be Major Development, there are very strong national and local policies which require permission to be refused, unless there are exceptional circumstances and it can be demonstrated that the development is in the public interest.

Whether or not a proposed scheme is Major Development is a planning judgement for Members to make. It is not a matter determined by officers at validation stage or in the committee report. Unfortunately for Members faced with making this planning judgement, there is no single test, set of criteria or statutory definition to inform the decision-making process.

At its meeting on 4 December 2020, the Development Management Committee resolved that the development proposed under application ref. 0348/15 (the 2022 Permission) did constitute Major Development. However, since the Development Management Committee’s resolution in 2020, the National Planning Policy Framework (NPPF) has been revised and the ‘Dartmoor Local Plan 2018–2036’ has been adopted. It is therefore considered necessary that this matter, as well as the

proposed development, be determined afresh by the Committee in light of these policy changes.

Policy Tests

There is a strong presumption against major development in the National Park.

The National Planning Policy Framework (NPPF) 2023 discusses the requirements for the determination of development proposals within National Parks and seeks to protect the environment of nationally designated areas from the harmful effects of major development. The NPPF states at Paragraphs 182 and 183 that:

- “182.** Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, ... which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.
- 183.** When considering applications for development within National Parks, ... permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:
- (a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
 - (b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
 - (c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”

Footnote 64 clarifies that "for the purposes of paragraphs 182 and 183, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined".

Section 1.5 of the Dartmoor Local Plan concerns Major Development and states that the definition of 'Major Development' is not the statutory definition (i.e. 10 dwellings or more, a building with 1,000m² of floorspace or more etc.). Nor is the definition rigid or size related. The Authority will consider development to be Major where its nature, scale, and setting has the potential to have a significant adverse impact on the Special Qualities of the National Park.

Major Development will typically be a proposal of a scale, character or nature which extends beyond what is needed locally, meaning it will have benefits which extend beyond Dartmoor's boundary. This could include, for example, a reservoir, energy development, major road or rail scheme, minerals or waste development, large-scale residential or commercial development, or high voltage electricity transmission scheme.

If development falls within the definition of Major Development, applicants will be required to demonstrate why it is in the public interest and that there are exceptional circumstances which justify it. The Authority will consider whether the exceptional circumstances and public benefits outweigh the nation's long term interest in conserving and enhancing its National Parks. The need for the development will be assessed and greater weight given to a national need for a development that must be located in the National Park.

Where exceptional circumstances exist and development would be in the public interest we will then assess the extent to which adverse impacts on the National Park's Special Qualities can be moderated.

Strategic Policy 1.4 states that:

1. In deciding whether a proposal is 'Major Development' the Authority will consider whether the development, by reason of its nature, scale and setting, has the potential to have a significant adverse impact on the National Park's Special Qualities.
2. Planning permission will not be granted for Major Development other than in exceptional circumstances, and where it can be demonstrated that the development is

in the public interest, outweighing National Park purposes. Consideration of such applications should include an assessment of:

- a) the need for the development, including any national considerations and the development's contribution to the national economy;
- b) the impact of permitting the development, or refusing it, upon the local economy of the National Park;
- c) the cost of and scope for delivering the development outside the designated area, or meeting the need for it in some other way; and
- d) any detrimental effect on Dartmoor's Special Qualities and the ability for the public to enjoy them, and the extent to which that could be moderated.

This requirement for an overriding public interest imposes a very severe policy test.

Section 6.1 of the Dartmoor Local Plan states that minerals are essential to provide the infrastructure, buildings, energy and goods which may be needed locally, nationally or internationally. Minerals development differs from other types of development in that minerals are a finite natural resource which can only be worked where they are found. Minerals development is a temporary use of land though operations may go on for many years, with potential benefits and impacts seen both during and after the mineral working.

Minerals development that is considered to be Major Development can have a significant and irreversible impact and is not considered appropriate in the National Park other than in exceptional circumstances. The environmental impact of minerals operations has improved significantly in recent years though, and where existing infrastructure and mitigation is in place, the extension of existing operations can be the most efficient and reasonable approach to sustaining a source of minerals. It is important in considering applications for extensions (in time or scale) to carefully assess the ongoing impact of the operation and the need for it to take place within a National Park.

There exists within the National Park a resource of different building stones which have had significant use, on Dartmoor and more widely, in the past. This resource can support the positive conservation and design strategies for the National Park, as well as having economic benefits. In particular the reopening of an old quarry, operating at a small scale, to provide materials for the conservation of historic buildings and

structures inside the National Park, or beyond, and supporting high quality modern design in the National Park may be possible without having a significant impact.

The Local Plan goes on to state that it is important to recognise that the minerals extraction industry has evolved significantly in recent years, with higher industry standards now reducing the relative impact of minerals development. Whilst these changes are positive, the impacts of minerals development can be significant and long lasting. Given National Parks have the highest status of environmental protection, minerals development on Dartmoor must meet the highest environmental standards.

Strategic Policy 6.1 of the Dartmoor Local Plan relates to new or extended minerals operations and states that:

“1. Minerals development that is Major Development, as defined in Strategic Policy 1.4, will not be approved other than in exceptional circumstances.

2. The expansion of existing quarries, or extension of time for minerals operations, will be permitted where it can be demonstrated that the socioeconomic benefits of the development outweigh any impact upon the National Park’s Special Qualities.

3. Small scale quarrying of traditional building stone will be permitted where it is demonstrated that there is an identified local need for the stone which will conserve, maintain or enhance the fabric or character of the National Park.

4. In all cases:

- a) all reasonable mitigation must be provided for in the proposal, in order to minimise any negative environmental and socioeconomic impacts; and
- b) the proposal must be consistent with the Plan as a whole”.

This policy also creates a very strong presumption against any major development.

What is “Major Development”?

There is no statutory definition of “*Major Development*” in the NPPF paragraph 183 context. What is clear is that the definition is not the statutory definition for a major planning application (e.g. 10 homes or more) in the Development Management Procedure Order (DMPO) 2015. Each scheme must be considered and evaluated on its own particular facts in its own particular context and the decision is a judgement to be made by the decision maker. The starting point is footnote 64 in the NPPF 2023, which refers to the taking into account of the proposal’s nature, scale and setting, and

whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

James Maurici QC produced the “Maurici Opinions” on the major development issue, albeit in the context of the former PPS7 and an earlier version of the NPPF. His point that the DMPO 2015 definition (or its predecessor) is not the definition to apply is still valid. Likewise his points that no set or rigid criteria are to be applied, that the definition is not limited to proposals raising issues of national significance and that “major development” has an ordinary meaning rather than a meaning to be found in legislation.

Background Information

The application site is approximately 3.3ha. The extension area accounts for almost one third of this at 1ha, with the extraction area proposed covering 0.53ha. The remaining extension area will comprise a landscaped buffer. In the context of minerals extraction this is a relatively small application site.

The 2022 Permission, and by association the current s73 application, will supersede the earlier 1991 permission that allowed the extraction of up to 14,000 tonnes of stone per annum. The 2022 Permission and the s73 application reduces this to a maximum of 7,500 tonnes per annum. This represents a decrease of nearly 50% in the amount of material which it will be possible to export from the site each year.

The Authority has previously secured expert advice from a minerals planning consultancy firm. It has advised:

- i. The quarry is not large compared to other quarries using the metric of quarry size locally and nationally. It is not large compared to other stone quarries, local and national.
- ii. An inevitable consequence of ongoing quarry operations is the expansion of the quarry footprint; this does not in and of itself result in the particular development proposed being ‘*major*’.
- iii. The size of mineral reserve is not determinative and a quarry with substantial mineral reserves could still reasonably be classed small scale if it is producing low annual tonnage.
- iv. There are benefits from extending existing quarries rather than opening new ones and this is arguably more space efficient and causes less environmental

impact than the alternative of creating a new stone quarry which will require a significant footprint due to land take requirements for access, landscaping, spoil disposal, cutting shed, plant storage, safe working margins etc.

- v. Staffing levels are compatible with definition of a '*small and medium-sized enterprise*' (SME) and are due to the added value process that goes on in the quarry.
- vi. The fact that the extension is on common land does not affect the judgement whether the scheme is or is not *Major Development*.
- vii. There is DNPA and NPPF policy support for 'small stone quarries'. This application site is a stone quarry and it is small.

Assessing Scale

The most appropriate measure of the scale of a quarry operation is probably the volume of material it produces. The 1991 Permission at Yennadon allowed for 14,000 tonnes of stone to be exported each year until 2026 (theoretical maximum 84,000 tonnes). The 2022 Permission and the current s73 application reduces this to a maximum of 7,500 tonnes per annum.

In making an assessment of scale, these outputs may be contrasted with the comparison minerals sites listed in Appendix 3. From this, it can be seen that a large aggregate or ball clay site may export anything from 35,000 to 200,000 tonnes per annum.

Quarries producing dimension stone are generally categorised as 'small'. This may be in part because local and NPPF policies have associated the word "small" with "stone quarries". In those sites classified as "small", there is a significant range between the smallest and the largest quarry / extension in terms of consented area of quarry and also in terms of proposed rates of production. However, it is still possible for a "small scale" quarry with low annual output to be considered major development. This can clearly be seen from the following recent minerals permissions in protected landscapes, all of which were considered to be Major Development:

Name	Area	Proposal	Annual throughput	Decision
Bretton Moor	Peak District NPA	Extension 0.82 ha	4,000 tonnes	Major development Approved 12/06/2015
Home Field	Dorset	New quarry	1,000 tonnes	Major development

	AONB	(replacement)		Approved 06/12/2012
Leeming	Forest of Bowland AONB	Extension 0.7 ha	5,000 tonnes	Major development Approved 08/12/2012

Officer Assessment

As stated previously, whether or not a proposed scheme is Major Development is a planning judgement for the decision maker to make, in this instance the Authority's Development Management Committee Members. It is not a matter determined by officers at validation stage or in this committee report. It is regretted that officers cannot offer Members a definitive set of criteria, or even a simple definition of "Major Development" to assist the decision-making process.

In officers' view, the following factors are particularly helpful in the decision-making process:

- The ordinary (non-technical) meaning of the words "Major Development"
- The location of the application site and the local context
- The nature of the development (minerals extraction)
- The area of the proposed extension
- The quantity of material proposed to be extracted from the site each year
- The size of the current quarry operation
- The extent to which the development could have a significant adverse impact on the purposes for which Dartmoor is designated, namely:
 - Natural beauty, wildlife and cultural heritage of Dartmoor
 - Promoting opportunities for the public understanding and enjoyment of Dartmoor's special qualities.

Officers consider that even though the quarry operation is relatively small, any minerals extraction involving heavy machinery in a National Park is highly likely to be Major Development. The long-established nature and scale of the quarry operation at Yennadon do not outweigh the adverse impacts of the proposed development in deciding if it is major development.

This Officer view is that the proposal is "major development" within the meaning of

NPPF paragraphs 182 and 183, and the development plan policies.

4. LANDSCAPE

NPPF Paragraph 182 requires all decision-makers to give **great weight** to conserving and enhancing landscape and scenic beauty in National Parks.

Strategic Policy 6.1 requires applications for the expansion of existing quarries, or extension of time for minerals operations, to demonstrate that the socioeconomic benefits of the development outweigh any impact upon the National Park's Special Qualities and, for small scale quarrying of traditional building stone, that there is an identified local need for the stone which will conserve, maintain or enhance the fabric or character of the National Park.

Strategic Policy 6.2 expressly states that applications for new or extended mineral operations must be supported by information necessary to consider the impact of the proposal on, amongst other things, landscape character and visual intrusion.

Strategic Policy 2.1 requires development proposals to conserve and enhance the character of the Dartmoor landscape and states that "all development should conserve and enhance the character of the Dartmoor landscape by ... seeking opportunities to enhance landscape character." The policy goes on to state that "in the National Park's landscape setting the Authority will seek to ensure development respects Dartmoor's landscape character, particularly the Valued Attributes and key characteristics of the relevant Landscape Character Type".

A detailed landscape report has been submitted with the application, including an assessment of visual impact and impact on landscape character. The landscape and visual impact of the proposal is a very important consideration given the location of the quarry in the National Park, a landscape with the highest level of landscape designation and protection.

Fundamental in the assessment of the landscape and visual impacts is the comparison of the short and long-term impacts of the quarry under its existing permission against the potential short and long-term impacts under the proposed extension scheme.

The site lies on the edge of open moorland. The land to the west is enclosed pasture with a strong equestrian use. The land to the south and east is grazed moorland. The

land to the north is undulating agricultural land comprising small to medium sized fields enclosed by Devon hedge banks. Isolated and linear groups of trees are growing on these hedge banks. Large conifer woodlands are a dominant feature of this landscape. The linear settlement of Dousland lies to the west on lower ground. This settlement is mostly individual dwellings with small to medium sized gardens.

The report submitted by the applicant identifies the land as highly sensitive, but states that the development will lead to a moderate change and that the revised proposal will result in a significant benefit to the landform within the site. It was accepted that there would be an impact on 1ha of grassland, although it is suggested that this will only be significant at a local level. The main thrust of the argument in the landscape report is that under the 1991 permission there was no requirement to restore the existing quarry until it stopped working and that by giving permission to extend the quarry, and now by giving an extension to the operational time period, the landscape scheme can be part of the permission and these benefits will outweigh any landscape impacts caused by the quarry extension.

Officers accept that the 1991 permission would not secure high-quality restoration of the site, and that a new permission with restoration and aftercare secured by conditions and a s106 Agreement will deliver a far better long-term landscape outcome. The report submitted by the applicant identifies that the restoration of the previously worked quarry areas relies on materials from the extraction of building stone in the extension area from Phases 1, 2 and 3 and so cannot be achieved without an extension of time.

Extending the quarry will inevitably have an impact on the character of the local landscape. However, neither the quarry extension or the proposed increase in its working life will introduce a new form of harm into the landscape. Members will be aware that while there are no other active quarries currently on the Dartmoor Commons, former quarries are found scattered across Dartmoor, including within this landscape type and quarries are a strong feature of Dartmoor's historical landscape.

It is not proposed to restore the quarry back to its previous landform and the feature that it is proposed to create will contrast with the adjoining moorland landscape. For this reason, the quarried land cannot be said to conserve the surrounding open moorland, even once fully restored. However, the current scheme offers an enhancement opportunity through the proposed phasing and progressive restoration strategy.

Progressive Restoration

The 1991 permission for Yennadon Quarry had comprehensive conditions including conditions requiring the restoration of the site on completion of operations. Restoration plans were to be submitted at least 2 years in advance of cessation of working and the site was to be restored by 2026. There was, however, no requirement in the current permission for progressive restoration of the site. Indeed, the small quarry area, limited surface area and the type of activities which took place on the site (extraction, screening, processing & cutting) would have made it impossible to implement progressive restoration.

The 2022 Permission and the current s73 application propose a lateral extension to the quarry with an increase in footprint. This increase has created scope for the operators to change their working practices across parts of the site and commence a scheme of progressive restoration. Progressive restoration will enable some parts of the site to be restored at an earlier date and before the completion of quarry operations. This will reduce some of the existing impacts from the quarry operations, particularly as regards the sensitive views from the west.

Officers believe that the restoration and aftercare conditions for the whole site imposed in the 2022 Permission, and recommended in this s73 application, will deliver an enhanced outcome and the delivery of phased restoration will commence sooner.

The report submitted by the applicant indicates that if the s73 application is not granted, the applicant will continue to operate until the existing permission expires in 2026, which will be insufficient time for the restoration strategy secured by the 2022 Permission to be fully implemented. This, the applicant states, will mean that the approved landscape scheme will not be achieved without the granting of the extension of time.

Conclusions

The proposed variation of Condition no.2 of the 2022 Permission, to extend the time period within which the extraction and restoration operations at Yennadon Quarry may be undertaken to 3 May 2042, will prolong the quarrying activities at Yennadon and delay its final restoration, but there is an argument that the progressive and final approved restoration of the site will not be possible without the extension of time sought.

While the scheme proposes a larger working area, Officers are of the opinion that the following significant benefits will be secured:

- Comprehensive restoration of the site
- Reduction in height and landscaping of the current screening bund
- A phased programme of restoration for the existing quarry and extension area, starting at the implementation of the permission (i.e. not left until the end of the permission).

These are believed to be weighty considerations which outweigh the relatively low level of landscape and visual harm likely to result from the continued working of the extension. Officers consider that the application is therefore in conformity with NPPF Paras 182 and 183 in that it conserves and enhances the landscape of the National Park, and Local Plan strategic policies 2.1 and 6.1.

5. NOISE

Paragraph 021 of the Planning Practice Guidance (PPG) aims to address noise issues at minerals sites. The guidance states that conditions should be used to establish noise limits at relevant properties which are sensitive to the noise from a minerals development. It is recommended that the noise levels should not exceed the background levels by more than 10dB(A) during normal working hours (0700 to 1900), unless this would place unreasonable burdens on the operator. In any event, a maximum of 55dB(A)LAeq, 1h (free field) is recommended.

PPG Paragraph 022 makes provision for increased noise levels for temporary activities such as soil stripping, and the construction of mounds or landforms, as these works are both necessary to allow mineral extraction to take place, and may provide for mitigation for the operational works. It states that increased limits of up to 70dB(A) LAeq1h (free field) for periods of up to 8 weeks should be considered if required.

The operator has offered a more restrictive upper noise limit of 50dB(A)LAeq1h be applied (with exceptions for limited periods of works close to the surface, and around the perimeter) to ensure that the amenity of any neighbouring property is protected.

Strategic Policy 6.2 expressly states that applications for new or extended mineral operations must be supported by information necessary to consider the impact of the proposal on, amongst other things, levels of noise, dust and vibration, and on amenity.

The extension brings the quarry 90m closer to the nearest residential property (Higher Yennadon). The Environmental Statement includes details of noise monitoring at a

number of locations, including at the boundary of this property. The noise survey shows that the noise levels at the recording points during weekday hours (07:00-23:00) were 25 – 44 dB LAeq. By contrast, the levels recorded at the same points at a weekend when the quarry was not operating were 26 - 53 dB LAeq and overnight (23:00 – 07:00) were 20 – 42 dB LAeq. This strongly suggests that the operational noise from the quarry does not have any measurable effect on background noise levels. The Applicant's noise consultant, SLR Consulting, noted that the noise climate was primarily driven by distant road traffic noise, with other noise arising including trees rustling in the wind, bird song, livestock (cows mooing), and occasional audible noise from plant operating at the Site. Noise was also noted from chain-sawing activities within a garden at one of the distant neighbouring properties.

Set against this, the Authority received a large volume of correspondence and letters of objection to the previous application ref. 0348/15, raising issues of existing noise, and concerns about possible increased levels. The letters of objection identify that at nearby properties, or when using nearby land for open-air recreation, a lower level of noise than the current situation is desirable and an increased level of noise, or an increased period of disturbance is not acceptable. The objections stated that there is a strong expectation of tranquillity in this location on an open moorland/moorland fringe setting within the National Park.

It should be noted that since the granting and implementation of the 2022 Permission, no complaints of noise have been received by the Authority.

The Applicant's noise consultant, SLR Consulting, confirmed that noise from the Quarry is demonstrated not to be a dominant contributing factor to the existing noise climate at the nearby noise sensitive residential premises, Higher Yennadon.

The predicted impacts therefore provide an estimate of the maximum noise level likely to be generated by the quarrying activity and this is equally true for the approved extraction rate.

Conclusions

Officers have previously sought expert advice from the West Devon Borough Council environmental health service. The Environmental Health Officer has confirmed that the noise survey methodology is satisfactory and that the results demonstrate that the site does not constitute a statutory nuisance.

Given the background noise levels recorded in this location, the fact that the noise levels are not conditioned under the 1991 permission, and that the proposed working hours are two hours shorter than those referred to in the Planning Practice Guidance, it is considered that the proposed condition limiting noise emissions attributable to the application site to a maximum of 50dB(A)LAeq is acceptable. The information from the noise impact assessment within the ES strongly suggests that 50dB(A)LAeq is reasonable and achievable. This limit is also well below the 55dB(A)LAeq maximum recommended by the PPG.

The proposal is therefore considered to be in conformity with Strategic Policy 6.2 and within the noise levels recommended by the PPG.

6. TRANQUILLITY

Tranquillity is one of the special qualities of Dartmoor National Park and is identified in Strategic Policy 2.1 as a material consideration. The text accompanying strategic policy 2.1 states:

“All development should conserve and enhance the character of the Dartmoor landscape by ... respecting the tranquillity and sense of remoteness of Dartmoor and not introducing or increasing light pollution.”

Levels of tranquillity are dependent on a number of factors beyond noise and will encompass the character of the area, perceived levels of use by people and vehicles as well as the nature of influencing factors such as weather, noise type and the number of man-made and natural features in the landscape.

The Campaign to Protect Rural England (CPRE) published a report in March 2005 (revised 2007) which attempts to define and assess tranquillity. It suggests that tranquillity will be influenced and affected by a variety of factors, for example: the presence of other people (60% negative weighting); perceived naturalness of the landscape (30% positive weighting); openness of landscape (24% positive weighting); areas of low noise (20% positive weighting); etc.

There is already a minerals planning permission which authorises mineral extraction in this location until 2026. This is a weighty material consideration in determining whether the application will have any additional adverse impact upon tranquillity. Conditions are proposed to control matters such as number of lorry movements,

working hours, noise levels, external lighting. These conditions address concerns about possible negative impacts on tranquillity.

The current application makes provision for the reduction and re-profiling of the existing bund into a more natural landform. The works to re-profile the existing bund and to strip the soil from the extension area are likely to be conspicuous and relatively noisy. They will clearly have an adverse impact upon tranquillity for the duration of the operations. However, these works are likely to be completed within a few months and will not be ongoing throughout the permission. The re-profiling of the existing bund to a more natural landform, together with re-seeding, should bring a long-term gain to the naturalness of the landscape. The revised progressive restoration scheme which forms part of the proposal will reduce visual impacts and make a positive contribution to tranquillity, including improving the naturalness of the landscape and enhancing the openness of landscape.

On final closure of the quarry and final restoration, the scheme will result in clearly noticeable long-term ecological and landscape improvements. It is considered that the proposed scheme will result in a moderately significant residual benefit to the tranquillity of the area around the site compared to the existing permission. This is owing to the progressive restoration proposed, and the fact that restoration would commence on implementation of the permission.

Conclusions

The proposed variation of Condition no.2 of the 2022 Permission, to extend the time period within which the extraction and restoration operations at Yennadon Quarry may be undertaken to 3 May 2042, will prolong the quarrying activities at Yennadon and any adverse impact upon tranquillity for the duration of the operations.

On balance therefore, the proposed development is likely to have a minor adverse impact upon tranquillity in the short-term. However, it is considered that that this negative impact is balanced by the long-term improvements in tranquillity associated with the progressive restoration scheme and the re-profiling of the existing bund. On this basis, the proposal is believed to be in conformity with policy Strategic Policy 2.1 as regards tranquillity.

7. DUST AND SURFACE WATER RUN OFF

Local residents and West Devon Borough Council have previously raised concern over surface water run-off from the moor/quarry running along the access road and causing problems for neighbours including flooding in the garden and against the property.

The issues both engage Strategic Policy 6.2 (ii) dust and (iii) neighbour amenity along with paragraph 217 of the NPPF which states: *“minerals planning authorities should..... ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source.”*

The access track that extends from Iron Mine Lane to the quarry and continues along the west of the quarry to the north was originally the line of the old Plymouth and Dartmoor Tramway. The track is constructed of compacted stone. The ES acknowledges that during prolonged dry weather, the access track has the potential to generate wind-whipped and traffic / livestock generated dust.

During intense wet weather, significant surface water run-off can be generated from the moor. The modelling indicated that the access track does not significantly alter or impede flow pathways from Yennadon Down. The surface water run-off does however cause erosion of the track resulting in potholes and rutting.

The Environment Agency is satisfied with the methodology proposed for surface water run-off and is raising no objection to the proposal.

In April 2015, Yennadon Quarry implemented a Dust Management Plan, which included maintenance of the access track. The existing Dust Management Plan and future monitoring and maintenance requirements for the access track is incorporated into the new Quarry Management Plan and covered by proposed conditions.

Conclusions

The Environment Agency has not raised any concerns about the treatment of surface water and it has not been demonstrated that the surface water run-off which occurs on occasions is due to the quarry operation. Concerns about dust can be addressed by appropriate conditions and it is therefore considered that the proposal is in conformity with Strategic Policy 6.2 in these respects.

