

# Lessons Learned from the process to renew the MoD's licence to train on Dartmoor

## EXECUTIVE SUMMARY

### BACKGROUND

1. MOD's principle licence to train on Dartmoor was negotiated between 2002 and 2011. Many valuable lessons were learned from the process. To assist future negotiations, the Dartmoor Steering Group (DSG) documented these lessons and agreed that Ministers would be recommended to establish an agreed consultation process in advance of any future licence.

### RECOMMENDATIONS

2. **Decisions Required.** The decisions to be made should be identified at the beginning of the process. It is likely that they will fall into three categories.
  - a. Military Need. The demand for training by space, time, type and any topographical or climatic requirements.
  - b. Location. An assessment of the extent to which the military needs can only be met on Dartmoor as opposed to elsewhere. This will require consideration of other land uses, designations and sustainability.
  - c. Sustainability. As well as addressing the environmental and social dimensions of sustainable development, consideration should also be given to the positive and negative impacts of military training on the local economy, with a view to maximising benefits whilst minimising negative impacts.
3. **Decision Level.**
  - a. Military Need. As the military need requires technical knowledge and specific competence, the decision on whether or not a military need for training exists should be made by the relevant Government Department (ie MOD) but the process by which this decision is reached should be transparent and, to the maximum extent possible, in the public domain.
  - b. Location. If there is a proven military need then a decision needs to be made about location. This decision should be based on analysis of all possible locations, including locations outside National Park designation. Again, if the location for the required military training facility requires consideration of potential conflicting national interests, such as National Park or Site of Special Scientific Interest designations, the decision should be made at Government level involving the relevant Departments. In making the decision on location, the needs of

national defence should be weighed against requirements for conservation and public access and other considerations. The 'procedure' for assessing major development in National Parks may aid this process.

- c. Sustainability. The decision by the Government should also be based on consideration of the environmental, social and economic impacts of the proposed training (both positive and negative). A robust, agreed and resourced monitoring programme over the current licence period would aid this process by providing an agreed evidence base to assess the impact of current/past training. The DSG will be considering this in the context of the Integrated Rural Management Plan for the Dartmoor Training Area and the Ministerial requirement for an environmental stock-take at the mid-point of the new licence.

#### 4. **Process.**

- a. The consultation and decision-making process should be proposed by Government; considered by the statutory stakeholders and settled in advance by the decision makers. It is important that it is seen as open, independent and addressing the issues identified above in an inclusive way.
- b. In conducting the licensing review, best practice should be followed. In particular, it should be:
  - (i) Targeted to the significant issues.
  - (ii) Proportionate to the importance of the issues.
  - (iii) Focussed on objective evidence.
  - (iv) Consistent and transparent in its approach.
  - (v) Accountable to the decision makers.
  - (vi) Auditable in case of challenge.
- c. Consultation arrangements should include provision to consult with and take representations from non governmental organisations and the public, in addition to statutory bodies. The Government Code of Practice on Consultation should be followed.
- d. The DSG should continue to play a vital role in reconciling the requirements of military training, conservation and public access. As the DSG is not constituted to make decisions except by unanimous agreement of the members, its role should remain as a facilitator not a decision maker. It can however assist by checking that the agreed process is being followed, by encouraging discussion, brokering agreement and informing the decision makers of unresolved issues.

# Lessons Learned from the process to renew the MoD's licence to train on Dartmoor

## 1.0 INTRODUCTION

- 1.1 The Ministry of Defence (MOD) uses land within the Dartmoor National Park, known as the Dartmoor Training Area (DTA), for military training. Much of the land upon which the MOD trains is privately owned and training is undertaken under licence from landowners including the Duchy of Cornwall. This licence expires in 2012. Preparatory work (within MOD) for a new license started in 2002, leading to an extensive process of study, review and, starting in 2006, full public consultation. Following MOD's submission to the Ministers of Defence and Defra, agreement was given in January 2009 for MOD to renegotiate its training licence with the Duchy of Cornwall.
- 1.2 The Dartmoor Steering Group (DSG) agreed<sup>1</sup> that '*Ministers will be recommended to establish an agreed consultation process in advance of any future licence renewal exercise*' and it was subsequently approved<sup>2</sup> that work on recording the lessons learned should start in 2008.
- 1.3 The lessons learned, which are both negative and positive, have enabled principles for future licence discussions to be deduced and recommendations to be made to Government on the principles to be followed for future processes.
- 1.4 As the issue may not be considered further until the 2012 Duchy Licence nears expiry – a gap of some 18 years or so - a description of the context and the process that was used is included in this Paper.

## 2.0 AIM

- 2.1 To analyse and record the lessons learned from the process leading to the 2012 Duchy licence for military training on Dartmoor in order to assist Ministers to establish an agreed consultation process in advance of any future licence process.

## 3.0 SUMMARY OF SUSTAINABLE MILITARY TRAINING ON DARTMOOR PROCESS

- 3.1 The Sustainable Military Training on Dartmoor (SMTOD) process formally began in 2003 with approval by MOD of the project to continue its licence with the Duchy of Cornwall to train on Dartmoor beyond 2012. Although this seemed to be a considerable lead time, MOD decided that 9 years would be required to gather evidence, to set up a transparent process and to allow full consultation. Nine years would also allow sufficient time as a contingency in case a public inquiry were called

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<sup>1</sup> Minutes of the 47<sup>th</sup> Meeting of the Dartmoor Steering Group 16 January 2007

<sup>2</sup> Minutes of the 48<sup>th</sup> Meeting of the Dartmoor Steering Group 8 October 2008

by the Government, or a judicial review be sought. Should a licence not be granted, it would provide time for the relocation of training.

- 3.2 During the first few years, working jointly with subject matter expert bodies, evidence was collected through studies of breeding birds, flora, socio economic issues and military use. Informal discussions with local officials of Dartmoor National Park Authority (DNPA), English Heritage (EH) and Natural England (NE) enabled MOD to devise a process, which it was considered would provide Ministers with the information required to enable them to make a decision.
- 3.3 The Training Needs Paper<sup>3</sup>, which was a precursor to Defence Estates starting the public process, concluded that *'there is a continuing need to retain DTA to meet a significant proportion of the increasing light force training demand.'* Defence Estates having confirmed that there was a continuing need for military training on Dartmoor, the Dartmoor Steering Group received a detailed briefing<sup>4</sup> in January 2006 on the process that Defence Estates intended to use.
- 3.4 A Paper informing future military options<sup>5</sup> took forward the conclusions of the Training Needs Paper and ruled out options that would increase either the size of the areas used on Dartmoor or any increase in the nature or quantity of training above currently permitted levels.
- 3.5 In a letter<sup>6</sup> to all stakeholders MOD further amplified the intended process. *'The military review process will also be informed by a consideration of future options capable of meeting the required military output whilst taking into account the MoD's socio-economic and environmental objectives and responsibilities. Details of how future military training will be managed will be provided in a new Dartmoor Training Area Management Plan, which will be consulted upon widely at local level through the existing forum of the Dartmoor Steering Group. This will be supported by the revised