8. ECOLOGY

Paragraph 182 of the NPPF states: *“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of*

Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads.”

Strategic Policy 2.2 requires development proposals to conserve and enhance biodiversity and geodiversity within Dartmoor.

The application site is designated under s.3 of the Wildlife and Countryside Act 1981 as moorland of special conservation interest. It is also a priority habitat (unimproved dry acid grassland) for biodiversity. The proposal involves short to medium term adverse impacts to the local flora, as well as ground nesting birds and reptiles within the application site. As such, the proposal appears not to conform to Strategic Policy 2.2.

The Biodiversity Mitigation and Enhancement Plan (BMEP) submitted with the application sets out a summary of the habitat and species surveys undertaken, the findings, and an impact assessment of the development on the ecological features present. It also covers recommendations aimed at avoiding, reducing and mitigating the impacts of the proposal on the habitats and species present, and also provides information on restoration measures, principally for habitats, and finally, an outline monitoring programme.

The Ecological Habitats and Biodiversity Chapter of the ES and the BMEP identify that the development would result in the loss of 1.0 ha of unimproved acid grassland, bracken and scrub mosaic and therefore loss of potential nesting habitat for linnet, skylark, yellowhammer, stonechat and meadow pipit and loss of habitat for common butterfly species and one UK BAP butterfly species.

There is however scope to enhance the habitat as part of the restoration for the longer term, as set out in the ‘Mitigation Strategy and Phasing Plan’, and an area of former agricultural land has already been registered as common land to replace the site of the quarry and the proposed extension that has been deregistered. Conditions are proposed to ensure the integration of the mitigation and monitoring strategy as set out in the BMEP into the scheme, and to ensure it is carried out.

As this application only seeks a variation of condition 2 of the 2022 Permission to extend the working life of the quarry, and the proposed amendment does not comprise any change to the area or methods of extraction, the Authority’s ecologist agrees with

the conclusion of the submitted Environmental Statement, and that the restoration strategy set out in the approved 'Biodiversity Mitigation and Enhancement Plan' remains achievable, and therefore has no objections to the proposed extension of working up to 2042.

Conclusions

The conservation importance of the s.3 moorland habitat is high and the loss of some habitat is an inevitable consequence of the proposed extension. However, the mitigation measures proposed, taken together with the new whole quarry progressive restoration scheme and exchange common land provided, will result in long-term benefits which will help counter-balance the short-term adverse impacts. It is therefore considered that although the proposal is not fully in conformity with Strategic Policy 2.2, the degree of harm is relatively small and the non-conformity should not be treated as a weighty material planning consideration in the overall determination of the application.

9. NEED AND ALTERNATIVES

Strategic Policy 6.2 of the Dartmoor Local Plan requires any application for new or extended minerals operations to be supported by information necessary to consider, amongst other things, evidence of the presence of the mineral and the need for the mineral, at a local, regional or national level.

It is clear that the majority of Yennadon stone is used outside the National Park. The application itself notes that the National Park is largely characterised by granite building stone. The application suggests that there is a significant market for the stone within Cornwall and Devon, outside of Dartmoor and provides the following information:

Yennadon stone sales (% of sales by area)

Dartmoor and fringes (including Tavistock, Ivybridge, Bovey Tracey and Okehampton) = 10%

South Devon = 45%

North Devon = 5%

East Devon = 5%

East/North Cornwall = 21%

Mid Cornwall = 9%

West Cornwall = 5%

Other = 0.6%.

There are a variety of different 'slate' stone types that have historically been quarried throughout Devon and Cornwall. The term 'slate' for building stone is loosely applied to mudstones and siltstones that have undergone various grades of metamorphism. The appearance and physical characteristics (including strength and durability) of these stones varies greatly due to the differences in rock composition, diagenesis and the degree and type of metamorphism the rock has undergone; they can be weak or strong, durable or non-durable, dark or light grey, have green, to yellow, to red hues, and be characterised by brown iron oxide and/ or quartz veining.

There is a very limited number of operational quarries producing 'Rustic Stone' within the Southwest; the applicant argues that none of these are comparable to Yennadon's Dartmoor Rustic Stone (known as 'Yennadon Stone') which they state is unique and cannot be sourced elsewhere.

The British Geological Survey (BGS) Directory of Mines and Quarries (2014 and 2020) details the operational slate quarries in Devon and Cornwall; a summary of this can be found at Appendix 4.

The BGS Directory also describes the geological 'formation' that each quarry is located within and appears to confirm that Yennadon is the only Hornfelsed / metamorphic stone available in the region, implying that it is a unique product when it comes to the regional slate building stones.

All of the sites in the BGS Directory of Mines and Quarries are based on the same underlying sedimentary rock types that the slates are formed from. They are all metamorphic rocks but Yennadon has undergone a secondary metamorphosis due to its proximity to Dartmoor, resulting in a hornfels type rock that makes it a stronger and more durable blocky slate building stone compared to the rustic stone from outside the contact metamorphic aureole, and with a variation in colour from mellow yellowy brown through to bluish grey.

The application acknowledges that there are two other sources of a rustic stone, with some similarities in appearance, within a 30 mile radius of Yennadon, namely Lantoom Quarry and Mill Hill Quarry. However, most other existing 'slate' quarries in the region produce a dark grey "blue" slate (which can be used as both traditional roofing slate and dimension stone, etc.) and the application argues that none of these are a match for the high quality Hornfels Slate produced at Yennadon.

Lantoom Ltd. has previously made representations that the building stone that it

produces at Lantoom Quarry, Mill Hill Quarry, and that produced by other quarries in the area (which it does not control), is very similar in appearance to the stone produced by Yennadon Quarry. These quarries are located within the main market for stone from Yennadon Quarry and were said to be better placed to meet the demand, in terms of the sustainability of transport, production of a local stone for a local market, maintenance of the locally distinctiveness of the area of main demand, and production of stone without impact to the National Park. It should be noted however, that on the Companies House website, Lantoom Ltd is said to have entered administration in October 2023 and so its current ability to produce and supply stone is unclear.

As can be seen from the table at Appendix 4, only Mill Hill Quarry extracts stone from the same geological Formation (i.e. The Tavy Formation - previously known as the Kate Brook Slate). However, Mill Hill Quarry lies outside of the metamorphic aureole, so that whereas Yennadon Quarry is described as “Slate, Hornfelsed. Metamorphic Bedrock”, Mill Hill is described as “Slate. Sedimentary Bedrock”. The appearance and properties of the slate from Mill Hill Quarry are therefore very different to that from Yennadon Quarry. The BGS Directory describes Lantoom stone as “Slates and Sandstones, Devonian – Carboniferous, Saltash Formation”.

As discussed above, not all slates are equal. This is recognised by Historic England in its publication entitled ‘Sourcing Stone for Historic Building Repair’ (first published by Historic England in 2006). Historic England emphasises the importance of maintaining a supply of local stone in order to conserve the historic environment and maintain local distinctiveness. The report clearly identifies the importance of providing locally sourced stone. It states:

“Historic England supports the need for strategic and sustainable sources of stone for conservation of historic buildings. It is working with partners to ensure that historic sources of important building stones are identified and protected, and that the environmental impact of their extraction is minimised. Addressing the wider issues arising from sourcing and quarrying stone will contribute to the long-term preservation of our rich and diverse stone-built heritage”.

“Successful stone replacement requires detailed knowledge of the characteristics of the stone involved and the selection of compatible materials (that is stone that closely replicates the original in terms of its chemical, physical and mineralogical properties).”

The report states that when selecting replacement stone for conservation work “satisfying all these criteria (colour differences, textural changes and other variations)

in replacement stone can usually be achieved only by using stone from the same quarry as the original stone, or at least a source very close to it.”

The Mineral Products Association in its 2015 publication entitled “Dimension Stone: An essential UK Industry”, reiterates that this variation is an important consideration when considering alternative sources: *“Non-indigenous materials are unlikely to have the same workability or weathering characteristics as the original and extreme care has to be exercised in their use.” When considering alternative sources, consideration should be given to both conservation work and to new builds. “Stone for repair and maintenance must be compatible with the original for technical reasons – the wrong stone can hasten future damage - and for aesthetic reasons – the wrong stone may harm the appearance of the structure. Therefore, it is essential to secure stone from either the original source or a closely similar source.”*

The English Stone Forum (ESF) website also presents reasons why local stone should be used based on initial appearance, weathered appearance and local distinctiveness.

In its ‘Minerals UK’ online publication, the British Geological Survey states that:

“England’s rich architectural heritage owes much to the great variety of stones used in buildings and other structures. Stone buildings commonly reflect the local geology, imparting local distinctiveness to historic towns, villages and rural landscapes. Stone is the major building material in many of the half-a-million listed buildings and 9,500 conservation areas in England.

If the character of these buildings and areas is to be maintained, supplies of new matching stone are needed for repair and for new construction. In many cases however, the source of the original stone is not known and even if it is known, it is not unusual to find that the quarry has long-since closed. This makes it difficult to obtain suitable stone for repairs or for new-build projects.”

Paragraph 215 of the NPPF 2023 states that “it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation”.

The British Geological Survey (BGS) advises that in its view there are likely to be some uses and applications for Yennadon stone that Lantoom and Mill Hill quarries

could not serve. There are also likely to be some markets where Yennadon stone is the stone of choice because of its particular characteristics. However, in the absence of Yennadon stone, other sources of stone could provide an acceptable substitute.

The BGS observes that minerals can only be worked where they are found. The BGS states that there are no other operational hornfels slate quarries in the south west. Deposits of hornfels slate in the region are largely confined to the National Park, so if any alternative local source of hornfels slate was required, it would need to be extracted from a site in the National Park.

There are numerous issues associated with starting a new quarry, or even re-opening a disused quarry. Apart from the obvious landscape, visual and other environmental impacts, the extensive upfront costs associated with set-up and development, including new infrastructure, as well as starting production, could be prohibitive and much more problematic than extending an existing working quarry.

The Applicant has provided extensive evidence that many local buildings and settlements on Dartmoor use Yennadon Stone. The important role that Yennadon Stone plays in maintaining the character and appearance of the local area has been clearly demonstrated. Locally produced stone of the correct characteristics (including durability, strength, weathering, colour etc) are key to providing good quality design. This is recognised in the Dartmoor Design Guide (adopted SPD) and in policies in the adopted Local Plan. The available evidence shows that there is a strong market for Yennadon stone, both within the National Park and in the wider local area.

As regards alternative provision, the evidence submitted falls short of demonstrating that if Yennadon were to close or significantly slow production, output could be increased sufficiently at another quarry to meet demand. It is considered that there is a demonstrable need for and a ready market for the products of Yennadon and Lantoom and Mill Hill quarries. With just three slate stone quarries supplying a large catchment area, in which demand is likely to rise due to increased development, the loss of one of these quarries could impact on the ability to maintain an adequate supply of stone, with adverse consequences on the delivery of both conservation and new-build projects inside and outside the National Park.

While there may be as yet untapped sources of the Hornfels Slate at other locations within the National Park, the opening of a new quarry within the Park, would only be permitted in locations where this would not be damaging to the landscape, archaeological, ecological or geological interests, or to the amenity of local residents and where the local road network is adequate to cope with the traffic generated by or

associated with the proposed development.

It is unclear whether any new venture could be established within the National Park without significant environmental damage and landscape impacts, and this is not regarded as a realistic alternative to the extension of a current minerals working site.

Conclusions

The BGS presents independently verifiable evidence in their published Directory and geological mapping, which clearly identifies that Yennadon Stone is geologically unique and distinctive in the regional context of building stone. Independently verified scientific testing at a UKAS accredited laboratory demonstrates the difference in the strength and durability between the more durable 'metamorphic' Hornfelsed slate from Yennadon Stone and 'sedimentary' slate from existing "alternative" sources. Historic England, The Mineral Products Association and The English Stone Forum have all published work that advocates the use of stone from the original quarry, or at least a source very close to it, in conservation work to avoid harm to the original structure. The continued excavation and production of high-quality building stone from Yennadon Quarry appreciably contributes to the local built environment and Local Distinctiveness of the National Park.

It is appropriate to assess the development proposal in the National Park having regard to national considerations in the context of NPPF Paragraph 182, and the relevant national policies relating to mineral development at Paragraphs 215, 216 and 217.

The Applicant is not required to show that there is a national need for the mineral in terms of a national market or demand. The consideration of "national need" in the context of the development plan requires consideration of the need for the development having regard to national considerations as referred to in the NPPF, and the overarching national policy set out in Paragraph 215 NPPF 2023. The continued excavation and production of high-quality stone from Yennadon Quarry contributes to the national need for natural minerals and resources, which are important to the community and public having regard to the conservational benefits, socio economic factors and the principles of sustainable development. Any harm that may be caused to the landscape and scenic beauty of the National Park can be mitigated and in the long term it can be considered that the development proposal will contribute to the conservation and enhancement of the scenic beauty of the National Park.

Yennadon Quarry has been used historically in projects in and adjacent to the National Park and has played a significant role in creating the local built environment

and helping to establish its particular sense of place. Today, the main demand for Yennadon Stone from the construction industry is for new builds, extensions, boundary walls and building repairs. As the only regional quarry supplying 'metamorphic' slate, Yennadon Quarry now plays an important role in providing appropriate local building stone available for new builds and conservation projects. Using local building materials to maintain visual harmony and local distinctiveness is in the public interest within the National Park.

There is evidence of a strong market for Yennadon stone, both within the National Park and in the wider local area. Local building characteristics indicate that this type of rustic stone will be required for future conservation and building works, if local character is to be conserved. There is stone available from other quarries in the area which is broadly similar in appearance, but that stone cannot be regarded as a direct alternative or suitable replacement in all applications. Nor is it clear that demand could be met if Yennadon was unable to maintain output.

It is considered that there is strong evidence of relevant need. No realistic alternative sources of equivalent stone appear to exist. The proposal is therefore considered to be in conformity with Strategic Policy 6.2 and the NPPF.

10. EMPLOYMENT

As well as the statutory purposes for National Parks in England and Wales, the National Park Authority also has a duty to seek to foster the economic and social wellbeing of local communities within the National Park in pursuing in relation to the National Park those specified purposes. It is therefore appropriate to consider the likely impacts of the proposal on employment and the local economy.

The NPPF at paragraph 217 states that when determining mineral planning applications, great weight should be given to the benefits of mineral extraction "*including to the economy*". This picks up the broader theme in paragraph 10 of the NPPF which refers to the presumption in favour of sustainable development.

Strategic Policy 5.1 sets out the circumstances in which proposals for development bringing employment outside settlements in the National Park will be supported, and sets out the basis of support for the small scale expansion of existing businesses.

The applicants states that Yennadon Quarry supports a 26 strong, skilled workforce and provides employment that allows people living within the Dartmoor National Park

and surrounding area, to obtain full time, year-round employment within a reasonable travel to work distance. Full time employment in an area that is heavily dependent on tourism and other seasonal work is very important to the local economy and in line with the NPPF, significant weight should be placed on this socio-economic benefit.

In addition to direct effects through full time employees, the Applicant contributes indirectly to the local labour market and the local supply chain. Third party contractors provide regular services, such as load and haul services, and the benefit to the economy arising from such regular contracted services may be as high as that arising from full-time direct employment.

Other businesses that benefit through contracts and other earnings include specialist sub-contractors, e.g., engineering services, and ecological monitoring, as well as more general local 'support' services such as employee spend in local shops and garages.

Conclusions

Based on the above, the proposed extension of time is expected to have a major positive effect on the local economy. The loss of the 26 jobs at Yennadon Quarry in the event of the Section 73 Application being refused, leading to the closure of Yennadon Quarry by 31 December 2026, would have significant ramifications on the local economy through the loss of the economic activity of those employees and the loss of spending by the operator.

The economy of the National Park is indivisible from the wider economy of the surrounding area. Whilst it is recognised that the economic benefits and number of employees associated with Yennadon are small in comparison to the economy of the National Park and the surrounding economy, they still make a valuable contribution to the local economy. This economy is made up of many small to medium enterprises and sustaining existing employment is as important as developing new employment opportunities.

There is evidence of a clear positive economic benefit in the local area in terms of employment and business expenditure. On this basis, the proposal is considered to be in conformity with Strategic Policy 5.1 and paragraphs 10 (economic objective) and 217 of the NPPF.

11. COMMON LAND

Prior to 2022, both the existing quarry site and the proposed extension land were mapped as registered common land. As a general rule, the public enjoys a statutory right of access on foot or on horse for the purposes of open-air recreation (Dartmoor Commons Act 1985). However, a combination of the 1985 Act and the National Parks and Access to the Countryside Act 1949 (as amended) excludes the public right to access any “*excepted land*”. This includes land which is for the time being used for the getting of minerals by surface working (including quarrying).

It was recognised that a legal right of access to this parcel of common land would normally arise on the cessation of the mineral working. However, the reality of post-restoration access was less clear, i.e. depending on the restoration achieved, it may have been necessary to exclude public access during aftercare and possibly to fence the former quarry faces and workings, to ensure public safety.

Exchange of Common Land

In view of the above concerns regarding post-restoration access to the site, in August 2020 the Authority was consulted on a revised proposal under Section 16 of the Commons Act 2006 to de-register the land occupied by the existing quarrying operations (1.903ha) and the proposed quarry extension (1.17ha) as common land, and to offer agricultural land to the north east of Yennadon Common as replacement common (3.2ha).

In respect of this proposed ‘exchange’ process under s16, the owner of common land can apply to the Secretary of State (SoS) to release the land, but if that land is more than 200m² (which it is in this case), the application must include a proposal for replacement land.

In August 2021, consent was granted pursuant to an application under Section 16 for the deregistration of both the existing quarry and the new extension area as common land (some 3.073ha). 3.203ha of agricultural ‘Exchange Land’ land to the north-east of Yennadon Down was registered as replacement Common Land. Commoners still have grazing rights and the public has a right of access across the rest of Yennadon Down, as well as the exchange land, however, since the exchange of common land was completed, neither the commoners nor the public have any access rights over Yennadon Quarry now or in the future following closure.

12. ARCHAEOLOGY

The Authority's archaeologist raised NO OBJECTION to the 2022 Permission provided that a condition was included which ensures:

- A scheme for the protection of the track of the Plymouth and Dartmoor Tramway.
- A scheme for the excavation and recording of the remains of a possible field system on Yennadon Down.
- A watching brief for soil stripping in the whole area.

These matters are addressed in condition no.34.

The Authority's archaeologist has no concerns with regard the s73 application to extend the working life of the quarry.

13. HIGHWAYS AND TRAFFIC

In the 2015 application and this s73 application, the applicant has proposed a reduction in the maximum lorry trips associated with the quarry, compared to that allowed under the 1991 permission. Therefore, current levels of transport would, at the most, be maintained at present levels. The proposed restriction to a maximum of 30 vehicles leaving the site per week with loads of stone is considered appropriate.

The County Highways Engineer notes that the application is supported by an updated Transport Statement, the content and conclusions of which are generally acceptable to the highway authority as the proposals that are the subject of this application are the extension of time for the existing operations already taking place. There are therefore no objections from a highway safety point of view.

14. SITE INSPECTION

Pre-Committee site inspections have been carried out for this and the previous application on 16 June 2017, on 18 September 2020 and more recently on 16 February 2024.

With regard the most recent visit, Members of the site inspection panel, accompanied by officers, the applicants, their agent, and a representative of the Parish Council, walked around the perimeter of the application site and viewed the proposed quarry extension that was delineated with permanent stock proof fencing.

The case officer gave a brief overview of the planning history of the site, what the current application proposed and why it had been submitted. The Officer described the size of the proposed quarry extension, and how it was to be worked and restored.

The site inspection party noted the location and extent of the current and proposed working phases within the enclosure, the near and distant views of the quarry workings, and the location of nearby residential properties. The party also noted the work that had already been done to reprofile the existing western tip and the start of operations under Phase 1 of the 2022 Permission.

No debate was held by the panel and no opinions were given at or during the site inspection.

15. EXCEPTIONAL CIRCUMSTANCES AND PUBLIC INTEREST TESTS

Paragraph 182 of the NPPF 2023 states:

“Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads.”

Paragraph 182 continues:

“The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas”.

Paragraph 183 states:

“When considering applications for development within National Parks, ... permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*

- c) *any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*"

Strategic Policy 6.1 provides that "minerals development that is Major Development ... will not be approved other than in exceptional circumstances. The expansion of existing quarries, or extension of time for minerals operations, will be permitted where it can be demonstrated that the socioeconomic benefits of the development outweigh any impact upon the National Park's Special Qualities. Small scale quarrying of traditional building stone will be permitted where it is demonstrated that there is an identified local need for the stone which will conserve, maintain or enhance the fabric or character of the National Park". This creates a very strong presumption against such development.

Strategic Policy 1.4 states that:

1. In deciding whether a proposal is 'Major Development' the Authority will consider whether the development, by reason of its nature, scale and setting, has the potential to have a significant adverse impact on the National Park's Special Qualities.
2. Planning permission will not be granted for Major Development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest, outweighing National Park purposes. Consideration of such applications should include an assessment of:
 - a) the need for the development, including any national considerations and the development's contribution to the national economy;
 - b) the impact of permitting the development, or refusing it, upon the local economy of the National Park;
 - c) the cost of and scope for delivering the development outside the designated area, or meeting the need for it in some other way; and
 - d) any detrimental effect on Dartmoor's Special Qualities and the ability for the public to enjoy them, and the extent to which that could be moderated.

This requirement for an overriding public interest imposes a very severe policy test.

The NPPF 2023 has to be read and considered as a whole but paragraph 217 is particularly relevant, stating that "when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy".

It is considered that the proposed quarry extension represents **sustainable development** within the meaning of the NPPF and the Local Plan:

- It meets the **economic** test of sustainability by providing additional quarrying facilities adjacent to an existing site with an identified mineral resource, supporting economic growth.
- It meets the **social** test of sustainability by helping to meet the needs of the present and future generations with a quality product not available elsewhere
- It meets the **environmental** test of sustainability by the use of natural resources prudently through the effective extension of an existing site using existing infrastructure. The development's impact on landscape, noise, tranquillity, dust, surface water, ecology, common land, archaeology, highways and traffic has been considered in the preceding sections of this report, and it is considered that the relatively low level of harm likely to result from the extension to the environment will be balanced by the long-term improvements associated with the progressive restoration scheme and the re-profiling of the existing bund.

The quarry extension will serve a long-standing and active quarry located within the National Park which is unable to expand without impacting upon land in the National Park. Yennadon quarry has the necessary infrastructure in place to continue to work a proven, economical resource. Re-use of existing infrastructure which is already in situ is generally considered more sustainable and preferable than commencing fresh extraction on a greenfield site elsewhere. The quarry currently provides full time employment opportunities for around 26 people with additional indirect employment in haulage, contract services and the supply of goods.

It is clear that Yennadon stone has unique properties, unmatched by other quarries in the area. There are not believed to be any other operational hornfels slate quarries in the south west. Deposits of hornfels slate in the region are largely confined to the National Park, so if an alternative local source of hornfels slate was required, it would almost certainly need to be extracted from a site somewhere in the National Park.

Yennadon Stone is said to be stronger, more durable and less prone to damage (flaking and delamination) as a result of weathering than other similar stone. There are also key differences in colour and tone - Yennadon stone predominantly ranges from mellow yellow to brown hues with some hints of bluish grey. Yennadon stone also produces natural quoins.

The British Geological Survey advises that Yennadon stone will have certain uses where there is no appropriate alternative currently available.

Numerous local buildings and settlements on western Dartmoor and its hinterland use Yennadon stone and it is clear that Yennadon stone plays an important part in maintaining the character and appearance of the local area. Locally produced stone of the correct characteristics (including durability, strength, weathering, colour etc) are key to providing good quality design, as recognised in the Dartmoor Design Guide and by Historic England.

The conditions attached to the 2022 Permission and recommended under this s73 application propose a substantial reduction in the amount of material permitted to be exported from the site each year – down from 14,000 tonnes to 7,500 tonnes per annum, and a reduction in lorry movements. The conditions also include a progressive restoration scheme far more comprehensive and sensitive to the site than the 1991 planning permission, including the reduction and re-profiling of an unsightly bund.

16. CONCLUSIONS

If Members resolve that the scheme is considered to constitute ‘**major development**’, the application must satisfy the tests of ‘**exceptional circumstances**’ and ‘**[overriding] public interest**’ applied to major development by the NPPF and the Local Plan.

Officers believe that the applicant has demonstrated that there is clearly a need for Yennadon stone and that this need cannot reasonably be met in any other way. There is a very strong public interest in maintaining the distinctive character and appearance of the built environment on Dartmoor, as well as continuing the tradition of small-scale stone quarrying.

The proposed variation of Condition no.2 of the 2022 Permission, to extend the time period within which the extraction and restoration operations at Yennadon Quarry may be undertaken to 3 May 2042, will prolong the quarrying activities at Yennadon and delay its final restoration, but there is an argument that the progressive and final approved restoration of the site will not be possible without the extension of time sought.

The relatively low level of landscape and visual harm likely to result from the extension and the short-term minor adverse impact on tranquillity will be balanced by the

long-term improvements associated with the progressive restoration scheme and the re-profiling of the existing bund. The scheme will also bring a clear positive economic benefit in the local area in terms of employment and business expenditure.

Together, these matters amount to exceptional circumstances that warrant the grant of planning permission for the scheme and officers consider that the proposal has been demonstrated to be in the public interest. The application has been rigorously examined, and officers are satisfied that the Dartmoor Local Plan policies are met.

Yennadon has been part of Dartmoor's cultural heritage for over one hundred years and is the only remaining operational quarry supplying local slate dimension stone within the boundary of the National Park. Yennadon stone has made, and continues to make, a significant contribution to the character and appearance of the built environment and there is a strong public interest in it continuing to do so.

The scheme is considered to be compliant with the relevant Local Plan policies set out in the report, is sustainable development, and is in conformity with government advice set out in the NPPF. For all of the above reasons, and having due regard to the purposes of National Park designation and the Authority's section 11A duty, it is considered that there is a strong public interest in permitting the development, that it cannot reasonably be accommodated in any other way, and that this public interest is sufficient to override the identified adverse impacts on the natural beauty, wildlife and quiet enjoyment of the National Park.

It is therefore recommended that the s73 application be **Granted**, subject to new and amended conditions, and continued compliance with the extant s.106 Planning Obligation Agreement in respect of interpretation, conservation, restoration and public access.

DEAN KINSELLA

Yennadon - Appendix 1



Yennadon - Appendix 2

Consultation responses

County EEC Directorate:

The County Highways Engineer previously raised no objection to the proposed quarry extension as there was no intensification in activity above the previously consented levels of vehicle movements.

The County Highways Engineer notes that the s73 application is supported by an updated Transport Statement, the content and conclusions of which are generally acceptable to the highway authority as the operations that are the subject of this application are the extension in time of the existing operations already taking place. There are therefore no objections from a highway safety point of view.

County Flood Risk Management:

If the planning application is only requesting an extension of time and no physical changes (e.g. to the quarry area, buildings required, roads required, restoration phase), then we have no objections based on the updated surface water drainage strategy.

Environment Agency:

With regard the previous application, 0348/15, the EA had no objections to the proposal. It noted the conclusions of the hydrogeological assessment, and the apparent absence of groundwater dependent terrestrial ecosystems near the site. It also noted that the applicant has discussed the principal of the proposed restoration with EA officers. The EA raised no objections to the proposal to increase the working area (laterally) rather than continuing to go deeper.

No further comments have been received with regard the current s73 application.

West Devon Borough Council:

No comments received.

Dartmoor Commoners

No comments received.

British Horse Society:

No comments received.

The Ramblers' Association:

No comments received.

Devon Stone Federation:

The Devon Stone Federation supports this application, which will assist the continued supply of minerals from this existing quarry.

Yennadon Commoners Association:

The Yennadon Commoners Association previously raised concerns regarding the casual regard the operators had to the security fencing and the quarrying which at that time it said was under mining the safety of the aforementioned fence. This situation, is said, was not only potentially detrimental to the safety of the commoners livestock but could have catastrophic implications for the unwary person on the common.

These concerns have since been addressed and a new secure stock-proof fence erected around the proposed extension area. No comments on the s73 application have been received from the Commoners Association.

Environmental Health:

The district councils environmental health officer (EHO) raised no objections to the previous application ref. 0348/15, but did recommend a number of conditions concerning noise, dust and air quality; these were included in the 2022 Permission and are recommended again with the current s73 application.

With regard the current application, the EHO has considered the application, together with the environmental and noise documents included with it. It is noted that the site is subject to a planning consent issued in 2022 and the s73 application does not propose any material change to working arrangements. With that in mind the EHO would not anticipate any environmental health concerns associated with the requested extension of life to 2042.

National Planning Casework Unit:

No comments to make.

DNP – Archaeology:

The Authority's archaeologist previously recommended an archaeological watching brief on topsoil stripping in the extension area and exclusion of vehicular traffic from the Plymouth and Dartmoor tramway, constructed in 1823, to the west and north of the quarry. This was included in the 2022 Permission and is recommended again with the current s73 application (see condition no.34).

With regard the s73 application, the Authority's archaeologist raises no concerns due to the proposed variation of condition (extension of time frame for operations).

DNP - Recreation, Access & Estates:

The Authority's Head of Recreation, Access & Estates previously raised concern with regard application ref. 0348/15 in relation to the likely, albeit minimal, impact of the expansion of Yennadon Quarry on public access and recreation in the area, referring to the loss of an area of common land over which the public has a right of access on foot and on horseback. At that time, the officer recommended that the application be refused on the grounds of incompatibility with National Park purposes and the adverse direct impact the quarrying is likely to have on the quiet enjoyment of the area.

Since those comments were received, the quarry and the proposed extension area have been formally de-registered as common land, and an alternative parcel of former agricultural land nearby has been registered as common land in its place.

No further comments have been received on the s73 application.

DNP - Ecology & Wildlife Conservation:

With regard the previous application, 0348/15, the Authority's ecologist noted that the Biodiversity Mitigation and Enhancement Plan (BMEP) had been updated to reflect changes in the proposals, and assurance that ecological matters have been incorporated into the overall scheme design, and adequate monitoring provisions.

In as far as the project goes, he found that the proposed avoidance, mitigation and enhancement measures covered all the local species and habitat requirements and thus covered the proposal as much as is feasible to expect. The ecologist advised that there is a fundamental policy objection to development on Section 3 moorland and on priority habitat (unimproved dry acid grassland), and there will be short to medium term adverse impacts to the local flora, as well as ground nesting birds and reptiles. He went on to advise however, that there scope to enhance the habitat, and species within, as part of the restoration for the longer term, as set out in the BMEP.

Having considered the Environmental Statement (ES) for the now proposed variation of condition 2 (0432/23), the ecology addendum by Richard Green Ecology, and the revised BMEP, the Authority's ecologist agrees with the conclusion of the ES; that the proposed amendment does not comprise any change to the area or methods of extraction, and as such the restoration strategy set out in the approved BMEP remains achievable. Therefore, he has no ecology objections to the proposed

extension of working to 2042.

DNP - Trees & Landscape:

Landscape concerns

The Authority's Trees & Landscape Officer, as was then, commented on the earlier 2015 application ref. 0348/15 in January 2017 stating that one of the main issues relating to landscape is the impact of the proposed quarry extension on the character of the landscape.

It was acknowledged that the revised application had reduced the size of the extended working area, and that the restoration phase of the quarry started in the early stages of the development. The existing bund along the western side of the quarry will be re-graded as part of the pre-excavation works. The reduction and eventual removal of this bund will significantly improve the character of the local landscape.

The Officer stated that the quarry, once extended, will be larger, but the landscape will still have the same character, i.e. an open moorland landscape with a small quarry located within it. The Authority has defined the quarry as 'small' to 'intermediate' and with the extension the quarry would still fall within this 'small/intermediate' category definition.

With regard the visual impact, the Authority's Trees & Landscape Officer advised that the quarry extension will be excavated in a series of phases. During the initial stages of developing the western most phase, quarry vehicles will be visible. However, this over stripping will be for a short period of time and once the top layer of material has been removed the vehicles will be out of sight.

The extension will be fenced and the land between the working quarry and the fence will be allowed to re-vegetate. Gorse is found in and around the quarry site and should soon start to colonize. The gorse, as it grows, will screen the quarry from the track that runs close to the western boundary of the quarry and from distant views also to the west.

Tranquillity

An Environment Noise Impact assessment has been carried out on the existing quarry operations and it is calculated that the normal quarrying activity produces up to 57db. The revised scheme predicts that noise levels will be 50db. The operation of the extended quarry will be at a similar level to the existing quarry and there will be an enhancement between the existing quarrying operations and the proposed quarrying operations.

Mitigation

The waste material extracted will be used to infill the southern part of the existing quarry void, as the void is filled the upper parts of the infill will be landscaped and allowed to re-vegetate. When the quarry has been worked out the infilled areas will be graded to create a slope to the quarry floor. A partial bench will be retained and some steep faces will be retained along the northern and western faces of the quarry. A small pond will be created at the base of the quarry. In principle, the proposed landscape mitigation was found to be acceptable.

Recommendation

No objection was raised at that time, subject to an acceptable final landscaping scheme.

The Authority does not currently have its own landscape officer and so no landscape consultation has been conducted for the s73 application.

Parish/Town Council Comments

Burrator PC:

Burrator Parish Council is generally in support of this application, subject to the progressive and final restoration of the quarry.

Representations Received:

Over 150 letters of representation were received in relation to the earlier application, ref. 0348/15, consisting of 98 letters of objection, 52 letters of support, and 1 other letter.

No letters of representation have been received in relation to the current s73 application.

The **Council for the Protection of Rural England** (CPRE) previously stated that it had weighed up the pros and cons of the development and concluded that it neither supports nor objects to the application. No comments have been received in respect of the current s73 application.

The **Dartmoor Preservation Association** previously objected to the 2015 application ref. 0348/15 which it considered to be contrary to the two purposes of National Park designation and to policy. The destruction of an area of common land and the resultant loss for grazing and public enjoyment is not, it stated, consistent with National Park purposes, and is not in the public or national interest.

Since those comments were submitted, the quarry and the proposed extension area have been formally de-registered as common land, and an alternative parcel of former agricultural land nearby has been registered as common land in its place.

No further comments have been received in respect of the s73 application.

The **Dartmoor Society** supports this application. With regard to the previous application, 0348/15, the Dartmoor Society considered the proposal to reach to the heart of understanding and awareness of the cultural history and landscape of Dartmoor, and of sustainability and the wise use of resources. Yennadon is the last active stone quarry working on moorland Dartmoor, out of scores that once existed. As such, the Society considers it a cultural icon and living heritage link to the previous generations of quarrymen, who have shaped what is one of the finest cultural landscapes in the world. Amazingly, this small-scale enterprise supports a workforce of twenty-seven. It provides stone for a wide area of west Devon and beyond, and is maintaining the historical value of Dartmoor which has always shared its resources beyond the limits of Dartmoor itself. Its scale is entirely appropriate to modern Dartmoor and adds character to the Dartmoor landscape.

The proposed expansion poses no significant threat to archaeology, ecology or the wider landscape and, once the quarry has ceased working (2025), it will become an intriguing site, sitting quietly within a moorland

setting. After abandonment, we advise that foundations of any structures within the quarry should be left undisturbed, for the education and interest of future generations. This quarry is exactly the type of small-scale locally distinctive enterprise, making wise use of Dartmoor's resources, that deserves widespread encouragement.

In response to the current s73 application, the Dartmoor Society states that it values Dartmoor's distinctive human story, and recognizes the importance of conservation on a landscape scale where ecological, archaeological and cultural considerations are considered in a thoughtful and integrated manner.

As such, it values the contribution to conservation that the quarry makes in the production of indigenous building materials which help maintain the vernacular buildings of the area, and allows new buildings to be built in character with their architectural style and we also value the jobs that it sustains.

The proposal to extend the period allowed for the already consented minerals still in the ground to continue to be extracted after 2026 are consistent with these values, and as such the Dartmoor Society wishes to express its support for the application.

Yennadon - Appendix 3

Case Studies – Small and ‘Major’ stone (and other) quarry permissions / refusals post 2012 – comparison with Yennadon

This document provides details of recent planning applications and appeals for stone quarries and other minerals located in AONB’s and National Parks. This is in two parts: Part 1 covers dimensional stone and Part 2 covers aggregates and ball clay.

Part 1 – Dimensional Stone

Name	Nanhoron	Bretton Moor	Syreford	Leeming	Home Field, Acton	Yennadon
Designation	Llyn AONB	National Park	Cotswold AONB	Forest of Bowland AONB	Dorset AONB	National Park
Planning Authority	Gwynedd CC	Peak District National Park	Gloucestershire CC	Lancashire CC	Dorset CC	DNPA
Decision	Approved	Approved	Approved	Approved	Approved	Pending
Date	16 June 2015	12 June 2015	19 September 2013	8 August 2012	6 December 2012	2017
Reference No.	C13/0786/32/MW	NP/DDD/0914/0990,	12/0049/CWMAJM	03/110688	6/2012/0629, 6/2012/0058	0348/15
Material	Dimension stone, aggregates, rock armour	Block stone, flagging, walling and roofing slates for the local market.	Masonry and building stone plus limited walling stone	Sandstone for dimension stone	Building stone	Dimension stone
Type of scheme	Reopening of existing quarry plus new C&D recycling	Extension to existing quarry	Extension to existing quarry	Extension to existing quarry	New (replacement)	Extension to existing quarry
Area ha	4.7ha	Extension 0.82ha	Existing circa 7ha	Existing 4ha		Existing 2.3ha

			Extension 4.8ha	Extension 0.7ha		Extension 1ha
Reserves (tonnes)		63,450	225,000	260,000	40,000	200,000
Annual throughput (tonnes)	18,000	4,000	10,000	Up to 5,000	1,000	Up to 14,000 (current 5,500)
Duration (years)		15	22.5	27	40	10
Assessment of scale:	"...small scale extraction from existing quarry	small scale quarry in Bretton Moor	small with intermittent or low production output so that a long life is crucial for supply.	Small scale sandstone operation producing dimension stone for heritage and local projects	Consistent with small in other examples	Small scale
Para 116 NPPF	Not considered	Major development	Major development	Exceptional circumstances test applied	Pre NPPF para 116	Major development
Officer comments in committee report	mineral extraction in AONBs should only take place in exceptional circumstances. However, the proposal was for small scale extraction from an existing quarry in an area where there were no readily available sources of stone and the importation of material would create additional traffic movements.	Stone from the site had been used to repair historic buildings in the national park, including Haddon Hall. Local stone and particularly the roofing slates would contribute to maintaining the distinctive character of the local area. The quarry was the only one in Derbyshire producing grey stone roofing slate. The authority's design guide encouraged the use of traditional materials for new build also. Given the uniqueness of the product, the authority concluded that there were exceptional circumstances to allow the quarry in the	The proposal to permit the extraction of unworked limestone on the site would contribute to the maintenance of a steady supply of material for building in accordance with the NPPF. It is recognised that stone used for building plays an important role in the restoration of historic buildings where the stone has to fulfil specific physical characteristics.. The need for the building stone is found in the built fabric of the AONB. Cotswold limestone has been quarried for buildings since Roman times and gives the area its distinctive character. The use of compatible stone products is critical for the repair and restoration of historic buildings and for new development within the AONB, avoiding the use of inappropriate materials which would erode the landscape character of the AONB. The limestone from Syreford is of high grade and highly sought after for local development and for the restoration of some nationally important buildings where matching colour and	The quarry is in the Forest of Bowland AONB, where mineral development would normally be permitted only in exceptional circumstances. However, there was a need for the product in the interests of restoring and enhancing the locally distinctive built environment. The development was small scale and would support the rural economy..	The stone was used for roofing stone and building stone to maintain the character and distinctiveness of eight local parishes as well as for a number of ecclesiastical and prestigious buildings over a much larger area. The council considered that the operation made a useful contribution to the local economy and noted that the stone was of national importance.	

		national park. The development would support sustainable economic growth while protecting and enhancing the natural and historic environment.	technical characteristics of stone is important where the original source material is no longer available			
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Part 2 – Other quarries including aggregates and ball clay

Name	Harden Quarry	Old Kiln Farm, Chieveley	Povington Pit, Dorset	Livox Quarry
Designation	Northumberland National Park	North Wessex Downs AONB	Dorset AONB	Wye Valley AONB
Planning Authority	NNPA	PINS	Dorset CC	Monmouthshire CC
Decision	Approved	Appeal dismissed	Approved	Refused
Date	11 December 2014	6 November 2011	4 th May 2012	21 st May 2013
Reference No.	14 NP0057	11/00233; PINS 2173977	6/2011/0523	DC/2011/00879
Material	Unique red igneous rock, which was exported throughout the UK and abroad. The naturally red granite was particularly suitable for use in road surfaces and was sold under the trademark of "Harden Red"	Building sand	Ball clay	Limestone for aggregates
Type of scheme	Extension to existing quarry	Extension	Extension	
Area ha		20ha	6ha (increasing total area to 12ha)	
Reserves (tonnes)	1 million	760,000	350,000	
Annual throughput (tonnes)	200,000	35,000	45,000	200,000
Duration (years)	6	23	8	
Category	Major development.	Major development	Major development	consistent with Major development
Extract or paraphrase from Mineral Planning database but some information also obtained	At the end of 2013 there were 76.6Mt of crushed rock reserves, giving a landbank of 51 years, well in excess of the recommended 10 year minimum landbank recommended in the NPPF. The guidance also	The development plan set out a presumption against the extraction of sharp sand and gravel from the AONB and the inspector also noted the advice in NPPF, published since the refusal of permission, that while great weight should be given to the benefits of mineral extraction, decisions should provide for the	Officers advised the council that ball clay was acknowledged as being of national importance in the recently published National Planning Policy Framework (NPPF). However, the NPPF also stated that great weight should be	Limestone had been extracted at the site since 1900 and permission was granted in 1992 for extraction of high grade dolomitic limestone which was used as flux at Llanwern steelworks. The council noted that the landbank was adequate and that the high grade

<p>from DCP Online (Development control practice) and from Officer report where stated</p>	<p>recommended that as far as possible the landbank should be provided from sites outside national parks. However, the authority recognised the special qualities of the resource at Harden quarry in terms of its colour and physical properties. The stone was an important feature in the local environment and it could not easily be substituted for. Nor did it occur in other quarries in the area.</p>	<p>maintenance of non-energy mineral landbanks from outside designated areas and that great weight should also be given to conserving landscape in AONBs. Paragraph 116 of the NPPF stated that permission should be refused for major development in designated areas unless exceptional circumstances exist and the development would be in the public The inspector concluded that the mitigation proposed would not be sufficient to prevent the scheme from failing to conserve and enhance the AONB and that the scheme failed to demonstrate any exceptional circumstances. In addition, although the public interest would be served by the provision of minerals, the protection of the landscape was also in the public interest.</p>	<p>given to conserving landscape and scenic beauty in AONBs and major development should be refused in those areas unless they were in the public interest. The industry directly employed 39 staff locally and in 2010 the company spent £2.4M with local suppliers and contractors. The Creekmoor Clay that would be extracted only occurred within the AONB and it was a key component for blending with other clays from Dorset for the production of tile, refractory and electro-porcelain clay blends.</p>	<p>reserve at Livox should be protected for a more appropriate use. In addition, there were other quarries within a reasonable distance that could supply the block making works and it was not a land use consideration that those quarries were not in the control of the applicant.</p>
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Yennadon - Appendix 4

The British Geological Survey (BGS) Directories of Mines and Quarries (2014¹ and 2020) details the operational slate quarries in Devon and Cornwall, which are summarised in the table below. In addition to the description given in the Directories, the BGS geological description of the 'Formation'² that each quarry is located within is also given.

Rustic Stone Quarries in SW England (recorded by BGS as 'active' in 2014 &/or 2020)

Name, Location and BritPits No.	Description in BGS Directory of Mines and Quarries (2014 or 2020 editions)	1:50 000 scale bedrock geology description (Geology of Britain viewer ³)
Yennadon Quarry SX 543 687 Dousland 1221	Operator - Yennadon Stone Ltd Slates, Devonian, Tavy Formation (Kate Brook Slate) Products - Building stone, Decorative Stone, Walling stone.	Tavy Formation - Slate, Hornfelsed. Metamorphic Bedrock formed approximately 359 to 383 million years ago in the Devonian Period. Originally sedimentary rocks formed in open seas by pelagite deposits. Later altered by high temperatures of igneous intrusion.
Mill Hill Quarry SX 452 748 Tavistock 1455	Operator – Mill Hill Quarries Ltd Slates, Devonian, Tavy Formation (Kate Brook Slate) Products - Building stone, Rockery stone, Walling stone, Crushed rock aggregate, Subbase.	Tavy Formation - Slate. Sedimentary Bedrock formed approximately 359 to 383 million years ago in the Devonian Period. Local environment previously dominated by open seas with pelagite deposits.
Lantoom Quarry SX 224 649 Liskeard 1055 (NB believed to be in administration)	Operator - Lantoom Ltd Slates and Sandstones, Devonian – Carboniferous, Saltash Formation Products - Landscaping stone, Building stone	Saltash Formation - Slate and Siltstone. Sedimentary Bedrock formed approximately 347 to 408 million years ago in the Carboniferous and Devonian Periods. Local environment previously dominated by open seas with pelagite deposits.
Callywith Quarry SX 080 682 Bodmin 222222	Operator – Burcombe Haulage (operating as Callycombe) Slates, silver grey, Devonian, Trevoze Slate Formation and Rosenum Formation (undifferentiated) Products – Building stones, Crushed rock aggregates, Constructional fill.	Trevoze Slate Formation and Rosenum Formation (undifferentiated) - Slate and Siltstone. Sedimentary Bedrock formed approximately 372 to 393 million years ago in the Devonian Period. Local environment previously dominated by open seas with pelagite deposits.
Tredinnick Quarry SW 932 687 St. Issey	Operator - D Jones (listed as inactive in 2020 Directory) Slates, Devonian, Bedruthan Formation Products – Building stone	Bedruthan Formation - Sandstone, Siltstone and Mudstone. Sedimentary Bedrock formed approximately 388 to 408 million years ago in the Devonian Period. Local environment previously dominated by deep seas.

¹ British Geological Survey – Directory of Mines and Quarries 2014; Slate quarries – Page 118

² The stratigraphic nomenclature for rock strata of a similar age, lithology, etc.

³ <http://mapapps.bgs.ac.uk/geologyofbritain/home.html>?

Trevillet Quarry SX 081 880 Tintagel	Operator - Mill Hill Quarries Ltd Slates, Devonian, Tredorn Slate Formation Products – Roofing slate. Flooring slate, Building stone, Rockery stone.	Tredorn Slate Formation - Slate. Sedimentary Bedrock formed approximately 359 to 372 million years ago in the Devonian Period. Local environment previously dominated by open seas with pelagite deposits.
Delabole Quarry SX 075 839 St. Teath	Operator - Delabole Slate Company Ltd. Slates, Devonian, Delabole Member (Upper Delabole Slates) Products – Slate, Roofing Slate, Building stone, Dimension stone, Landscaping stone.	Delabole Member - Slate. Sedimentary Bedrock formed approximately 359 to 372 million years ago in the Devonian Period. Local environment previously dominated by open seas with pelagite deposits.
Trecarne Rustic Stone Quarry SX 059 846 Delabole	Operator - Trecarne Quarry Ltd. (Not listed/inactive in 2014 Directory; Listed as active in 2020 Directory) Products – Slate Building stone, Walling stone, Flagstone, Architectural uses.	Tredorn Slate Formation - Slate. Sedimentary Bedrock formed approximately 359 to 372 million years ago in the Devonian Period. Local environment previously dominated by open seas with pelagite deposits.
Trebarwith Road Rustic Quarry SX 067 850 Delabole	Operator – Trebarwith Road Rustic Quarry (Not listed/inactive in 2014 Directory; Listed as active in 2020 Directory) Products – Building stone.	Tredorn Slate Formation - Slate. Sedimentary Bedrock formed approximately 359 to 372 million years ago in the Devonian Period. Local environment previously dominated by open seas with pelagite deposits.

Yennadon - Appendix 5a

Proposed Conditions – 0432/23

1. The development hereby permitted shall be begun on or before the 23 March 2025.
2. The development to which this permission relates shall cease and the application site shall be restored in accordance with the approved drawings numbered 7397-RP-20-R1, including the removal of any buildings, structures and machinery, by 03 May 2042.
3. The development hereby approved shall be carried out strictly in accordance with the approved drawings numbered: 7397-FIG1-P1 received 7 July 2015, 7397-PA/01-P1 received 14 July 2015, and 7397-RP-15-R1, 7397-RP-16-R1, 7397-RP-17-R1, 7397-RP-18-R1, 7397-RP-19-R1, 7397-RP-20-R1 received 24 October 2016.
4. Not less than 75% of the total tonnage of stone leaving the application site each calendar year shall be building and walling stone.
5. No soil stripping or winning or working of minerals shall be carried out on the application site in any new phase of working as shown in Figures 1 -7 of the Phased Working/Restoration Strategy (dated 19th July 2023) until the Mineral Planning Authority has issued written confirmation that working on the previous phases has reached an agreed stage of completion to its reasonable satisfaction.
6. The stripping of topsoil, subsoil (including soil making material) and overburden shall be undertaken only in accordance with the agreed Proposed Phased Working/Restoration Strategy in accordance with the provisions of Condition (4). Storage of topsoil and overburden shall only take place in the areas identified in the Proposed Phased Working/ Restoration Strategy dated 19th July 2023.
7. The total amount of material removed from the application site shall not exceed 7,500 tonnes in any calendar year.

8. The operator shall, upon receipt of a written request from the Mineral Planning Authority, submit copies of the Quarterly Office of National Statistics returns setting out the total tonnage of minerals removed from the application site at the end of each quarter.
9. The number of two-way lorry trips visiting the application site shall not exceed 30 in any week (i.e. a maximum of 60 lorry movements each week). For the purposes of this condition a lorry is defined as any vehicle having a load capacity of 3 tonnes or over, but shall not include tractors towing trailers.
10. All waste material arising from the extraction of minerals shall be disposed of within the application site in accordance with the proposed Phased Working/Restoration Strategy and Landscape Strategy.
11. Landscaping of the application site shall be undertaken in accordance with the Proposed Phased Working/Restoration Strategy, the LVIA (Appendix A16-1 ES) and the Ecology BMEP Report (Appendix A15-2 ES) having regard to the principles set out in JGP Figures 1 - 7 showing the working and landscaping phases identified as 1a, 1b, 1b/2a, 1c/2b, 2c/3a, 3b and Final Restoration.
12. The operations hereby permitted shall not be carried out on the application site other than between 0700 hours and 1800 hours on Monday to Friday inclusive and 0800 hours and 1300 hours on Saturdays. No such operations shall take place on Sundays and Public Holidays. This condition shall not operate so as to prevent the carrying out, outside these working hours, of essential maintenance to plant and machinery on the site, or the operation of ancillary machinery for water management purposes.
13. Lorries shall only be permitted to arrive at the application site and/or depart from the application site between 0800 hours and 1800 hours Mondays to Fridays inclusive and 0800 and 1300 hours on Saturdays. All lorry drivers shall be instructed not to visit the site outside of these hours.
14. No blasting is to be carried out on the application site.

15. All chemicals, oil and fuel on the application site are to be stored in a bunded storage facility designed to contain spillages and leaks and with a capacity of at least 110% of the maximum capacity of that storage facility.
16. In the event of a permanent cessation of working prior to 03 May 2042, the site operator shall notify the Mineral Planning Authority (MPA) within 3 months of the permanent cessation. Thereafter, the application site shall be restored in accordance with the approved drawing numbered 7397-RP-20-R1, within 12 months of the date of permanent cessation, including the removal of any buildings, structures and machinery.
17. In the event of a cessation of winning or working minerals at the application site for a period of two years or more, the application site shall be restored in accordance with the appropriate phase of the Phased Working/Restoration Strategy within 6 months of the cessation.
18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking and re-enacting that Order with or without modification, no development/s under Schedule 2 Part 17 Classes A, B and H shall take place on the application site without the prior written authorisation of the Mineral Planning Authority.
19. Noise levels arising from the development shall not exceed 50dB LAeq 1 hour free field at any noise sensitive property, when measured on a Type 1 sound level meter sited at least 3.5 metres from any reflective surface (other than the ground) and 1.2 – 1.5 metres above the ground.
20. Notwithstanding condition 19 above, all plant, machinery and vehicles used on the application site shall be operated within the noise parameters identified in the ES, Appendix A13 of the ES, and the Quarry Management Plan dated September 2016.
21. Notwithstanding condition 19 above, during works to construct or remove screening bunds, soil storage mounds, new landforms and site road maintenance, the noise limit may be increased for up to 8 weeks in each calendar year to a maximum noise

level agreed in writing by the Mineral Planning Authority, but not to exceed an absolute maximum of 70dB LAeq 1 hour free field.

22. Dust suppression shall be undertaken within the application site in accordance with the Quarry Management Plan dated September 2016.

23. The development hereby permitted shall be implemented strictly in accordance with the recommendations and requirements of the Dust and Air Quality Assessment by DustScan AQ, dated June 2021. Thereafter, if the MPA gives a written determination that dust monitoring and/or mitigation is required, the development, dust monitoring and any appropriate mitigation or response shall be carried out strictly in accordance with the approved details at Appendix C of the Dust and Air Quality Assessment.

24. The development hereby permitted shall be implemented strictly in accordance with the recommendations and requirements of the Dust Management Plan within the Dust and Air Quality Assessment by DustScan AQ, dated June 2021. Any complaints about dust shall be dealt with in accordance with the approved 'Complaints procedure' at Appendix C.10 of the Dust and Air Quality Assessment.

25. No external floodlighting shall be used on any part of the application site other than between 0700 hours and 1800 hours on Monday to Friday inclusive and 0800 hours and 1300 hours on Saturdays.

26. There shall be no importation of material onto the application site for storage or disposal.

27. All processing of stone undertaken at the application site shall at all times be subsidiary to its main use as a quarry.

28. Prior to work taking place in the respective phases of the development hereby approved, the boundary of the application site shall be defined by a permanent stock proof fence, in accordance with the submitted specification dated 7 July 2021 and

approved by the Mineral Planning Authority on 26 May 2023. Thereafter, the fence shall be maintained in good stock-proof condition until 3 May 2042.

29. No articulated lorries or lorries with trailers shall be permitted to visit the application site, save with the prior written consent of the local planning authority.
30. The access track shown on approved Drawing number 7397-PA/01-P1 shall at all times be maintained in accordance with Quarry Management Plan to provide a level and well drained surface and to minimise any noise or dust nuisance arising from its use by the quarry, to manage any surface water run-off and to avoid any dust or mud being carried on to the highway.
31. The development hereby permitted shall be implemented and, at all times thereafter, be carried out strictly in accordance with the recommendations and requirements of the Surface Water Drainage Scheme dated 6th April 2023.
32. The development hereby permitted shall be implemented strictly in accordance with the recommendations and requirements of the Biodiversity Mitigation and Enhancement Plan (BMEP) dated December 2022.
33. Prior to the commencement of soil stripping within the quarry extension area, detailed proposals for each of the following shall be submitted to the Mineral Planning Authority for approval:
- Grassland habitat creation and management statement (including species mixes, management regimes and habitat provision for ground nesting birds),
 - Pond creation and management statement (including provision for fairy shrimp), and
 - Post quarry restoration habitat and species management plan.
- The development shall at all times thereafter be carried out and maintained in accordance with the approved scheme.
34. The development hereby permitted shall at all times be implemented and carried out strictly in accordance with the recommendations and requirements of the 'Written

Scheme of Investigation for an Archaeological Watching Brief' by Cotswold Archaeology, dated March 2018.

35. Notwithstanding the restoration strategy set out in the Proposed Phased Working/ Restoration Strategy, a detailed restoration plan for each phase shall be submitted to the Mineral Planning Authority for approval no later than 12 months prior to that part of the restoration of the application site commencing. The detailed plan shall identify:
- i. The area to be restored;
 - ii. The final restoration contours;
 - iii. The relevant sections of the approved restoration strategy habitat it relates to;
 - iv. Any drainage and water control requirements; and
 - v. Any deviations from the approved restoration strategy.

The restoration of that part of the application site shall at all times thereafter be carried out strictly in accordance with the approved restoration plan.

36. The existing bund located to the west of the existing site shall be reduced in size, regraded and seeded, strictly in accordance with the recommendations and requirements of the 'Scheme for the Restoration & Aftercare of Existing Bund' ref. 7397.C36.C37.Bund.R2, dated 19th December 2022. The reduction, regrading and seeding works shall be carried out and completed strictly in accordance with the approved scheme by the 26 May 2025, and shall thereafter be maintained in accordance with the approved scheme.

37. A detailed aftercare scheme shall be submitted to the Mineral Planning Authority (MPA) for approval in writing no later than 6 months prior to that part of the site being entered into the formal aftercare period. The scheme shall detail the target vegetation, establishment, management and monitoring of those habitats represented in the area to be entered into aftercare management and details of the proposed commencement of aftercare. After care shall be implemented strictly in accordance with the details approved in writing by the MPA. The aftercare period for each phase of the restoration shall commence on the completion of that phase of restoration and continue thereafter up to and including the date which is 5 years after the date of the cessation of mineral extraction on the application site.

Yennadon - Appendix 5b

Existing and Proposed Conditions

Existing Conditions – 0348/15	Proposed Conditions – 0432/23	Comments
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.	The development hereby permitted shall be begun on or before the 23 March 2025 .	The implementation date cannot be changed under a s73 application.
2. The development to which this permission relates shall cease and the application site shall be restored in accordance with the approved drawings numbered 7397-RP-20-R1, including the removal of any buildings, structures and machinery, by 31 December 2026, unless otherwise agreed in writing by the Mineral Planning Authority.	The development to which this permission relates shall cease and the application site shall be restored in accordance with the approved drawings numbered 7397-RP-20-R1, including the removal of any buildings, structures and machinery, by 03 May 2042 .	Change of end date, as proposed. 'Tail-piece conditions' should not be used.
3. The development hereby approved shall be carried out strictly in accordance with the approved drawings numbered: 7397-FIG1-P1 received 7 July 2015, 7397-PA/01-P1 received 14 July 2015, and 7397-RP-15-R1, 7397-RP-16-R1, 7397-RP-17-R1, 7397-RP-18-R1, 7397-RP-19-R1, 7397-RP-20-R1 received 24 October 2016.	The development hereby approved shall be carried out strictly in accordance with the approved drawings numbered: 7397-FIG1-P1 received 7 July 2015, 7397-PA/01-P1 received 14 July 2015, and 7397-RP-15-R1, 7397-RP-16-R1, 7397-RP-17-R1, 7397-RP-18-R1, 7397-RP-19-R1, 7397-RP-20-R1 received 24 October 2016.	No change
4. Not less than 75% of the total tonnage of stone leaving the application site each calendar year shall be building and walling stone.	Not less than 75% of the total tonnage of stone leaving the application site each calendar year shall be building and walling stone.	No change
5. No soil stripping or winning or working of minerals shall be carried out on the application site in any new phase of working as shown in Figures 1 -7 of the Supplementary Information Annex B - Phased Working/Restoration Strategy (dated 16th September 2016) until the Mineral Planning Authority has issued written confirmation that working on the previous phases has reached an agreed stage of completion to its reasonable satisfaction.	No soil stripping or winning or working of minerals shall be carried out on the application site in any new phase of working as shown in Figures 1 -7 of the Phased Working/Restoration Strategy (dated 19th July 2023) until the Mineral Planning Authority has issued written confirmation that working on the previous phases has reached an agreed stage of completion to its reasonable satisfaction.	0348/15 condition relates to previous Environmental Statement (ES) and so has been amended to reflect updated, current version.
6. The stripping of topsoil, subsoil (including soil making material) and overburden shall be undertaken only in accordance with the agreed Proposed Phased	The stripping of topsoil, subsoil (including soil making material) and overburden shall be undertaken only in accordance with the agreed Proposed Phased	Date amended to reflect date of updated version.

Working/Restoration Strategy in accordance with the provisions of Condition (4). Storage of topsoil and overburden shall only take place in the areas identified in the Proposed Phased Working/Restoration Strategy dated 16th September 2016.	Working/Restoration Strategy in accordance with the provisions of Condition (4). Storage of topsoil and overburden shall only take place in the areas identified in the Proposed Phased Working/Restoration Strategy dated 19th July 2023.	
7. The total amount of material removed from the application site shall not exceed 7,500 tonnes in any calendar year.	The total amount of material removed from the application site shall not exceed 7,500 tonnes in any calendar year.	No change
8. The operator shall, upon receipt of a written request from the Mineral Planning Authority, submit copies of the Quarterly Office of National Statistics returns setting out the total tonnage of minerals removed from the application site at the end of each quarter.	The operator shall, upon receipt of a written request from the Mineral Planning Authority, submit copies of the Quarterly Office of National Statistics returns setting out the total tonnage of minerals removed from the application site at the end of each quarter.	No change
9. The number of two-way lorry trips visiting the application site shall not exceed 30 in any week (i.e. a maximum of 60 lorry movements each week). For the purposes of this condition a lorry is defined as any vehicle having a load capacity of 3 tonnes or over, but shall not include tractors towing trailers.	The number of two-way lorry trips visiting the application site shall not exceed 30 in any week (i.e. a maximum of 60 lorry movements each week). For the purposes of this condition a lorry is defined as any vehicle having a load capacity of 3 tonnes or over, but shall not include tractors towing trailers.	No change
10. All waste material arising from the extraction of minerals shall be disposed of within the application site in accordance with the proposed Phased Working/Restoration Strategy and Landscape Strategy.	All waste material arising from the extraction of minerals shall be disposed of within the application site in accordance with the proposed Phased Working/Restoration Strategy and Landscape Strategy.	No change
11. Landscaping of the application site shall be undertaken in accordance with the Proposed Phased Working/Restoration Strategy, the LVIA (Appendix 15 ES) and the Ecology and BMEP Report (Appendix 14 ES) having regard to the principles set out in JGP Figures 1 - 7 showing the working and landscaping phases identified as 1a, 1b, 1b/2a, 1c/2b, 2c/3a, 3b and Final Restoration.	Landscaping of the application site shall be undertaken in accordance with the Proposed Phased Working/Restoration Strategy, the LVIA (Appendix A16-1 ES) and the Ecology BMEP Report (Appendix A15-2 ES) having regard to the principles set out in JGP Figures 1 - 7 showing the working and landscaping phases identified as 1a, 1b, 1b/2a, 1c/2b, 2c/3a, 3b and Final Restoration.	Appendix numbers amended.
12. The operations hereby permitted shall not be carried out on the application site other than between 0700 hours and 1800 hours on Monday to Friday	The operations hereby permitted shall not be carried out on the application site other than between 0700 hours and 1800 hours on Monday to Friday	No change

inclusive and 0800 hours and 1300 hours on Saturdays. No such operations shall take place on Sundays and Public Holidays. This condition shall not operate so as to prevent the carrying out, outside these working hours, of essential maintenance to plant and machinery on the site, or the operation of ancillary machinery for water management purposes.	inclusive and 0800 hours and 1300 hours on Saturdays. No such operations shall take place on Sundays and Public Holidays. This condition shall not operate so as to prevent the carrying out, outside these working hours, of essential maintenance to plant and machinery on the site, or the operation of ancillary machinery for water management purposes.	
13. Lorries shall only be permitted to arrive at the application site and/or depart from the application site between 0800 hours and 1800 hours Mondays to Fridays inclusive and 0800 and 1300 hours on Saturdays. All lorry drivers shall be instructed not to visit the site outside of these hours	Lorries shall only be permitted to arrive at the application site and/or depart from the application site between 0800 hours and 1800 hours Mondays to Fridays inclusive and 0800 and 1300 hours on Saturdays. All lorry drivers shall be instructed not to visit the site outside of these hours	No change
14. No blasting is to be carried out on the application site.	No blasting is to be carried out on the application site.	No change
15. All chemicals, oil and fuel on the application site are to be stored in a bunded storage facility designed to contain spillages and leaks and with a capacity of at least 110% of the maximum capacity of that storage facility.	All chemicals, oil and fuel on the application site are to be stored in a bunded storage facility designed to contain spillages and leaks and with a capacity of at least 110% of the maximum capacity of that storage facility.	No change
16. In the event of a permanent cessation of working prior to 31 December 2026, the site operator shall notify the Mineral Planning Authority (MPA) within 3 months of the permanent cessation. Thereafter, the application site shall be restored in accordance with the approved drawing numbered 7397-RP-20-R1, within 12 months of the date of permanent cessation, including the removal of any buildings, structures and machinery, unless a different timescale is agreed in writing by the MPA.	In the event of a permanent cessation of working prior to 03 May 2042, the site operator shall notify the Mineral Planning Authority (MPA) within 3 months of the permanent cessation. Thereafter, the application site shall be restored in accordance with the approved drawing numbered 7397-RP-20-R1, within 12 months of the date of permanent cessation, including the removal of any buildings, structures and machinery.	Date of cessation amended, and 'tail-piece' removed at the end of the condition.
17. In the event of a cessation of winning or working minerals at the application site for a period of two years or more, the application site shall be restored in accordance with the appropriate phase of the Phased Working/Restoration Strategy within 6 months of the cessation, unless a different	In the event of a cessation of winning or working minerals at the application site for a period of two years or more, the application site shall be restored in accordance with the appropriate phase of the Phased Working/Restoration Strategy within 6 months of the cessation.	No change, other than removal of the 'tail-piece' at the end of the condition.

timescale is agreed in writing by the MPA.		
18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking and re-enacting that Order with or without modification, no development/s under Schedule 2 Part 17 Classes A, B and H shall take place on the application site without the prior written authorisation of the Mineral Planning Authority.	Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 or any Order revoking and re-enacting that Order with or without modification, no development/s under Schedule 2 Part 17 Classes A, B and H shall take place on the application site without the prior written authorisation of the Mineral Planning Authority.	No change
19. Noise levels arising from the development shall not exceed 50dB LAeq 1 hour free field at any noise sensitive property, when measured on a Type 1 sound level meter sited at least 3.5 metres from any reflective surface (other than the ground) and 1.2 – 1.5 metres above the ground.	Noise levels arising from the development shall not exceed 50dB LAeq 1 hour free field at any noise sensitive property, when measured on a Type 1 sound level meter sited at least 3.5 metres from any reflective surface (other than the ground) and 1.2 – 1.5 metres above the ground.	No change
20. Notwithstanding condition 19 above, all plant, machinery and vehicles used on the application site shall be operated within the noise parameters identified in the ES, Appendix 12 of the ES, Appendix A of the Addendum to the ES and the Quarry Management Plan dated September 2016.	Notwithstanding condition 19 above, all plant, machinery and vehicles used on the application site shall be operated within the noise parameters identified in the ES, Appendix A13 of the ES, and the Quarry Management Plan dated September 2016.	Appendix reference amended and reference to Appendix A deleted as this is now all incorporated within the revised ES Chapter and Appendix.
21. Notwithstanding condition 19 above, during works to construct or remove screening bunds, soil storage mounds, new landforms and site road maintenance, the noise limit may be increased for up to 8 weeks in each calendar year to a maximum noise level agreed in writing by the Mineral Planning Authority, but not to exceed an absolute maximum of 70dB LAeq 1 hour free field.	Notwithstanding condition 19 above, during works to construct or remove screening bunds, soil storage mounds, new landforms and site road maintenance, the noise limit may be increased for up to 8 weeks in each calendar year to a maximum noise level agreed in writing by the Mineral Planning Authority, but not to exceed an absolute maximum of 70dB LAeq 1 hour free field.	No change.
22. Dust suppression shall be undertaken within the application site in accordance with the Quarry Management Plan dated September 2016.	Dust suppression shall be undertaken within the application site in accordance with the Quarry Management Plan dated September 2016.	No change.
23. Within 3 months from the date of this approval the operator shall provide to the Mineral Planning Authority (MPA) for approval a	The development hereby permitted shall be implemented strictly in accordance with the recommendations and	New wording proposed to reflect partial discharge of condition no.23,

screening assessment in accordance with the Institute of Air Quality Management Guidance on the Assessment of Mineral Dust Impacts for Planning. This screening assessment shall assess whether a monitoring scheme is needed to continually assess the impact by way of dust arising from the mineral operations, and shall include details of monitoring locations, monitoring methodology and frequency of reporting to the MPA and nominate an independent consultant to undertake the dust monitoring, if required. Thereafter, if the MPA gives a written determination that a dust monitoring scheme is required, the development shall be carried out strictly in accordance with the details of the scheme approved by the MPA.	requirements of the Dust and Air Quality Assessment by DustScan AQ, dated June 2021. Thereafter, if the MPA gives a written determination that dust monitoring and/or mitigation is required, the development, dust monitoring and any appropriate mitigation or response shall be carried out strictly in accordance with the approved details at Appendix C of the Dust and Air Quality Assessment.	approved in May 2023.
24. Not later than 3 months from the date of this approval, the operator shall submit to the Mineral Planning Authority (MPA) for approval a scheme for dealing with dust complaints received by the operator, the MPA or West Devon Borough Council's Environmental Health department. Thereafter, any complaints about dust shall be dealt with in accordance with the scheme as approved by the MPA.	The development hereby permitted shall be implemented strictly in accordance with the recommendations and requirements of the Dust Management Plan within the Dust and Air Quality Assessment by DustScan AQ, dated June 2021. Any complaints about dust shall be dealt with in accordance with the approved 'Complaints procedure' at Appendix C.10 of the Dust and Air Quality Assessment.	New wording proposed to reflect partial discharge of condition 24, approved in May 2023.
25. No external floodlighting shall be used on any part of the application site other than between 0700 hours and 1800 hours on Monday to Friday inclusive and 0800 hours and 1300 hours on Saturdays.	No external floodlighting shall be used on any part of the application site other than between 0700 hours and 1800 hours on Monday to Friday inclusive and 0800 hours and 1300 hours on Saturdays.	No change
26. There shall be no importation of material onto the application site for storage or disposal.	There shall be no importation of material onto the application site for storage or disposal.	No change
27. All processing of stone undertaken at the application site shall at all times be subsidiary to its main use as a quarry.	All processing of stone undertaken at the application site shall at all times be subsidiary to its main use as a quarry.	No change
28. The boundary of the application site shall be defined by a permanent stock proof fence, the extent, specification and details of	Prior to work taking place in the respective phases of the development hereby approved, the boundary of the application	Wording amended to reflect fencing specification that

which shall be submitted for approval to the Mineral Planning Authority prior to its erection. The fence shall be erected in accordance with the approved details and maintained thereafter in good stock-proof condition until 31 December 2026.	site shall be defined by a permanent stock proof fence, in accordance with the submitted specification dated 7 July 2021 and approved by the Mineral Planning Authority on 26 May 2023. Thereafter, the fence shall be maintained in good stock-proof condition until 3 May 2042.	was approved in May 2023.
29. No development in the extension area hereby approved shall take place until improvement to the common grazing has taken place in accordance with the recommendations in Section 8 of the Luscombe Maye Common Land Mitigation Report, ref. 7290/CWB, included in the Environment Statement at Appendix A3a.	No articulated lorries or lorries with trailers shall be permitted to visit the application site, save with the prior written consent of the local planning authority.	Condition no.29 under 0348/15 has been removed as improvement works completed and the condition discharged. Additional condition proposed by DNPA, and placed here to maintain original numbering as much as possible.
30. The access track shown on approved Drawing number 7397-PA/01-P1 shall at all times be maintained in accordance with Quarry Management Plan to provide a level and well drained surface and to minimise any noise or dust nuisance arising from its use by the quarry, to manage any surface water run-off and to avoid any dust or mud being carried on to the highway.	The access track shown on approved Drawing number 7397-PA/01-P1 shall at all times be maintained in accordance with Quarry Management Plan to provide a level and well drained surface and to minimise any noise or dust nuisance arising from its use by the quarry, to manage any surface water run-off and to avoid any dust or mud being carried on to the highway.	No change.
31. A scheme for diverting, capturing or otherwise controlling surface water run-off from the application site shall be submitted to the Mineral Planning Authority (MPA) for approval within three months of the date of this decision notice. The development shall at all times thereafter be carried out in accordance with the scheme as approved in writing by the MPA.	The development hereby permitted shall be implemented and, at all times thereafter, be carried out strictly in accordance with the recommendations and requirements of the Surface Water Drainage Scheme dated 6 th April 2023.	New wording proposed to reflect partial discharge of condition 31.
32. The development hereby permitted shall be implemented strictly in accordance with the recommendations and requirements of the Biodiversity Mitigation and Enhancement Plan (BMEP) dated August 2013.	The development hereby permitted shall be implemented strictly in accordance with the recommendations and requirements of the Biodiversity Mitigation and Enhancement Plan (BMEP) dated December 2022.	Date of report updated.
33. Prior to the commencement of soil stripping within the quarry extension area, detailed proposals for each of the following shall be	Prior to the commencement of soil stripping within the quarry extension area, detailed proposals for each of the	Amended by DNPA to provide maintenance of the habitats.

<p>submitted to the Mineral Planning Authority for approval:</p> <ul style="list-style-type: none"> • Grassland habitat creation and management statement (including species mixes, management regimes and habitat provision for ground nesting birds), • Pond creation and management statement (including provision for fairy shrimp), and • Post quarry restoration habitat and species management plan. <p>The development shall at all times thereafter be carried out in accordance with the approved scheme.</p>	<p>following shall be submitted to the Mineral Planning Authority for approval:</p> <ul style="list-style-type: none"> • Grassland habitat creation and management statement (including species mixes, management regimes and habitat provision for ground nesting birds), • Pond creation and management statement (including provision for fairy shrimp), and • Post quarry restoration habitat and species management plan. <p>The development shall at all times thereafter be carried out and maintained in accordance with the approved scheme.</p>	
<p>34. Prior to the commencement of soil stripping within the quarry extension area, detailed proposals for each of the following shall be submitted to the Mineral Planning Authority for approval:</p> <ul style="list-style-type: none"> • A scheme for the protection of the track of the former Plymouth and Dartmoor Tramway, • A scheme for the excavation and recording of the remains of a possible field system on Yennadon Down, and • A watching brief for soil stripping in the whole area. <p>The development shall at all times thereafter be carried out in accordance with the approved scheme.</p>	<p>The development hereby permitted shall at all times be implemented and carried out strictly in accordance with the recommendations and requirements of the 'Written Scheme of Investigation for an Archaeological Watching Brief' by Cotswold Archaeology, dated March 2018.</p>	<p>New wording proposed to reflect partial discharge of Condition 34.</p>
<p>35. Notwithstanding the restoration strategy set out in the Proposed Phased Working /Restoration Strategy, a detailed restoration plan for each phase shall be submitted to the Mineral Planning Authority for approval no later than 12 months prior to that part of the restoration of the application site commencing. The detailed plan shall identify:</p> <ol style="list-style-type: none"> The area to be restored; The final restoration contours; 	<p>Notwithstanding the restoration strategy set out in the Proposed Phased Working /Restoration Strategy, a detailed restoration plan for each phase shall be submitted to the Mineral Planning Authority for approval no later than 12 months prior to that part of the restoration of the application site commencing. The detailed plan shall identify:</p> <ol style="list-style-type: none"> The area to be restored; The final restoration contours; 	<p>No change.</p>

<p>iii. The relevant sections of the approved restoration strategy habitat it relates to;</p> <p>iv. Any drainage and water control requirements; and</p> <p>v. Any deviations from the approved restoration strategy.</p> <p>The restoration of that part of the application site shall at all times thereafter be carried out strictly in accordance with the approved restoration plan.</p>	<p>iii. The relevant sections of the approved restoration strategy habitat it relates to;</p> <p>iv. Any drainage and water control requirements; and</p> <p>v. Any deviations from the approved restoration strategy.</p> <p>The restoration of that part of the application site shall at all times thereafter be carried out strictly in accordance with the approved restoration plan.</p>	
<p>36. The existing bund located to the west of the existing site shall be reduced in size in accordance with the approved drawing 7397-RP-15-R1, regraded and seeded with a local provenance mix in accordance with details to be submitted to the Mineral Planning Authority for approval within 3 months of the date of this decision. The reduction, regrading and seeding works shall thereafter be carried out and completed strictly in accordance with the approved drawings and details within 12 months of the date of that approval of details.</p>	<p>The existing bund located to the west of the existing site shall be reduced in size, regraded and seeded, strictly in accordance with the recommendations and requirements of the 'Scheme for the Restoration & Aftercare of Existing Bund' ref. 7397.C36.C37.Bund.R2, dated 19th December 2022. The reduction, regrading and seeding works shall be carried out and completed strictly in accordance with the approved scheme by the 26 May 2025, and shall thereafter be maintained in accordance with the approved scheme.</p>	<p>New wording proposed to reflect partial discharge of Condition 36.</p>
<p>37. A detailed aftercare scheme shall be submitted to the Mineral Planning Authority (MPA) for approval in writing no later than 6 months prior to that part of the site being entered into the formal aftercare period. The scheme shall detail the target vegetation, establishment, management and monitoring of those habitats represented in the area to be entered into aftercare management and details of the proposed commencement of aftercare. After care shall be implemented strictly in accordance with the details approved in writing by the MPA. The aftercare period for each phase of the restoration shall commence on the completion of that phase of restoration and continue thereafter up to and including the date which is 5 years after the date of the cessation of</p>	<p>A detailed aftercare scheme shall be submitted to the Mineral Planning Authority (MPA) for approval in writing no later than 6 months prior to that part of the site being entered into the formal aftercare period. The scheme shall detail the target vegetation, establishment, management and monitoring of those habitats represented in the area to be entered into aftercare management and details of the proposed commencement of aftercare. After care shall be implemented strictly in accordance with the details approved in writing by the MPA. The aftercare period for each phase of the restoration shall commence on the completion of that phase of restoration and continue thereafter up to and including the date which is 5 years after the date of the</p>	<p>No change.</p>

mineral extraction on the application site.	cessation of mineral extraction on the application site.	
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No change to drawing number references: 7397-FIG1-P1 received 7 July 2015, 7397-PA/01-P1 received 14 July 2015, and 7397-RP-15-R1, 7397-RP-16-R1, 7397-RP-17-R1, 7397-RP-18-R1, 7397-RP-19-R1, 7397-RP-20-R1.

Dated *23 March* 2022

Planning Obligation Agreement

Pursuant to Section 106
of the Town & Country Planning Act 1990

relating to land at Yennadon Quarry, Dousland
in the County of Devon

- (1) Dartmoor National Park Authority**
- (2) The Trustees of the Walkhampton Trust**
- (3) Yennadon Stone Ltd**

Legal & Democratic Services
Dartmoor National Park Authority
Parke, Bovey Tracey
Newton Abbot
Devon TQ13 9JQ

THIS DEED is made the 23 day of March 2022

BETWEEN:

- (1) **Dartmoor National Park Authority** of Parke, Bovey Tracey, Newton Abbot, Devon TQ13 9JQ ("**the Authority**")
- (2) **The Right Honourable Massey John Henry Lopes, Fourth Baron Roborough and George William Owen Tapps Gervis Meyrick and Harry Marcus George Lopes**, the trustees of the Walkhampton Trust, care of Maristow Estate Office, Common Lane, Roborough, Plymouth PL6 7BN ("**the Owner**")
- (3) **Yennadon Stone Limited** (Co Reg No. 05201678) of Yennadon Quarry, Iron Mine Lane, Dousland, Yelverton, Devon PL20 6NA ("**the Operator**")

Together "the Parties"

WHEREAS:

- (A) The Authority is the local planning authority for the purposes of the T&CPA 1990 for the area that includes the Land and by whom the Obligations in this Deed are enforceable and is also the mineral planning authority.
- (B) The Owner is the freehold owner of the Land registered under title no. DN536131, including all mineral rights and related working rights in, over and under the Land.
- (C) The Owner entered into a lease of mineral rights with the Operator dated 28 October 2019, by virtue of which the Operator is permitted to extract minerals from the 1991 Permission Land.
- (D) The 1991 Permission Land has the benefit of conditional minerals planning permission ref. 03/43/1075/90 (the **1991 Permission**) for the winning and working of minerals and continued use of existing buildings on the 1991

Permission Land which expires on 9 April 2026 and is subject to an agreement pursuant to S106 T&CP Act 1990 (the **1991 Agreement**).

- (E) The Operator made the Application to the Authority for the Development and the Authority has resolved to grant a further conditional minerals planning permission (the **2022 Permission**) in relation to the Land provided that the Operator and the Owner first enter into a satisfactory planning obligation agreement pursuant to section 106 of the T&CPA 1990 to make provision for the Obligations.
- (F) The Owner and the Operator entered into an option agreement dated 28 October 2019, by virtue of which the Operator was granted the right to call for the grant of a further minerals lease of both the 1991 Permission Land and the Extension Area, conditional on the grant of the 2022 Permission.

THIS DEED NOW PROVIDES AS FOLLOWS:

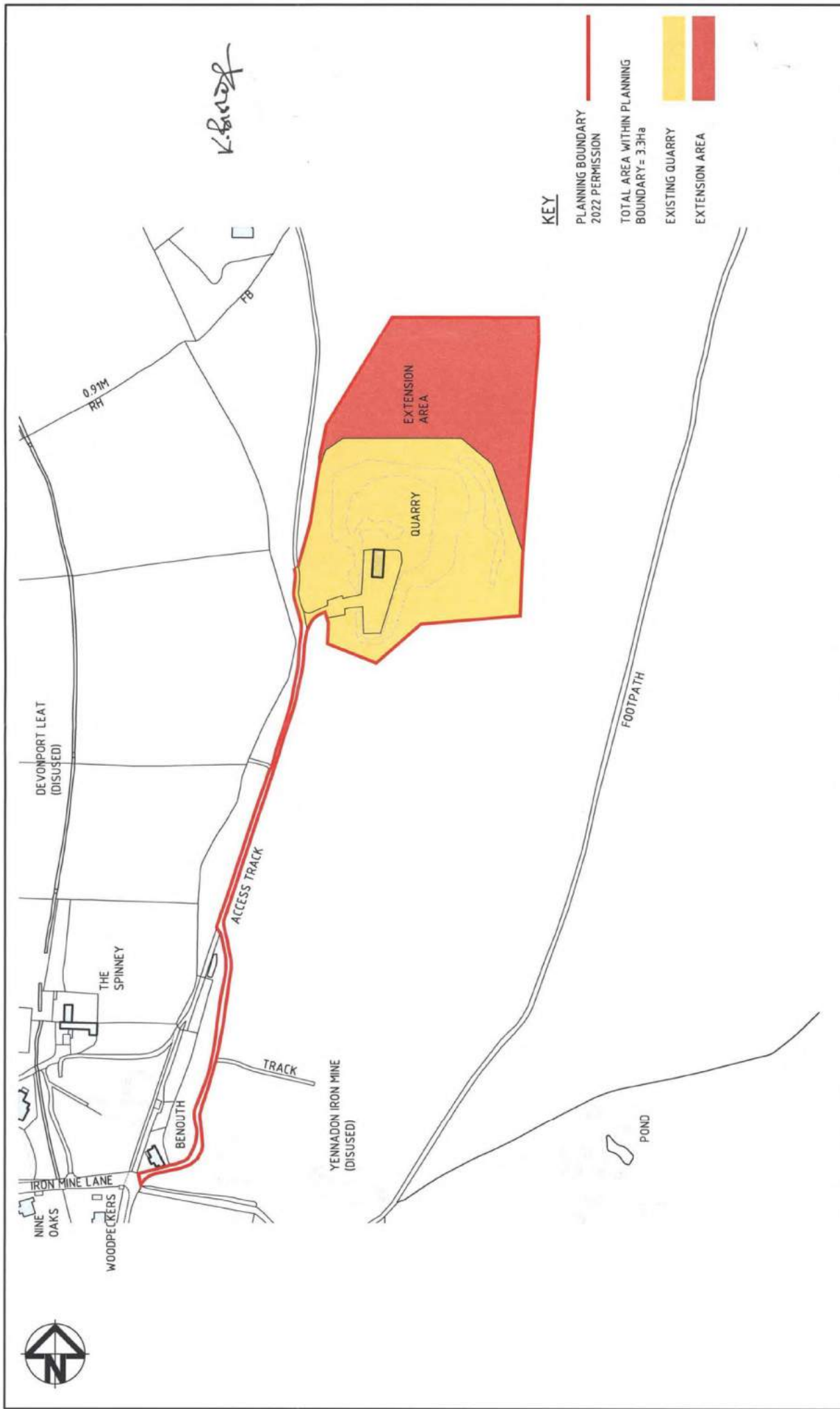
1. General Definitions

In this Deed the following definitions shall apply:

1991 Agreement	the agreement under section 106 of the T&CPA 1990 dated 15 April 1991 relating to the 1991 Permission.
1991 Permission	the minerals planning permission granted by the Authority and allocated reference number 03/43/1075/90 in relation to the 1991 Permission Land.
1991 Permission Land	land at Yennadon Quarry, Dousland as shown shaded yellow on the Plan .
2022 Permission	the minerals planning permission reference 0348/15 to be granted by the Authority for the Development pursuant to the Application and substantially in the same form as the draft permission at Schedule 1.

Application	the planning application for the 2022 Permission allocated reference 0348/15 by the Authority.
Cash Deposit Sum	the Cash Deposit Sum defined in Schedule 4.
Development	the development of the Land to provide for the extension of the working area of the existing active quarry (so as to include not only the 1991 Permission Land but also the Extension Area) for the winning and working of minerals and continued use of existing buildings in the manner and use pursuant to and in accordance with the 2022 Permission.
Escrow Account	the Escrow Account defined in Schedule 4.
Extension Area	the area forming part of the Land identified shaded red (to the north of the existing quarry) on the Plan .
Land	land at Yennadon Quarry, Dousland as shown edged red on the Plan which includes the 1991 Permission Land and the Extension Area and against which this Deed can be enforced.
Implementation	to begin (as defined in Section 56 of the T&CPA 1990) to carry out the Development by way of any works, (excluding fencing, site preparatory works, ecological or other surveying) within the Extension Area, in accordance with the 2022 Permission and "Implemented" and "Implement" shall be construed accordingly.

Implementation Date	the earlier of the date given within the notice served on the Authority in accordance with paragraph 1.1 of Schedule 2 of this Deed or, if no notice is served on the Authority in accordance with paragraph 1.2 of Schedule 2 of this Deed, the date upon which the Development is in fact Implemented
Legal Challenge	any challenge to the validity or lawfulness of the 2022 Permission in the courts brought by means of proceedings for judicial review, declaratory proceedings or otherwise calling into question the validity of the 2022 Permission including but not limited to the application for permission to apply for judicial review and includes any proceedings by way of appeal to the Court of Appeal, the Supreme Court or any other appellate body.
Obligations	those planning obligations contained in this Deed and in particular those in Schedules 2 to 7 inclusive of this Deed and "Obligation" shall be construed accordingly.
the Plan	the plan ref 7397 PP/01 AD2 attached to this Deed identifying the Land (including the 1991 Permission Land and the Extension Area).
Section 73 Application	an application made under section 73 of the T&CPA 1990 in respect of the 2022 Permission or a Section 73 Permission to carry out the Development without complying with a condition or conditions to which the 2022 Permission or a Section 73 Permission is subject.



K. B. 2022

KEY

- PLANNING BOUNDARY 2022 PERMISSION
- TOTAL AREA WITHIN PLANNING BOUNDARY = 3.3ha
- EXISTING QUARRY
- EXTENSION AREA

JGP JOHN GRIMES PARTNERSHIP Leenards Road, Ivybridge, Devon, PL21 0RU Tel: +44 (0)1752 69533 post@johngrimes.co.uk www.johngrimes.co.uk		Project YENNADON QUARRY IRON MINE LANE, DOUSLAND	
Status APPROVED DRAWING		Title PLANNING BOUNDARY	
© Copyright reserved 1:2500 Original Size	First Issue Signatures Author S. ATKINS Checker A. ROBERTSON	Project No. 7397 - PP/01 - AD3 Drawing No. PP/01 - AD3 Rev.	
Notes: 1. APPROVED DRAWING FOR PLANNING PERMISSION 03/18/15			
Issue Description AD3 DATES AMENDED AD2 BOUNDARY AMENDED AD1 APPROVED DRAWING ISSUE		Date 07FEB22 TRS AR 13DEC21 TRS AR 19FEB18 CJB AR	

Section 73 Permission	a planning permission granted pursuant to a Section 73 Application.
T&CPA 1990	the Town & Country Planning Act 1990 (as amended).
Working Days	any day from Monday to Friday (inclusive) which is not Christmas Day, Good Friday or a statutory bank holiday.

2. Interpretation

In this Deed except where the context clearly requires otherwise:

- 2.1 The singular includes the plural, the masculine includes the feminine and vice versa.
- 2.2 References to clauses paragraphs plans and schedules are to those in this Deed and any reference to this Deed includes any schedule plan or other attachment to this Deed.
- 2.3 Any reference to any party having an interest in the Land shall include any successor in title to that party to the Land or any part of it or any assign deriving title from or under him.
- 2.4 Any reference to any party having a statutory function referred to in this Deed shall include any successor to that statutory function.
- 2.5 Unless otherwise specified, reference to any statute or statutory instrument is to that legislation as amended, modified, consolidated or re-enacted from time to time in force and reference to a statute includes any statutory instrument direction or specification made or issued under the statute or deriving validity from it.
- 2.6 Any obligation on a party not to do any act or thing shall include an obligation not to cause or permit that act or thing to be done by any person under its, his or their control.
- 2.7 Where an Obligation applies to more than one person, liability shall (unless expressly provided otherwise) be joint and several.
- 2.8 Words importing persons include companies and/or corporations and vice versa and all such words shall be construed as interchangeable in that manner.

- 2.9 The headings throughout this Deed are for convenience only and shall not be taken into account in the construction and interpretation of this Deed.
- 2.10 This Deed may be executed in any number of counterparts by the parties, each of which when executed and delivered will constitute an original, but all of which together will constitute one and the same agreement.

3. Statutory Provisions

- 3.1 This Deed is made pursuant to Sections 106 and 106A of the T&CPA 1990, Section 111 of the Local Government Act 1972, Section 1 Localism Act 2011 and all other enabling powers and has been entered into by the Authority pursuant to those powers.
- 3.2 The Obligations covenants restrictions and requirements created by this Deed are planning obligations for the purposes of Section 106 of the T&CPA 1990 to the intent that they shall bind the Owner and the Operator and each and every estate and interest which the Owner and the Operator have in the Land and their respective successors in title to each and every part of the Land and each and every estate and interest which the Owner and the Operator have in the Land and are enforceable by the Authority as the mineral planning authority and the local planning authority and otherwise shall take effect as personal covenants pursuant to Section 111 Local Government Act 1972 or Section 2 Local Government Act 2000.

4. Conditionality

The covenants, Obligations and restrictions contained in this Deed are conditional upon the grant of the 2022 Permission and save as where expressly stated otherwise within this Deed take effect on the grant of the 2022 Permission.

5. Duration

- 5.1 The Owner and the Operator hereby agree that the Owner and the Operator and their successors and assigns will not take or permit to be taken any action to continue to carry out any development or works on the Land pursuant to the 1991 Permission following the date that is the last date on which a Legal

Challenge may be made unless a Legal Challenge is made in which case the Owner and Operator may continue to carry out development or works on the 1991 Permission Land pursuant to the 1991 Permission until such time as the 2022 Permission is upheld.

5.2 If prior to the Implementation Date the 2022 Permission:

5.2.1 is revoked or modified (other than in pursuance of an application by the Operator or the Owner);

5.2.2 is quashed by order of the court (after any applicable appeal proceedings have been finally disposed of or where such appeal proceedings are time-barred);

5.2.3 is otherwise withdrawn;

5.2.4 (without the consent of the Owner or Operator) is modified by any statutory procedure; or

5.2.5 expires;

then this Deed (insofar only as it has not already been complied with) and including clause 5.1 above shall absolutely determine and be null and void but without prejudice to the rights of any person in respect of any antecedent breach hereof and the Authority shall within five working days of an event at 5.2.1, 5.2.2, 5.2.3, 5.2.4 or 5.2.5 instruct that the Escrow Account shall be closed and any amount in the Escrow Account, including any accrued interest, will be returned to the original party that paid into the Escrow Account the Cash Deposit Sum.

6. Covenants & Enforceability

6.1 The Owner and Operator **HEREBY COVENANT** with the Authority to observe and perform the Obligations which shall bind the Land (and every part of it) as planning obligations under Section 106 of the T&CPA 1990.

6.2 The Obligations shall be enforceable by the Authority.

6.3 This Deed and the Obligations are a local land charge and shall be registered as such.

6.4 The Owner shall not be liable for breach of an Obligation or a covenant contained in this Deed (save where the Owner has assumed liability for the Obligation in accordance with the provisions of this Deed) occurring while the Operator or any replacement operator has a leasehold or other possessory legal

interest in the Land but without prejudice to liability for any breach of covenant subsisting after the Operator or any replacement operator ceases to have a legal interest in the Land.

- 6.5 No person shall be liable for breach of an Obligation or a covenant contained in this Deed occurring after parting with all interest in the Land, or the part of the Land in respect of which such breach occurs, but without prejudice to liability for any subsisting breach of covenant prior to parting with such interest.
- 6.6 No provision of this Deed shall be enforceable under the Contracts (Rights of Third Parties) Act 1999.

7. Section 73 of the T&CPA 1990

- 7.1 If a Section 73 Application is made and in the event that the Authority is minded to approve such a Section 73 Application:
 - 7.1.1 References to 2022 Permission in this Deed shall be deemed to also be references to that new planning permission and the Parties agree that this Deed shall apply to and remain in full force in respect of any permission in respect of a Section 73 Application and the 2022 Permission without the need for a further deed to be made pursuant to section 106 or section 106A of the T&CPA 1990; or
 - 7.1.2 If the Authority considers that additional or modified planning obligations are necessary to make the development proposed by such Section 73 Application acceptable in planning terms then for the avoidance of doubt nothing in this clause 7 shall fetter the Authority's ability in the exercise of its proper planning judgment to require the completion of any such further deed made pursuant to section 106 or 106A of the T&CPA 1990 as it considers necessary.

8. Miscellaneous Provisions

- 8.1 Nothing in this Deed constitutes an obligation to grant planning permission or any other approval consent or permission required from the Authority in the exercise of any other statutory function and nothing in this Deed constitutes any such approval, consent or permission.

- 8.2 Nothing in this Deed shall prohibit or limit the right to submit an application to develop any part of the Land or to carry out development on the Land in accordance with any planning permission (other than a Section 73 Permission) granted (whether or not on appeal) after the date of this Deed.
- 8.3 This Deed is governed by and interpreted in accordance with the law of England and the Parties submit to the non-exclusive jurisdiction of the courts of England.
- 8.4 Save as lawfully permitted, nothing in this Deed shall prejudice or affect the Authority's rights, powers, duties and obligations in the exercise of its functions as a local planning authority, National Park Authority and Mineral Planning Authority and the rights, powers, duties and obligation of the Authority under all public and private statutes, byelaws, orders and regulations may be as fully and effectively exercised in relation to the Land as if this Deed had not been executed by the Authority.
- 8.5 If any clause, schedule or paragraph of this Deed is found (for whatever reason) to be invalid or unenforceable, such finding shall have no effect on the validity or enforceability in relation to any other clause, schedule or paragraph of this Deed.
- 8.6 Where the agreement approval consent or expression of satisfaction is required by the Operator or Owner from the Authority under the terms of this Deed such agreement approval or consent or expression of satisfaction shall not be unreasonably withheld or delayed and any such agreement consent approval or expression of satisfaction shall be given in writing on behalf of the Authority.
- 8.7 Any notice or other communication given or made under this Deed shall be in writing and (unless otherwise herein provided) shall be deemed to be sufficiently served for the purposes of this Deed if sent by registered or recorded delivery post to the address of the party specified in this Deed or to such other address (in substitution thereof) as may be notified in writing by that party to each other party from time to time for this purpose.

9. Dispute Resolution

- 9.1 Any dispute or difference arising between any of the Parties in respect of any matter contained in this Deed which has been identified by notice in writing by one party to the other and has not been resolved within twenty (20) Working

Days (or such lesser period as may be agreed) of the date of receipt of such notice shall be referred to an independent and suitable person holding appropriate professional qualifications from professional body appropriate to the dispute (the "**Expert**").

- 9.2 The Expert is to be appointed jointly by the Parties to the dispute or in the absence of an agreement, in accordance with clause 9.5 below
- 9.3 The Expert shall act as an expert whose decision shall be final and binding on the Parties in the absence of manifest error or fraud.
- 9.4 Any costs attributable to the Expert's appointment and the Expert's determination shall be payable by the Parties to the dispute in such proportion as the Expert shall determine and failing such determination shall be borne by the Parties to the dispute in equal shares.
- 9.5 In the absence of agreement as to the appointment or suitability of the Expert or as to the appropriateness of the professional body then such question may be referred by either Party to the dispute to the president for the time being of the Law Society for him to appoint a solicitor to determine the dispute such solicitor acting as an expert and that decision shall be final and binding on all parties in the absence of manifest error or fraud and the costs of the appointed solicitor shall be payable by the Parties to the dispute in such proportions as the solicitor shall determine and failing such determination shall be borne by the Parties to the dispute in equal shares.
- 9.6 Any Expert (howsoever appointed) shall be subject to the express requirement that a decision is reached and communicated to the Parties to the dispute within the minimum practicable timescale allowing for the nature and complexity of the dispute and in any event not more than twenty (20) Working Days after he has received any file or written representation.
- 9.7 The Expert shall be required to give notice to each of the Parties to the dispute requiring them to submit to him within ten (10) Working Days' of notification of the Expert's appointment written submissions and supporting material and the other Party to the dispute will be entitled to make a counter written submission within a further ten (10) Working Days' (unless longer periods are agreed in writing between the Expert and the Parties to the dispute acting reasonably).

10. Delivery

The provisions of this Deed (other than this clause which shall be of immediate effect) shall be of no effect until this Deed has been dated.

11. Notices

11.1 Further to clause 8.7 any notice or other communication to be given under this Deed and sent to:

11.1.1 the Authority shall be marked for the attention of the deputy head of development and management;

11.1.2 the Owner shall be marked for the attention of The Walkhampton Trustees;

11.1.3 the Operator shall be marked for the attention of The Managing Director or as otherwise specified by the relevant party by notice in writing to each other party.

11.2 Any notice or other communication given in accordance with clause 8.7 and clause 11.1 will be deemed to have been received:

11.2.1 if delivered by hand, on signature of a delivery receipt or as evidenced at the time the notice or document is left at the address provided that if delivery occurs before 9.00 am on a Working Day, the notice will be deemed to have been received at 9.00 am on that day, and if delivery occurs after 5.00 pm on a Working Day, or on a day which is not a Working Day, the notice will be deemed to have been received at 9.00 am on the next Working Day; or

11.2.2 if sent by pre-paid first class post or other next Working Day delivery service, at 9.00 am on the second Working Day after posting.

11.4 A notice or other communication given under this deed shall not be validly given if sent by e-mail.

11.5 This clause does not apply to the service of any proceedings or other documents in any legal action or, where applicable, any arbitration or other method of dispute resolution.

SCHEDULE 1

Draft Planning Permission

Dartmoor National Park Authority

Grant of Conditional Planning Permission

Town and Country Planning Act 1990

The Town and Country Planning (Development Management Procedure) (England) Order 2015

In correspondence please quote Application No: 0348/15

To Mrs A Robertson, John Grimes Partnership Ltd
of Leonards Road, Ivybridge PL21 0RU
Agent for Yennadon Stone Ltd
of Iron Mine Lane, Dousland, Yelverton PL20 6NA

The Dartmoor National Park Authority hereby grants permission to carry out the development described in the application dated 6 July 2015, together with drawings numbered 7397-FIG1-P1 received 7 July 2015, 7397-PA/01-P1 received 14 July 2015, and 7397-RP-15-R1, 7397-RP-16-R1, 7397-RP-17-R1, 7397-RP-18-R1, 7397-RP-19-R1, 7397-RP-20-R1 received 24 October 2016 attached thereto, brief particulars of which are as follows:

Extension of the working plan area of the existing active quarry, Yennadon Quarry, Iron Mine Lane, Dousland.

Subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development to which this permission relates shall cease and the application site shall be restored in accordance with the approved drawing numbered 7397-RP-20-R1, including the removal of any buildings, structures and machinery, by 31 December 2026, unless otherwise agreed in writing by the Mineral Planning Authority.
3. The development hereby approved shall be carried out strictly in accordance with the approved drawings numbered: 7397-FIG1-P1 received 7 July 2015, 7397-PA/01-P1 received 14 July 2015, and 7397-RP-15-R1, 7397-RP-16-R1, 7397-RP-17-R1, 7397-RP-18-R1, 7397-RP-19-R1, 7397-RP-20-R1 received 24 October 2016.
4. Not less than 75% of the total tonnage of stone leaving the application site each calendar year shall be building and walling stone.
5. No soil stripping or winning or working of minerals shall be carried out on the application site in any new phase of working as shown in Figures 1 -7 of the Supplementary Information Annex B - Phased Working/Restoration Strategy (dated 16th September 2016) until the Mineral Planning Authority has issued written confirmation that working on the previous phases has reached an agreed stage of completion to its reasonable satisfaction.
6. The stripping of topsoil, subsoil (including soil making material) and overburden shall be undertaken only in accordance with the agreed Proposed Phased Working/Restoration Strategy in accordance with the provisions of Condition (4). Storage of top soil and overburden shall only take place in the areas identified in the Proposed Phased Working/Restoration Strategy dated 16th September 2016.

7. The total amount of material removed from the application site shall not exceed 7,500 tonnes in any calendar year.
8. The operator shall, upon receipt of a written request from the Mineral Planning Authority, submit copies of the Quarterly Office of National Statistics returns setting out the total tonnage of minerals removed from the application site at the end of each quarter.
9. The number of two-way lorry trips visiting the application site shall not exceed 30 in any week (i.e. a maximum of 60 lorry movements each week). For the purposes of this condition a lorry is defined as any vehicle having a load capacity of 3 tonnes or over, but shall not include tractors towing trailers.
10. All waste material arising from the extraction of minerals shall be disposed of within the application site in accordance with the proposed Phased Working/Restoration Strategy and Landscape Strategy.
11. Landscaping of the application site shall be undertaken in accordance with the Proposed Phased Working/Restoration Strategy, the LVIA (Appendix 15 ES) and the Ecology and BMEP Report (Appendix 14 ES) having regard to the principles set out in JGP Figures 1 - 7 showing the working and landscaping phases identified as 1a, 1b, 1b/2a, 1c/2b, 2c/3a, 3b and Final Restoration.
12. The operations hereby permitted shall not be carried out on the application site other than between 0700 hours and 1800 hours on Monday to Friday inclusive and 0800 hours and 1300 hours on Saturdays. No such operations shall take place on Sundays and Public Holidays. This condition shall not operate so as to prevent the carrying out, outside these working hours, of essential maintenance to plant and machinery on the site, or the operation of ancillary machinery for water management purposes.
13. Lorries shall only be permitted to arrive at the application site and/or depart from the application site between 0800 hours and 1800 hours Mondays to Fridays inclusive and 0800 and 1300 hours on Saturdays. All lorry drivers shall be instructed not to visit the site outside of these hours.
14. No blasting is to be carried out on the application site.
15. All chemicals, oil and fuel on the application site are to be stored in a bunded storage facility designed to contain spillages and leaks and with a capacity of at least 110% of the maximum capacity of that storage facility.
16. In the event of a permanent cessation of working prior to 31 December 2026, the site operator shall notify the Mineral Planning Authority (MPA) within 3 months of the permanent cessation. Thereafter, the application site shall be restored in accordance with the approved drawing numbered 7397-RP-20-R1, within 12 months of the date of permanent cessation, including the removal of any buildings, structures and machinery, unless a different timescale is agreed in writing by the MPA.
17. In the event of a cessation of winning or working minerals at the application site for a period of two years or more, the application site shall be restored in accordance with the appropriate phase of the Phased Working/Restoration Strategy within 6 months of the cessation, unless a different timescale is agreed in writing by the MPA.
18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking and re-enacting that Order with or without modification, no development/s under Schedule 2 Part 17 Classes A, B and H shall take place on the application site without the prior written authorisation of the Mineral Planning Authority.

19. Noise levels arising from the development shall not exceed 50dB LAeq 1 hour free field at any noise sensitive property, when measured on a Type 1 sound level meter sited at least 3.5 metres from any reflective surface (other than the ground) and 1.2 – 1.5 metres above the ground.
20. Notwithstanding condition 20 above, all plant, machinery and vehicles used on the application site shall be operated within the noise parameters identified in the ES, Appendix 12 of the ES, Appendix A of the Addendum to the ES and the Quarry Management Plan dated September 2016.
21. Notwithstanding condition 20 above, during works to construct or remove screening bunds, soil storage mounds, new landforms and site road maintenance, the noise limit may be increased for up to 8 weeks in each calendar year to a maximum noise level agreed in writing by the Mineral Planning Authority, but not to exceed an absolute maximum of 70dB LAeq 1 hour free field.
22. Dust suppression shall be undertaken within the application site in accordance with the Quarry Management Plan dated September 2016.
23. Within 3 months from the date of this approval the operator shall provide to the Mineral Planning Authority (MPA) for approval a screening assessment in accordance with the Institute of Air Quality Management Guidance on the Assessment of Mineral Dust Impacts for Planning. This screening assessment shall assess whether a monitoring scheme is needed to continually assess the impact by way of dust arising from the mineral operations, and shall include details of monitoring locations, monitoring methodology and frequency of reporting to the MPA and nominate an independent consultant to undertake the dust monitoring, if required. Thereafter, if the MPA gives a written determination that a dust monitoring scheme is required, the development shall be carried out strictly in accordance with the details of the scheme approved by the MPA.
24. Not later than 3 months from the date of this approval, the operator shall submit to the Mineral Planning Authority (MPA) for approval a scheme for dealing with dust complaints received by the operator, the MPA or West Devon Borough Council's Environmental Health department. Thereafter, any complaints about dust shall be dealt with in accordance with the scheme as approved by the MPA.
25. No external floodlighting shall be used on any part of the application site other than between 0700 hours and 1800 hours on Monday to Friday inclusive and 0800 hours and 1300 hours on Saturdays.
26. There shall be no importation of material onto the application site for storage or disposal.
27. All processing of stone undertaken at the application site shall at all times be subsidiary to its main use as a quarry.
28. The boundary of the application site shall be defined by a permanent stock proof fence, the extent, specification and details of which shall be submitted for approval to the Mineral Planning Authority prior to its erection. The fence shall be erected in accordance with the approved details and maintained thereafter in good stock-proof condition until 31 December 2026.
29. No development in the extension area hereby approved shall take place until improvement to the common grazing has taken place in accordance with the recommendations in Section 8 of the Luscombe Maye Common Land Mitigation Report, ref. 7290/CWB, included in the Environment Statement at Appendix A3a.

30. The access track shown on approved drawing numbered 7397-PA/01-P1 shall at all times be maintained in accordance with Quarry Management Plan to provide a level and well drained surface and to minimise any noise or dust nuisance arising from its use by the quarry, to manage any surface water run-off and to avoid any dust or mud being carried on to the highway.
31. A scheme for diverting, capturing or otherwise controlling surface water run-off from the application site shall be submitted to the Mineral Planning Authority (MPA) for approval within three months of the date of this decision notice. The development shall at all times thereafter be carried out in accordance with the scheme as approved in writing by the MPA.
32. The development hereby permitted shall be implemented strictly in accordance with the recommendations and requirements of the Biodiversity Mitigation and Enhancement Plan (BMEP) dated August 2013.
33. Prior to the commencement of soil stripping within the quarry extension area, detailed proposals for each of the following shall be submitted to the Mineral Planning Authority for approval:
- Grassland habitat creation and management statement (including species mixes, management regimes and habitat provision for ground nesting birds),
 - Pond creation and management statement (including provision for fairy shrimp), and
 - Post quarry restoration habitat and species management plan.

The development shall at all times thereafter be carried out in accordance with the approved scheme.

34. Prior to the commencement of soil stripping within the quarry extension area, detailed proposals for each of the following shall be submitted to the Mineral Planning Authority for approval:
- A scheme for the protection of the track of the former Plymouth and Dartmoor Tramway,
 - A scheme for the excavation and recording of the remains of a possible field system on Yennadon Down, and
 - A watching brief for soil stripping in the whole area.

The development shall at all times thereafter be carried out in accordance with the approved scheme.

35. Notwithstanding the restoration strategy set out in the Proposed Phased Working /Restoration Strategy, a detailed restoration plan for each phase shall be submitted to the Mineral Planning Authority for approval no later than 12 months prior to that part of the restoration of the application site commencing. The detailed plan shall identify:
- i. The area to be restored;
 - ii. The final restoration contours;
 - iii. The relevant sections of the approved restoration strategy habitat it relates to;
 - iv. Any drainage and water control requirements; and
 - v. Any deviations from the approved restoration strategy.

The restoration of that part of the application site shall at all times thereafter be carried out strictly in accordance with the approved restoration plan.

36. The existing bund located to the west of the existing site shall be reduced in size in accordance with the approved drawing numbered 7397-RP-15-R1, regraded and seeded with a local provenance mix in accordance with details to be submitted to the Mineral Planning Authority for approval within 3 months of the date of this decision. The reduction, regrading and seeding works shall thereafter be carried out and completed strictly in accordance with the approved drawings and details within 12 months of the date of that approval of details.
37. A detailed aftercare scheme shall be submitted to the Mineral Planning Authority (MPA) for approval in writing no later than 6 months prior to that part of the site being entered into the formal aftercare period. The scheme shall detail the target vegetation, establishment, management and monitoring of those habitats represented in the area to be entered into aftercare management and details of the proposed commencement of aftercare. After care shall be implemented strictly in accordance with the details approved in writing by the MPA. The aftercare period for each phase of the restoration shall commence on the completion of that phase of restoration and continue thereafter up to and including the date which is 5 years after the date of the cessation of mineral extraction on the application site.

Reason(s):

1. To comply with Section 91 of the Town & Country Planning Act 1990 (as amended).
3. In the interests of clarity and to ensure the development is carried out as approved.

Working proactively with the applicant

This decision is not a decision under the Building Regulations or any legislation other than that referred to above.

Christopher Hart

Head of Development Management

NOTE: Failure to adhere to the details of the approved plans or to comply with any conditions constitutes a contravention of the Town and Country Planning Act 1990, in respect of which enforcement action may be taken.

DEVELOPMENT MANAGEMENT PROCEDURE (ENGLAND) ORDER 2015 (PART 7)

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within six months of the date of this notice.

Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at <http://www.gov.uk/government/organisations/planning-inspectorate>

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

The Party Wall etc Act, 1996

Although there is no direct relationship between the Party Wall Act and planning permission, the Act means that, even though you have planning permission you may not have the right to commence work until you have satisfied the requirements of the Party Wall Act. For more detailed guidance you can obtain a booklet (Code 97PBD008) from the Publications Despatch Centre, Black Horse Road, London SE99 6TT (Tel:0181 619 9191 or Fax:0181 694 0099).

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SCHEDULE 2

Planning Obligations

Notification of Implementation

- 1.1 The Owner and the Operator hereby covenant and agree with the Authority not to Implement the Development until they have provided the Authority with not less than 20 Working Days' prior written notification of the Operator's or as appropriate the Owner's or any replacement operator's intention to Implement the Development stating the date on which that Implementation is intended to take place.
- 1.2 The Owner and the Operator hereby covenant and agree with the Authority that the party who Implements the Development shall give written notification to the other Parties of the actual date of Implementation within 10 Working Days following Implementation.

SCHEDULE 3

Notice and Information Obligations

Information Boards

1. The Owner and the Operator hereby covenant with the Authority:
 - 1.1 Prior to the Implementation of the Development to submit to the Authority, for its approval in writing, details of the design of a public information board (including its size, type, construction, content and location) to provide information to the public about the archaeological, ecological and geological interest of the Land and the surrounding area; and
 - 1.2 Not to Implement the Development until the Authority has given its approval in writing and the public information boards have been manufactured and erected in accordance with those approved details, should the Authority not respond within 10 Working Days, the Authority will be deemed to have approved the design of the public information board; and
 - 1.3 Thereafter to maintain such public information boards in a good state of repair, as judged by the Authority and to repair or replace them as required or as directed by the Authority.

Notice Board

2. The Operator (and in the event that the Operator ceases to have a leasehold interest in the Land, the Owner) hereby covenant with the Authority:
 - 2.1 prior to the Implementation of the Development to erect and thereafter maintain at all times until the expiry of the 2022 Permission or the end of the Aftercare Period as defined in Schedule 4, whichever is the later, a notice board at the main entrance to the Land displaying contact details for the site manager responsible for the Land; and
 - 2.2 not to Implement the Development until the notice board required by paragraph 2.1 of this Schedule 3 has been so provided; and

- 2.3 to ensure that the contact details of the site manager responsible for the Land on the notice board are kept up to date at all times and not to allow a period of more than 14 Working Days (unless otherwise agreed) to elapse before updating any changes.

Schedule 4

Restoration and Aftercare Obligations, Bond and the Surety

1. Definitions

In this Schedule 4, the definitions in the body of this Deed shall apply with the following additional definitions:

Additional Cash Deposit Sum	Any additional sum required pursuant to Paragraph 5.2 of this Schedule 4 to ensure the Escrow Account Balance is sufficient to meet the expected costs of the outstanding Restoration and Aftercare Obligations and for the avoidance of doubt each Additional Cash Deposit Sum or Sums required shall be construed accordingly.
Aftercare Condition	the aftercare condition contained within the 2022 Permission (condition 37) and having the meaning and scope assigned to that term by paragraphs 2(2) and 2(3) respectively of Schedule 5 to T&CPA 1990
Aftercare Period	the period commencing on the completion of the relevant Restoration Works and ending on the later of the completion of the relevant Aftercare Works or pursuant to the Aftercare Condition the date which is five (5) years after the date of Permanent Cessation
Cash Deposit Sum	An initial maximum, aggregate total sum of £148,500.00 (one hundred and forty eight thousand five hundred pounds) but subject to the Review and for the avoidance of doubt if a Restoration Bond is subsequently entered into by the Owner or a replacement operator then the Bond Amount shall be the same as the Cash Deposit Sum for the purpose of this Schedule and references to Cash Deposit Sum shall be deemed to be references to Restoration Bond as appropriate

Escrow Account	An interest-bearing deposit account to be held in name of the Operator under the terms of and for the purposes set out in paragraph 3 of this Schedule 4 and to be opened at a reputable finance house.
Escrow Account Balance	The credit balance standing on the Escrow Account from time to time including the Cash Deposit Sum and any Additional Cash Deposit Sums and any accrued interest.
Insolvency Event	<p>The occurrence of any of the following where the Operator is also in breach of the Restoration and Aftercare Obligations shall be an Insolvency Event:</p> <ul style="list-style-type: none"> i) the winding up, dissolution of the Operator; or ii) the appointment of a liquidator in respect of the Operator or any of its assets. iii) the Operator is struck off from the Register of Companies, is dissolved, or otherwise ceases to exist.
Permanent Cessation	permanent cessation shall be deemed to have occurred when no mineral extraction or processing operations pursuant to the Development have been carried out to any material extent anywhere in, on or under the Land for a continuous period of 24 (twenty four) months save that if the Authority and the Owner agree then the date of Permanent Cessation may be extended for a period of up to nine months if there is a reasonable prospect of a replacement operator entering into a lease of the Land and Permanently Ceased and like terms shall be construed accordingly
Restoration Bond	A bond substantially in the form set out in Schedule 5 and in the Bond Amount
Restoration and Aftercare Obligations	the obligation to carry out the Restoration Works and Aftercare Works as set out in paragraph 2 of Schedule 4

Restoration Conditions	the restoration conditions contained in the 2022 Permission (conditions 11, 16, 17, 33, 35, 36, and having the meaning assigned to that term within the T&CPA 1990 Schedule 5 paragraphs 2(1)(b) and (2)(2)(a))
Restoration Period	the period commencing with the Implementation Date up to and including the completion of the Restoration Works
Restoration Strategy	the John Grimes Partnership Report (<i>Supplementary Information on Yennadon Quarry: Annex B – Proposed Phased Working / Restoration Strategy dated 16 September 2016</i>) annexed to this Deed at Schedule 6 including any modifications thereto agreed and approved in writing by the Authority in accordance with the 2022 Permission
Restoration Works	the landscaping and restoration works to be carried out during the Restoration Period pursuant to the Restoration Conditions and the Restoration Strategy
Request	A request by the Operator under paragraph 3.4 of Schedule 4 for repayment of all or part of the Escrow Account Balance and/or to discharge the Escrow Account
Review	meetings and discussions and approvals in writing between the appropriate officers of Authority and the Operator and the Owner to consider and analyse the progress of the Development and the Restoration and Aftercare Obligations with regard to the provisions and review of the Cash Deposit Sum
Surety	a bank, insurance company or other financial institution first approved in writing by the Authority bound by the Restoration Bond to meet the cost of any default by the Operator to complete the Restoration and Aftercare Obligations and all other obligations under the Restoration Strategy

2. Obligations

2.1 The Operator covenants with the Authority as follows:

2.1.1 To carry out and complete at its own cost:

- (a) the Restoration Works; and
- (b) the Aftercare Works;

in both cases in accordance with the Restoration Conditions and Aftercare Condition and the Restoration Strategy.

2.1.2 Not to Implement the 2022 Permission or carry out or permit to be carried out any part of the Development until the Cash Deposit Sum has been paid into the Escrow Account to be held in accordance with paragraph 3 below.

2.2 The Operator will pay any Additional Cash Deposit Sum payable in accordance with paragraph 5.2 of this Schedule into the Escrow Account to be held in accordance with paragraph 3 below.

2.3 The Owner covenants with the Authority not to itself carry out any mineral extraction or associated operations in on or under the Land pursuant to the 2022 Permission unless it has first provided to the Authority the Cash Deposit Sum or a Restoration Bond (where the reference to the "Operator" shall be deemed to be a reference to the Owner).

2.4 The Owner covenants with the Authority that if it does carry out any mineral extraction or associated operations in on or under the Land pursuant to the 2022 Permission then it shall be deemed to have assumed direct responsibility for the obligations in this Deed as if it were the Operator until such time that it provides proof to the Authority that a lease has been granted to a replacement operator.

2.5 The Owner covenants with the Authority not to permit or acquiesce to the carrying out of any mineral extraction or associated operations in on or under the Land pursuant to the 2022 Permission other than by the Operator or by a person or persons who have provided a deed of covenant and a Cash Deposit Sum or a Restoration Bond to the Authority pursuant to paragraph 2.7 or 2.8 of this Schedule 4 and that if the Owner does so permit or acquiesce then notwithstanding the mechanism for release in paragraph 2.4 of this Schedule the Owner shall be deemed to have assumed direct responsibility for the obligations in this Deed as if it were the Operator UNLESS AND UNTIL any

- such replacement operator has entered into a deed, in a form to be approved by the Authority, binding itself to the terms of this Deed and has provided to the Authority a Cash Deposit Sum or a Restoration Bond (where the reference to the "Operator" shall be deemed to be a reference to the replacement operator).
- 2.6 The Operator and the Owner covenant with the Authority not to recommence any mineral extraction in on or under the Land pursuant to the 2022 Permission after the date of Permanent Cessation.
- 2.7 The Operator covenants with the Authority that it shall not part with any of its interest in or possession of the Land (including but without limitation by way of assignment, surrender, disclaimer, sublease, or the operation of a contractual right to terminate its lease) nor grant any right to any third party to extract minerals or carry out any associated operations on the Land at any point between the date of this Deed and the end of the Aftercare Period without first procuring that the person(s) who will thereafter have or share possession or occupation of the Land or who will have the benefit of the rights granted have first:
- 2.7.1 provided a deed of covenant to the Authority in a form to be approved by the Authority binding itself to the terms of this Deed and the Operator's obligations therein; and
- 2.7.2 provided to the Authority a Cash Deposit Sum or a Restoration Bond (where the reference to the "Operator" shall be deemed to be a reference to the person(s) giving that Cash Deposit Sum or Restoration Bond)
- 2.8 The Owner covenants with the Authority that it will not forfeit or otherwise terminate the Operator's lease of the Land or the lease of or other interest in the Land held by any person who has provided a Cash Deposit Sum or Restoration Bond to the Authority unless either:
- 2.8.1 the Owner itself provides to the Authority a Cash Deposit Sum or Restoration Bond (where the reference to the "Operator" shall be deemed to be a reference to the Owner); or
- 2.8.2 the Owner (before or simultaneously with that forfeiture or termination) procures that a replacement operator both:

- (a) provides a deed of covenant to the Authority in a form to be approved by the Authority binding itself to the terms of this Deed and the Operator's obligations therein; and
 - (b) provides to the Authority a Cash Deposit Sum or Restoration Bond (where the reference to the "Operator" shall be deemed to be a reference to that replacement operator).
- 2.9 Where the Owner or a replacement operator assumes direct responsibility for the obligations in this Deed whether under this Deed or under any replacement deed approved by the Authority in accordance with paragraph 2.4, 2.5, 2.6 and/or 2.8 of this Schedule the Operator shall be released from the Obligations from that date.

3. Further Agreements

- 3.1 The Escrow Account Balance will be held on trust for the Authority and the Operator to be applied using the procedure in paragraph 3.2 of this Schedule for the following purposes and subject to clause 3.12 in the following order of priority:

- 3.1.1 to meet all reasonable costs reasonably incurred by the Authority in making good or undertaking works due to any failure by the Operator:

- (a) in performing the Restoration and Aftercare Obligations;
 - (b) in carrying out all necessary restoration, landscaping and aftercare of the Land from the point of Permanent Cessation;
 - (c) in removing the plant, machinery, buildings and access road, parking and servicing areas and restoring the Land in accordance with the Restoration Strategy upon the expiry of the 2022 Permission or sooner in accordance with this Deed; then

- 3.1.2 for payment of the Escrow Account Balance to the Operator under clause 3.4;

PROVIDED ALWAYS that nothing contained in this paragraph 3.1 shall affect or diminish the duration of the 2022 Permission or any planning permission granted in respect of the Land after the date hereof.

- 3.2 Without prejudice to the right of the Authority to exercise any statutory powers, the Authority shall be permitted to call on the Escrow Account Balance or Restoration Bond in accordance with the procedure set out below:

3.2.1 In the event that the Land or relevant part thereof has not been restored in accordance with the Restoration and Aftercare Obligations or any other obligations under the Restoration Strategy the Authority may by service of written notice (specifying (a) the works required by the Restoration and Aftercare Obligations or the Restoration Strategy but not commenced, undertaken or completed and (b) the steps required to remedy such breach and (c) the reasonable timescales within which the remedial steps must be taken) notify the Operator and the Owner of the intention of the Authority to undertake works in default and to recover the cost of the same from the Escrow Account Balance.

3.2.2 In the event of the notice being issued by the Authority pursuant to paragraph 3.2.1 above not having been complied with by the Operator or the Owner within the timescales set out in such notice, the Authority shall be entitled (unless the breaches have been remedied or the Operator or Owner has commenced remedying the breach to the reasonable satisfaction of the Authority or as is otherwise agreed by the relevant parties):

- (a) to enter on the relevant parts of the Land and to take such other action as may be reasonably necessary to carry out any works required to ensure compliance with the Restoration and Aftercare Obligations and the Restoration Strategy; and

- (b) to recover from the Escrow Account Balance or Surety under the terms of a Restoration Bond the reasonable cost of any such works carried out (insofar as reasonably incurred) by or on behalf of the Authority in accordance with paragraph 3.2.2 (a) above
- 3.3 Any dispute in relation to the application of monies from the Escrow Account Balance shall be determined in accordance with the dispute resolution procedure set out in Clause 9 of this Deed.
- 3.4 Upon the completion of all or part of the restoration of those parts of the Land requiring restoration in accordance with the Restoration and Aftercare Obligations and the Restoration Strategy to the reasonable satisfaction of the Authority, the Operator may (subject to compliance with the terms of this paragraph 3) make a Request to the Authority (with a copy of any such Request being sent to the Parties not making the Request).
- 3.5 Any Request shall be accompanied with such professional reports and estimates as are deemed necessary by the Authority to support such an application and an undertaking (in a form acceptable to the Authority which may include a deposit or advance payment) by the party making the Request to reimburse the reasonable costs and expenses of the Authority incurred in assessing the material presented to justify such a reduction and no Request shall be deemed to have been properly received by the Authority until such information and such an undertaking have been received.
- 3.6 Within 15 Working Days of receipt of a Request the Authority shall provide a written response to the Operator, indicating whether or not to grant the Request PROVIDED THAT the Authority shall be obliged to agree repayment to the Operator of the amount of the Escrow Account Balance specified in the Request where it would be reasonable to do so taking account (but not limited to) the matters set out in paragraph 3.7.

- 3.7 In considering whether to accede to the Request the Authority shall be able to take into account any outstanding Restoration Strategy provisions required in relation to the Land as well as the representations of the Owner and/or the Operator, as appropriate.
- 3.8 Any dispute regarding the appropriateness or reasonableness of the Request or any refusal to accede to a Request it shall be determined in accordance with the dispute resolution procedure set out in Clause 9 of this Deed.
- 3.9 Notwithstanding paragraph 3.6 of this Schedule or anything to the contrary in the 2022 Permission (and the Escrow Account Balance may be immediately drawn on):
- 3.9.1 if Operator fails to commence and/or complete any undischarged Restoration and Aftercare Obligations and any obligations under the Restoration Strategy if
- (a) the Operator is subject to an Insolvency Event; or
 - (b) the Owner has not elected to find or has elected to find but has not found a replacement operator to continue working the Land under the 2022 Permission within a timeframe to be agreed by the Authority and the Owner acting reasonably.
- 3.10 In the event of default by any party responsible therefore in carrying out and completing the Restoration and Aftercare Obligations, the Operator and the Owner hereby covenant (subject to the Authority complying with the requirements of paragraph 3.2 above) to permit the Authority or its nominated contractors to enter upon the Land with all necessary workmen, vehicles, machinery, tools and materials on such dates and at such times as the Authority acting reasonably deems necessary, to complete the Restoration Works and the Aftercare Works.
- 3.11 In carrying out in default any Restoration Works or Aftercare Works which, FOR THE AVOIDANCE OF DOUBT, shall remain the responsibility of the Operator

the Authority shall exercise reasonable skill and care in the conduct of such works including in the appointment, as necessary, of appropriately qualified and insured contractors PROVIDED THAT in carrying out such works in default the Authority shall not be required to expend any sum in excess of the Escrow Account Balance.

- 3.12 All interest that accrues from time to time in respect of the Escrow Account shall be added to the Escrow Account Balance and shall be deemed to form part of it.

4. Progress and Restoration Review

- 4.1 The Operator shall submit reports to the Authority for the purposes of a Review at the point 12 (twelve) months prior to the expected end of the operational phase of the 2022 Permission.
- 4.2 The Operator shall pay or undertake to pay (as required by the Authority) the reasonable costs and expenses of the Authority in conducting the Authority's part of each Review.
- 4.3 In the event that the proposals and reports submitted by the Operator to the Review are accepted in writing by the Authority then the Development shall be carried out or continued in accordance with those amended details.
- 4.4 In the event that the Operator and the Authority cannot, within a period of three months from the date of submission for Review, agree on the outcome of the Review then any outstanding matters shall be referred to an Expert in accordance with the terms of this Deed.

5. Review of the Escrow Account Balance

- 5.1 The Operator covenants with the Authority to provide for a Review of the Escrow Account Balance as at the following times:
- 5.1.1 following review or modification of the Restoration Strategy for each phase of working in accordance with condition 35 of the 2022 Permission; and
- 5.1.2 following review of modification of the scheme of Aftercare Works approved pursuant to the Aftercare Condition 37; and

5.1.3 if not previously reviewed, in October 2025 and in any event at intervals of no greater than four years from the date of the last Review of the Escrow Account Balance;

in order to review and, if appropriate, agree a revised Escrow Account Balance with the Authority (such sum not to be less than the Cash Deposit Sum at the date of this Deed only if the Development had not been Implemented) and which sum shall be the estimated total cost of fulfilling the Restoration and Aftercare Obligations and all other obligations under the Restoration Strategy that are outstanding at the relevant time of Review PROVIDED THAT the Operator may also apply to Authority to Review the Escrow Account Balance pursuant to the provisions of 3.4 above at any time during the period covered by the Cash Deposit Sum or Restoration Bond.

- 5.2 In the event that the outcome of any Review concludes that the current Escrow Account Balance is insufficient to meet the expected costs of the outstanding Restoration and Aftercare Obligations then the Operator shall deposit the Additional Cash Deposit Sum into the Escrow Account within 20 (twenty) Working Days of the conclusion of that Review and in the event that no such Additional Cash Deposit Sum is provided into the Escrow Account within that time period then all mineral extraction operations at the site shall cease immediately and shall not recommence until such time as the Additional Cash Deposit Sum is deposited and in the event that no such Additional Cash Deposit Sum has been provided to the Escrow Account within six months following the end of that Review then the Development shall be deemed to have Permanently Ceased and the Operator shall immediately commence the Restoration Works.

6. Release of the Cash Deposit Sum and Additional Cash Deposit Sum

- 6.1 When the restoration, landscaping and aftercare of the Land in accordance with the Restoration and Aftercare Obligations has been completed to the reasonable satisfaction of the Authority, whether or not following an application by the Operator or Owner pursuant to paragraph 3.4 of this Schedule 4, the Authority shall within five Working Days instruct that the Escrow Account can be closed and any amount remaining in the Escrow Account, including any accrued

interest, will be returned to the original party that paid into the Escrow Account the Cash Deposit Sum and any Additional Cash Deposit Sum on a pro rata basis as appropriate and including any accrued interest.

- 6.2 In the event of the Operator or a replacement operator becoming insolvent or otherwise ceasing to trade, the Cash Deposit Sum held in the Escrow Account will not be included in the assets available for distribution to creditors until the Authority confirms that the Restoration and Aftercare Obligations have been completed to its reasonable satisfaction and any costs arising therefrom have been recovered by the Authority and thereafter any amount remaining in the Escrow Account, including any accrued interest, will be returned to the original party that paid into the Escrow Account the Cash Deposit Sum and any Additional Cash Deposit Sum on a pro rata basis as appropriate and including any accrued interest or, if the Operator or replacement operator has become insolvent, the amount in the Escrow Account shall be paid as required by the appointed administrator or receiver.
- 6.3 In the event that the Owner or another operator has paid a Cash Deposit Sum or entered into a Restoration Bond pursuant to paragraphs 2.3, 2.5, 2.7 or 2.8 of this Schedule 4 or otherwise the Authority shall within five Working Days of the Cash Deposit Sum being made or the Restoration Bond entered into instruct that the initial Escrow Account can be closed and any amount remaining in the Escrow Account, including any accrued interest, will be returned to the original party that paid into the Escrow Account the Cash Deposit Sum and any Additional Cash Deposit Sum on a pro rata basis as appropriate and including any accrued interest.

7. Insolvency

- 7.1 For the avoidance of doubt, the obligation upon the Operator or any person who has covenanted to perform the Operator's obligations in this Deed to carry out the Restoration and Aftercare Obligations shall survive the insolvency of that person and any disclaimer of any lease or other interest in the Land.
- 7.2 The Operator and the Owner each covenant with the Authority to immediately provide written notice to the Authority in the event that they become insolvent or

become aware of circumstances which (on a reasonable view) indicate that they may become insolvent.

SCHEDULE 5

Form of Restoration Bond

BY THIS BOND [] (hereinafter called "**the Operator**") and [] whose registered office is at [] (hereinafter called "**the Surety**") are held and formally bound unto Dartmoor National Park Authority of Parke, Haytor Road, Bovey Tracey, Newton Abbot, Devon TQ13 9JQ (hereinafter called "**the Authority**") and The Trustees of the Walkhampton Trust care of Maristow Estate Office, Common Lane, Roborough, Plymouth PL6 7BN (hereinafter called the "**the Owner**") ("**the Bond Amount**") for the payment of which sum the Operator and the Surety bind themselves and their successors and assigns jointly and severally by these presents.

SEALED with the respective common seals of the Operator and Surety or executed as a deed by the Operator and the Surety and dated this [] day of [] Two thousand and [].

WHEREAS

- A. By an Agreement (hereinafter called "**the Planning Agreement**") dated the [] day of [] 20[] and made between the Authority of the first part, the Operator of the second and the Owner of the third part the Operator has covenanted with the Authority inter alia provisions for the carrying out and completion of the Restoration Works and the Aftercare Works (as defined in the Planning Agreement) in respect of the land at Yennadon Quarry, Iron Mine Lane, Dousland, Yelverton, Devon PL20 6NA as therein described ("**the Land**") at its own expense and as referred to and in accordance with the Planning Agreement.
- B. It is intended that this Restoration Bond shall be construed as one with the Planning Agreement.
- C. The Operator is to carry out the Restoration Works and the Aftercare Works as detailed in the Planning Agreement and this Restoration Bond is in respect of the Restoration Works and the Aftercare Works only as detailed.

- D. At the time of entering into this Restoration Bond and on the faith thereof the Surety has agreed to concur with the Operator and the Owner and the Authority in this Bond for the due performance and fulfilment of the Restoration Works and the Aftercare Works as defined and referred to in the Planning Agreement.

NOW the conditions of the above written Restoration Bond are as follows:

1. If the Operator shall duly perform and observe its obligations under the Planning Agreement according to the true purport intent and meaning thereof in respect of the carrying out and completion of the Restoration Works and Aftercare Works and shall receive a notification in writing from the Authority (pursuant to clause 8 below) to that effect then this Restoration Bond shall thereupon be discharged and the Surety released from all its responsibilities hereunder.
2. Immediately upon any default by the Operator in performing and observing the whole or any part of its obligations in carrying out and completing the Restoration Works and the Aftercare Works the Surety shall be and become liable to pay on receipt of a demand in writing from the Authority to the Owner stating the amount due is to satisfy and discharge the costs and expenses incurred by the Owner or the Authority in carrying out and completing those works or any of them (or procuring the same) up to the Bond Amount but until the responsibilities of the Surety hereunder shall be discharged and the Surety released this Bond shall be and remain in full force and effect until the Restoration Works and Aftercare Works have been carried out and completed in accordance with the provisions of the Planning Agreement and the 2022 Permission PROVIDED THAT no sum shall be paid to the Authority unless it has first provided to the Surety documentary evidence that it served written notice (specifying the works required by the Restoration Works and Aftercare Works but not commenced, undertaken or completed, the steps required to remedy such breach and the reasonable timescales within which the remedial steps must be taken) on the Owner and the Operator of the intention of the Authority to undertake works in default and to recover the cost of the same from the Restoration Bond AND documentary evidence that the Authority has given not less than 28 Working Days' notice in writing to the Owner or the Operator of

its intention to enter on the relevant parts of the Land and to take such other action as may be reasonably necessary to carry out any works required to ensure compliance with the Restoration Works and Aftercare Works and its intention to recover from the Surety the reasonable cost of any such works carried out (insofar as reasonably incurred) by or on behalf of the Authority

3. No (a) variation in the terms of the Planning Agreement or the 2022 Permission nor any further planning agreement or planning permission, nor any variation in the nature of the Restoration Works and the Aftercare Works nor (b) any failure by the Authority to initiate enforcement action or proceedings against the Operator and/or any owner of the Land, shall release the Operator or the Surety from any liability under this Restoration Bond.
4. The Surety shall forthwith become liable to Authority if the Operator shall enter into liquidation whether compulsory or voluntary (save for amalgamation or reconstruction of a solvent company) or has appointed an administrative or other receiver of its undertaking or is in breach of its obligations pursuant to clause 1 of this Restoration Bond for the costs and expenses incurred by Authority or the Owner as the case maybe in or about the commencement and completion of the Restoration Works and the Aftercare Works.
5. The Surety may not assign the burden of its responsibilities hereunder except with the prior written consent of Authority and only to a bank, insurance company or other financial institution approved in writing by Authority.
6. The definitions of "the Operator" "the Owner" "2022 Permission" "Restoration Works" "Aftercare Works" "Obligations" or any other words defined in the Planning Agreement when used in this Restoration Bond shall be the same as the definitions contained in the Planning Agreement.
7. This Restoration Bond shall not confer any benefit upon and no term hereof shall be enforceable by any person under or by virtue of the Contracts (Rights of Third Parties) Act 1999.

8. The obligations and liabilities of the Surety under this Restoration Bond shall cease and determine absolutely in accordance with clause 1 above when the restoration, landscaping and aftercare of the Land in accordance with the Restoration and Aftercare Obligations has been completed to the reasonable satisfaction of the Authority, and the Authority will release the Surety from its obligations secured by the Restoration Bond by means of a certificate to that effect signed on behalf of the Authority by its Chief Executive (National Park Officer) or any other duly delegated officer of the Authority ("the Expiry")
9. The Authority may serve written notice of a claim upon the Surety prior to Expiry in respect of costs and expenses to be incurred by the Authority in the performance or discharge of any of the Obligations and the Authority may make one or more claims hereunder in respect of such matters as and when costs and expenses are incurred provided that the maximum aggregate liability of the Surety shall not exceed the Bond Amount. until the completion of the restoration and aftercare of the Land to the satisfaction of the Authority on Expiry.
10. Any notice to be given under this Restoration Bond by the Surety to the Authority shall be:
 - (a) Delivered personally or by recorded delivery post addressed to the Authority's Chief Executive (National Park Officer) at the address above given or such other address for service as shall have been previously notified by the Authority to the Surety.
 - (b) Any notice to be given under this Restoration Bond by the Authority to the Surety shall be delivered personally or by recorded delivery post addressed to the Surety at the address above given for the Surety or such other address for service as shall have previously been notified by the Surety to the Authority's Chief Executive (National Park Officer)
11. This Restoration Bond is a deed and subject to the laws of England

SCHEDULE 6

Restoration Strategy

This amended Phased Working and Restoration Strategy has been developed following liaison with the Local Authority. It is confirmed that the conclusions contained in the ES (including Appendix A4 Development Proposals, Restoration and Aftercare Plan) remain valid notwithstanding the clarifications and additional detail made to the Working and Restoration Strategy as described below.

The stages detailed below are illustrated with a series of drawings and sections (appended to this annex) summarising the general site layout and profiles through the quarry during each working phase and final restoration phase.

The timescales over which each phase will be extracted and the amount of spoil available for restoration will be heavily dependent on both market conditions (i.e. demand, which will determine the actual tonnes per annum produced) and quality of rock (i.e. the ratio of saleable rock to spoil). The timescales quoted for completion of each phase are based on the average production over the past six years; i.e. 5,300 tonnes per annum (t/a) and maximum permitted production of 10,000 t/a. The volume of spoil produced assumes 40% spoil.

1. Pre-Excavation Works (Drawing RP-15):

- a) The un-vegetated northern part of the existing bund (Area B) will be re-graded as follows:
- The angle of slope of the outside face will be reduced (from ~45° to ~25°/30°).
 - The height of the bund will be lowered (from 255m AOD to 252m AOD) consistent with the height of the vegetated bund adjacent to the quarry entrance (Area A); and graded at the northern end to blend into the natural ground contours. [Note: the height during this stage will be slightly lower than the final height to allow for the placement of soil from Phase 1a – stripping of soil/overburden].
 - The width will be reduced and the upper 2m-4m of the inner face of the bund will be re-profiled (to ~25°/30°).

The volume of spoil to be removed from the existing bund is estimated at approximately 9,500m³. This will be placed in the south-eastern part of the existing quarry (Area C) and backfilled in layers against the quarry face at a safe angle of repose; the method and arrangement will be determined by the quarry operators. This area will become the main area for placing spoil throughout the lifetime of the operational phase of the quarry until the slope extends to the height of the quarry face.

- b) In accordance with the Common Land Management Report (Appendix A3b in the ES, by Luscombe Maye), **5.67ha** of gorse and bracken overgrowth will be randomly flailed / swiped (cut down by mechanical means) to restore land to grazing ground, which will

more than compensate for the loss of **1ha** of land related to the extension. This will be carried out prior to fencing off any part of the extension area.

- c) A new stock-proof fence will be erected around the western half of the extension area. The fence will be erected approximately 10m from the edge of the extraction area in order to minimise the amount of Common Land lost for grazing. During this stage, an ecological contractor will undertake any translocations required prior to scrub clearance, followed by an archaeological contractor conducting any necessary geophysical surveys and assessments.
- d) A public information board will be designed for erection at the quarry entrance providing information on the history of the quarry and adjacent tramway. The board will be erected once agreement on the content and design has been achieved with DNPA.

Timescales (to be carried out concurrently once land management has been completed):

- a) **Re-grading of existing bund - allow 4 weeks.**
- b) **Land management elsewhere on Yennadon Down to increase grazing – allow 1 week.**
- c) **Construction of fencing - allow 1 week; Ecological surveys – allow 4 weeks (dependent on time of year); Scrub clearance – allow 1 week; Archaeological surveys – allow 4 weeks.**
- d) **Production of (incl. approval of contents from DNPA) of public information board – allow 8-12 weeks.**

2. Phase 1a – Stripping Soil / Overburden (Drawing RP-16):

- a) Approximately 3m depth of soil and overburden (weathered rock) will be removed over the Phase 1 extraction area (approximately 1,480m² in area; and 4,440m³ volume of soil / overburden) using a back-hoe excavator. Soil / overburden will be battered back to an approximately 45° slope to enable vegetation to self-establish/naturally regenerate.
- b) Where possible, soil suitable for restoration will be separated from any overburden that is unsuitable for restoration. Approximately 2,000m³ of soil will be placed directly onto Area B (re-profiled existing bund). Once soil has been placed (and any initial planting carried out as recommended by an ecologist, as laid out in the Biodiversity Mitigation and Enhancement Plan (BMEP) provided in Appendix A14 in the ES); Area B will no longer be part of the operational area of the quarry and vegetation will be allowed to establish naturally.
- c) Of the remaining soil/overburden, any soil is to be placed in a temporary soil stockpile for use in later restoration; weathered rock not suitable for use in restoration will be placed in Area C.
- d) The area between the new fence line and the extraction area will become a 'landscape buffer zone' in which existing scrub and gorse will be allowed to mature and compensatory

planting of trees will be carried out in accordance with the Biodiversity Mitigation and Enhancement Plan (BMEP) (Appendix A14 in the ES). The only access to the Phase 1 area will be from the northwest corner of the existing quarry; i.e. via the haulage road that leads to the existing bund. With no grazing within the landscape buffer zone, the scrub and gorse will become denser within one growing season, which will provide additional beneficial visual and acoustic screening of the quarry; and in the long-term, together with the permanent fence, will provide a robust barrier adjacent to the steep quarry faces.

Timescales: Stripping of soil/overburden and placement over existing bund or in new temporary stockpile - allow 4 weeks.

3. Phase 1b – 'High Level Working':

An initial 4m trench will be excavated from the haulage road in the NW corner of the existing quarry, from which further excavations will progress horizontally northwards. Due to the gradient of slope, the western face will be 4m and eastern face will be 6m (approximately 11,000 tonnes reserves; 7,500 tonnes of spoil). Spoil will be placed in backfilling Area C.

As is the current working practice at the quarry, two faces are worked simultaneously; usually one at low level and one at a higher level. During Phase 1, remaining reserves in the south-east corner of the existing quarry will be worked at low level, while the 'high level' reserves within the Phase 1 of the extension are worked.

Timescales: (assuming 11,000 tonnes reserves in 1b and 10,000 tonnes of reserves in 'Low Level' working area in existing quarry; and extraction in extension starts end-2016):

- a) 2 years - assuming maximum permitted production rate of 10,000 t/a - end 2018.**
- b) 3 years 10 months – assuming average production rate of 5,300 t/a - end 2020.**

Three months prior to the completion of Phase 1b - Phase 2a can be commenced.

4. Phase 2a – 'Stripping Soil/Overburden' (Drawing RP-17):

- a) Stock-proof fencing will be extended eastwards to encompass the Phase 2 area. The area will be cleared by the ecological and archaeological contractors.
- b) The soil and overburden (approximately 3m depth) will be removed over the Phase 2 extraction area (~1,900m² area and 5,700m³ volume) using a back-hoe excavator. Soil / overburden will be battered back to a 45° slope to enable vegetation to self-establish.
- c) Place soil directly onto areas to be restored that have been backfilled to final profile (Area E (along southern boundary), or temporarily on Area D if required.

Timescales (Phase 2a):

- a) Construction of fencing - allow 1 week; Ecological surveys – allow 4 weeks (dependent on time of year); Scrub clearance – allow 1 week; Archaeological surveys – allow 4 weeks.
- b) Stripping of soil/overburden and placement over restoration areas - allow 4 weeks.

5. Phase 1c – 'Low Level Working' and Phase 2b – 'High Level Working' (Drawing RP-18):

Phase 1c and Phase 2b will be worked concurrently.

The workings within the Phase 1c area will be taken down to a maximum level of 240m AOD; which will provide approximately 11,100 tonnes reserves. Phase 2b will be worked horizontally from the Phase 1 area. The western face for Phase 2b will be approximately 4m and eastern face will be approximately 6m, giving in the order of 12,500 tonnes reserves.

By the end of Phase 1b it is anticipated that the existing quarry will be depleted; therefore, spoil from Phase 1c (and 2b) will be used to continue to backfill against the southern and eastern faces. By the end of Phase 1c/2b the south-eastern end of the existing quarry will be close to its final profile (consistent with the sections provided in Drawing RP-06 within the Development Proposals, Restoration and Aftercare Plan; Appendix A4 in the ES).

Timescales (concurrent working of 1c and 2b):

- a) 2 years - assuming maximum production rate of 10,000 t/a – end 2020.
- b) 4.5 years – assuming average production rate of 5,300 t/a – mid 2025.

Three months prior to the completion of Phase 1c/2b; Phase 3a can be commenced. Assessment to be made at this stage as to the actual area for Phase 3 required to take production up to end of planning permission.

6. Phase 3a – 'Stripping Soil/Overburden' (Drawing RP-19):

- a) Stock-proof fencing will be extended eastwards around the Phase 3 area as required. [Note: the drawing shows the maximum potential area for Phase 3a]. The area will be cleared by the ecological and archaeological contractors.
- b) The soil and overburden (approximately 3m depth) will be removed over the Phase 3 extraction area (volume will depend on final size of Phase 3 area) using a back-hoe excavator. Soil / overburden will be battered back to a 45° slope to enable vegetation to self-establish.

- c) Soil from Phase 3a, together with any soil stockpiled in area D, will be placed onto areas within the south and south-eastern end of the existing quarry. Carry out any initial planting as recommended by an ecologist (as laid out in the BMEP; Appendix A14 in the ES).

Timescales:

- a) **Construction of fencing - allow 1 week; Ecological surveys – allow 4 weeks (dependent on time of year); Scrub clearance – allow 1 week; Archaeological surveys – allow 4 weeks.**
b) **Stripping of soil/overburden and place over restoration areas - allow 4 weeks.**

7. Phase 2c – 'Low Level Working' and Phase 3b – 'High Level Working'

Working face within Phase 2c area will be up to 10m to bring down to maximum depth of 240m AOD (25,175 tonnes reserves). The volume to be extracted from the Phase 3b area will be dependent on tonnage required to take production up to the end of planning permission. Waste generated during this stage will be temporarily stockpiled within the Phase 1 area for use in final restoration.

Timescales (working of 2c only):

- a) **2.5 years - assuming maximum production rate of 10,000 t/a – Mid 2023**
b) **Assuming production rate of 5,300 t/a – Early 2026 (end of planning permission).**

8. Final Restoration (Drawing RP-20)

The restoration phase, which will be carried out prior to cessation of works in early 2026, involves the backfilling the southern and eastern faces within the quarry extension and re-grading / landscaping of the remaining areas within the quarry (as per the landscape strategy laid out in Appendix A15 of the ES). All buildings and infrastructure within the quarry area will be removed. As requested by the Local Authority, **no soil will be imported**; only soils derived during the stripping of soil/overburden from the extension area will be used in site restoration.

The quarry will remain permanently fenced off providing a habitat for wildlife.

As laid out in the Biodiversity Mitigation and Enhancement Plan (Appendix A14 in the ES), an ecological contractor will manage creation of habitats during site restoration and after-care biological monitoring (beneficial residual effect). In particular:

- A wildlife pond and wetland will be created in the base of the quarry (the pond will be between 10cm and 1.2m deep, maximising marginal, shallow habitats) in order to enhance the site for wildlife (particularly invertebrates including dragonflies). The habitat immediately surrounding the pond will be seeded using a species-rich seed mix of native plant species suitable for pond edge habitats.

- Sections of near vertical quarry face will be left to enhance biodiversity.

In the remaining areas, vegetation will be allowed to establish itself naturally. In accordance with the BMEP (Appendix A14 in the ES), during the operational phase of the quarry, monitoring of vegetation will be carried out regularly by the quarry manager, with any invasive species (e.g. buddleia) being removed, as well as annually by the ecological contractor. During the aftercare phase, an ecological contractor will be employed to provide on-going monitoring and management of the site.

It is anticipated that this final stage will be undertaken over the following timescale:

- a) Backfilling eastern faces, landscaping remaining areas within the quarry, including creation of pond/seasonal wetland area. Place soil, shape and seed/plant - **allow 2 months**
- b) Remove buildings, infrastructure – **allow 2 weeks**
- c) Allow vegetation to establish – assume at least **two growing seasons**.

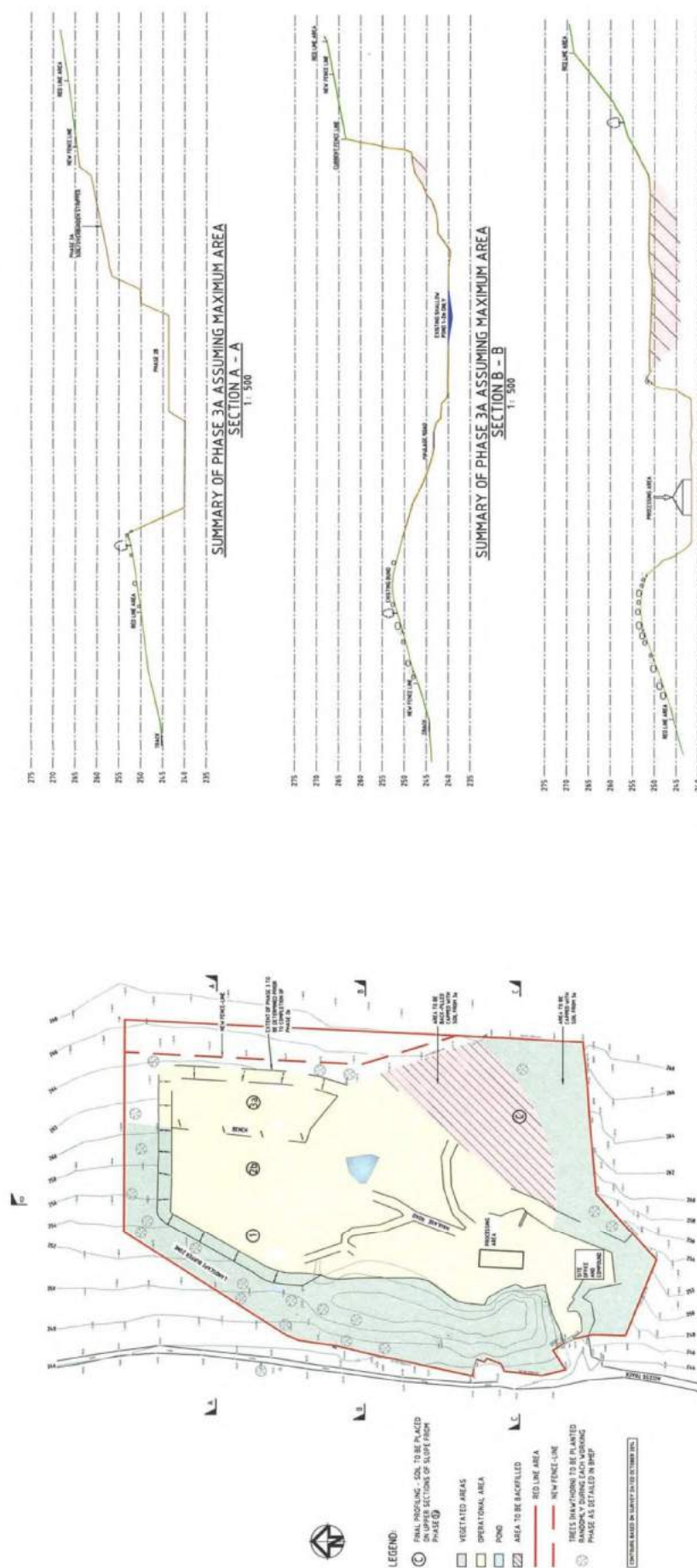
Attached drawings:

Drawing 7397/RP-15 to Drawing 7397/RP-20

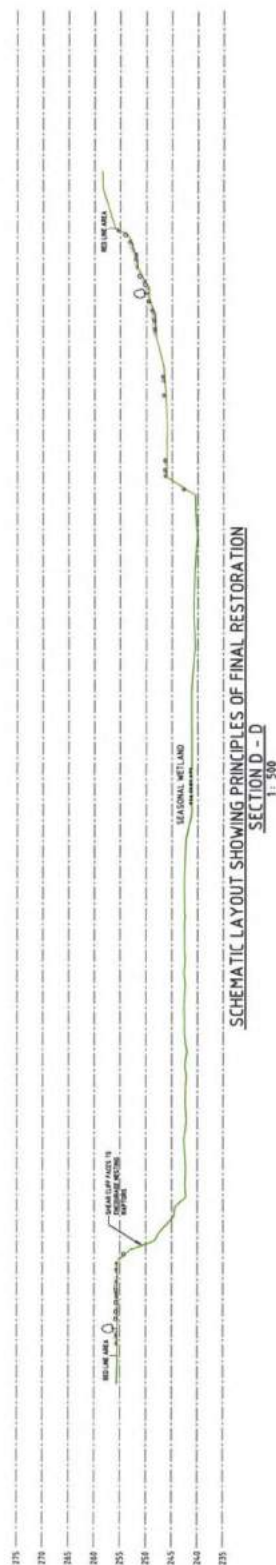
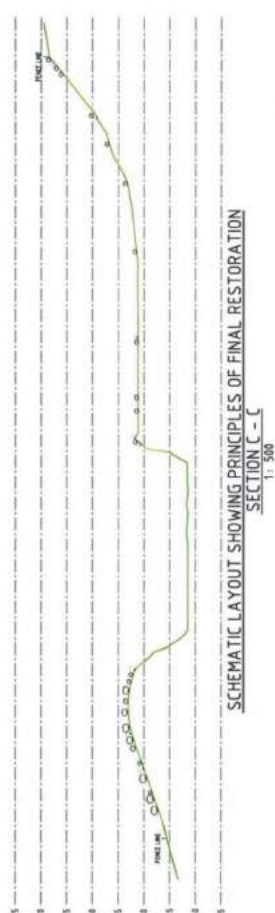
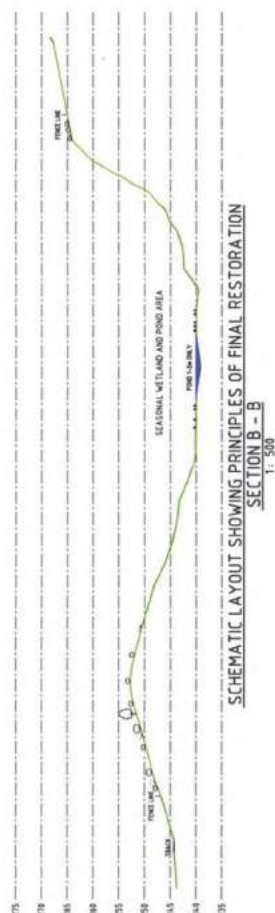
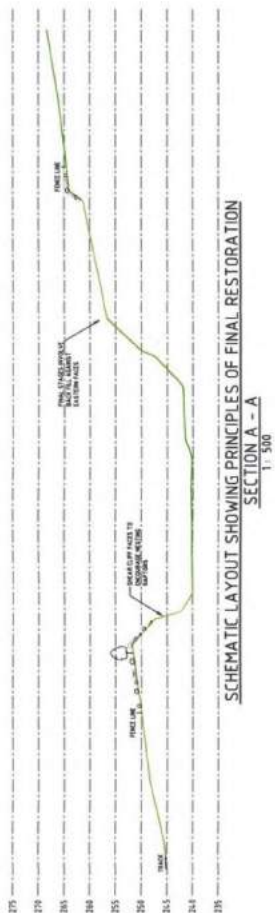
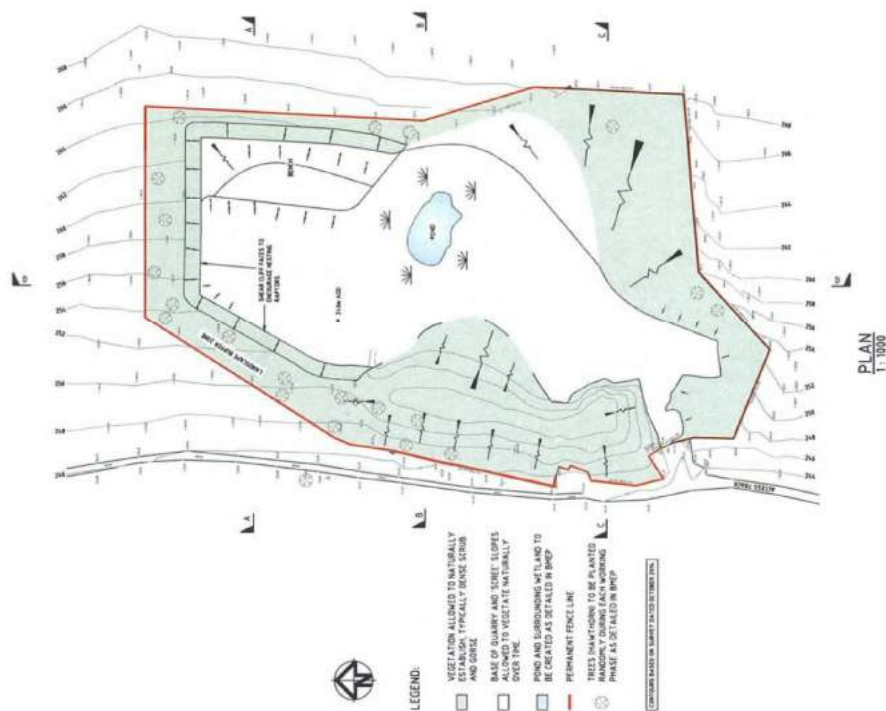


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				REPORT ISSUE				Title				Leicester Road, Rydgeside, Ipswich, QLD 4700			
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				A1				First Issue Signature				jgpm@jgpm.com.au www.jgpm.com.au			
				A. ROBERTSON				T4 SPILLER				Project No. Drawing No. Rev			
				Original Date				7397 - RP - 19 - R1				31 AUG 2015			
				4. HEALTH AND SAFETY				4.2. POTENTIAL CONSTRUCTION RISKS ASSOCIATED WITH THIS SITE INCLUDE				YENNADON QUARRY			
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JOHN GRIMES PARTNERSHIP Leamington Road, Lymington, Dorset, PO21 1BU Tel: +44 (0)1753 480531 Fax: +44 (0)1753 480519 jg@johngrimes.co.uk www.johngrimes.co.uk		Yennadon Yennadon Quarry		REPORT ISSUE AS SHOWN A1		FINAL RESTORATION 7397 - RP - 20 - R1	
Project No: 7397 Drawing No: RP - 20 - R1		Project: Yennadon Quarry Title: FINAL RESTORATION		Author: T.B. SPILLER Checker: A. HERRINGTON		Date: 18 September 2018	
Status: AS SHOWN Copyright reserved		Date: 18 September 2018 Project: Yennadon Quarry		Title: FINAL RESTORATION		Author: T.B. SPILLER Checker: A. HERRINGTON	
Notes: 1. ALL DIMENSIONS IN METRES UNLESS NOTED OTHERWISE 2. CONTRACTORS MUST CHECK ALL DIMENSIONS ON SITE, ONLY FIGURED DIMENSIONS ARE TO BE WORKED FROM 3. DISCREPANCIES MUST BE REPORTED TO THE ENGINEER BEFORE PROCEEDING		4. SEATTLE LANE BAGGELL 4.1 THE CDH REGULATIONS 2015 APPLY TO THIS WORK CONTRACTORS/SUBCONTRACTORS TO SATISFY THEMSELVES THAT THEY ARE FULLY AWARE OF THE HEALTH AND SAFETY RISKS OF THE CONSTRUCTION PHASE AND TO TAKE APPROPRIATE PRECAUTIONS TO MINIMIZE THESE RISKS TO COMPLETING CONSTRUCTION PHASE PLANS TO INCLUDE RISK ASSESSMENTS AND SAFE METHODS OF WORKING AS A PRELIMINARY		4.2 POTENTIAL CONSTRUCTION RISKS ASSOCIATED WITH THIS SITE INCLUDE: 4.3 THE CONTRACTOR/SUBCONTRACTOR SHALL PROVIDE RECORDS AND INFORMATION FOR INCLUSION IN THE HEALTH AND SAFETY FILE. THIS IS TO INCLUDE CERTIFICATES IN RESPECT OF ALL MATERIALS OR MANUFACTURE PROCESS, MANUALS AND AS CONSTRUCTED DRAWINGS		4.4 THE CDH REGULATIONS 2015 APPLY TO THIS WORK CONTRACTORS/SUBCONTRACTORS TO SATISFY THEMSELVES THAT THEY ARE FULLY AWARE OF THE HEALTH AND SAFETY RISKS OF THE CONSTRUCTION PHASE AND TO TAKE APPROPRIATE PRECAUTIONS TO MINIMIZE THESE RISKS TO COMPLETING CONSTRUCTION PHASE PLANS TO INCLUDE RISK ASSESSMENTS AND SAFE METHODS OF WORKING AS A PRELIMINARY	
Date: 18 September 2018 Project: Yennadon Quarry		Title: FINAL RESTORATION		Author: T.B. SPILLER Checker: A. HERRINGTON		Date: 18 September 2018	

SCHEDULE 7

Covenants by the Authority

1. Discharge of Obligations

- 1.1 The Authority covenants with the Operator and the Owner at the written request of the Operator or Owner to provide written confirmation of the discharge of the Obligations (or any of them) contained in this Deed or confirmation that the time for performance of the Obligation has not yet fallen due **Provided That** the Authority is at the date of such request satisfied that such Obligation(s) have been performed or have not yet fallen due for performance.

2. Escrow Account

- 2.1 The Authority covenants with the Operator as follows:
- 2.1.1 to enter into such arrangements with the Operator as may be required to open the Escrow Account.
 - 2.1.2 to hold the Cash Deposit Sum and any Additional Cash Deposit Sum jointly in trust on behalf of the Operator and the Authority and to operate the Escrow Account in accordance with the terms and conditions of paragraph 3 of Schedule 4.
 - 2.1.3 to use all monies paid to the Authority whether by the Operator or from the Escrow Account for the purposes for which they were paid.
 - 2.1.4 to provide to the Operator such evidence as the Operator shall reasonable require in order to confirm the expenditure of the Cash Deposit Sums and/or Additional Cash Deposit Sums received by the Authority under this Deed.

This agreement has been executed as a Deed and is delivered and takes effect on the date stated at the beginning of it

Executed as a DEED by
**THE RIGHT HONOURABLE
MASSEY JOHN HENRY
LOPES 4TH BARON
ROBOROUGH**

in the presence of:

Signature of Witness:

Name:

Address:

Occupation:

Executed as a DEED by
GEORGE WILLIAM OWEN
TAPPS GERVIS MEYRICK

in the presence of:

Signature of Witness:

Name:

Address:

Occupation:

Executed as a DEED by
HARRY MARCUS GEORGE
LOPES

in the presence of:

Signature of Witness:

Name:

Address:

Occupation:

Executed as a DEED by
YENNADON STONE LIMITED
acting by a Director :
in the presence of:

Signature of Witness:

Name:

Address:

Occupation:

Executed as a DEED by
**DARTMOOR NATIONAL PARK
AUTHORITY** by affixing its
Common Seal before:



Authorised Signatory:

K. Bird

Authorised Signatory:

Document No. 784

YENNADON - APPENDIX 7

Legal Framework & S73 Applications

1. Section 73 of the Town and Country Planning Act 1990 (TCPA) 1990 provides for applicants to apply for planning permission for the development of land without complying with conditions attached to an earlier permission. Importantly, it only confers power to amend or remove conditions and not to amend any other part of the permission e.g. the description of development.
2. A local planning authority can grant permission unconditionally or subject to different or new conditions, or they can refuse the application if they decide the original condition(s) should be kept.
3. Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted.
4. For the purpose of clarity, decision notices for the grant of planning permission under section 73 should set out all of the conditions imposed on the new permission, and restate the conditions imposed on earlier permissions that continue to have effect.
5. The Section 73 Application submitted by Yennadon Stone Limited (ref. 0432/23) seeks to vary some planning conditions on the 2022 Planning Permission, ref. 0348/15. If successful, the Section 73 Application will result in a new planning permission being granted. For that reason, it is necessary to determine the acceptability of the planning application in accordance with the Town and Country Planning Act 1990 (as amended) (TCPA 1990), section 70(2), and the Planning and Compulsory Purchase Act 2004, section 38(6). Together, these provisions provide that the DNPA must determine the Section 73 Application in accordance with the development plan, so far as is material to the application, unless material considerations indicate otherwise.

6. The development plan for Yennadon Quarry comprises the Dartmoor Local Plan 2018-2036 ('DLP') which was adopted on 3rd December 2021. The DLP postdates the resolution to grant the 2022 Planning Permission. Other material considerations include the National Planning Policy Framework (NPPF) that has been superseded since the grant of the 2022 Permission, the DNPA Design Guide (November 2011), the 2022 Planning Permission ref. 0348/15, the discharging of some conditions attached to the 2022 Permission, and the grant of consent under Section 16 of the Commons Act 2006 for the deregistration of Yennadon Quarry as common land and the provision of replacement land.
7. The Section 73 Application does not seek to vary the nature or extent of the 2022 Permission, granted for the "Extension of the working plan area of the existing active quarry" at Yennadon. The duration of that development is controlled by Condition no.2 and is not in the description of the development approved by the 2022 Permission. Therefore, variation of the condition that controls the duration of development is within the scope of section 73. The effect of the variation will not be substantially different from that of the 2022 Permission, although it will extend the lifetime of the quarry operation.
8. Under section 73(2)(a) if the Authority decides that planning permission should be granted subject to conditions differing from those subject to which the 2022 Permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly. This would mean that the development comprising the extension of the working plan area of the existing active quarry at Yennadon would be permitted until 3 May 2042, subject to the conditions imposed on the planning permission granted pursuant to the Section 73 Application and to the Section 106 Planning Obligation.
9. Under section 73(2)(b) if the Authority decides that planning permission should be granted subject to the same conditions as those subject to which the 2022 Permission was granted, the Section 73 Application should be refused and the 2022 Planning Permission would expire on 31 December 2026 with works of extraction and restoration ceasing at that time.

10. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) ('EIA Regulations') provide that planning applications for certain categories of development ('EIA development') that could have a likely significant effect on the environment shall be subject to a process called environmental impact assessment ('EIA'). Regulation 4 of the EIA Regulations defines EIA as a process consisting of:

- the preparation of an environmental statement ('ES');
- any consultation, publication and notification as required in respect of EIA development; and
- the steps that are required to be undertaken by the decision-maker (DNPA in this case) under regulation 26 of the EIA Regulations when determining an application to which an ES has been submitted.

11. The extension of the working plan area of Yennadon Quarry is EIA development by virtue of it being a category of development listed in Schedule 2 of the EIA Regulations likely to have significant effects on the environment by virtue of factors such as its nature, size or location. Planning application ref. 0348/15 was considered an EIA development and accordingly, was accompanied by an ES (to avoid confusion this is called the 'Original ES' in the Section 73 Application).

12. Subsequent to the Original ES that accompanied planning application 0348/15, additional surveys and assessments were undertaken to support applications to discharge some of the conditions attached to the 2022 Permission. This information is appended to and forms part of the ES that accompanies the Section 73 Application.

13. As the Section 73 Application relates to an EIA application (application ref 0348/15), it is also an EIA development and is accompanied by an updated ES. An application was made on behalf of the Applicant to the DNPA under Regulation 15 of the EIA Regulations for the DNPA to state in writing its opinion as to the scope and detail of the information to be provided in the ES. On 23 February 2023 the DNPA adopted a scoping opinion confirming the required environmental information. The scoping

opinion provides the basis for the ES that has been prepared to accompany the Section 73 Application.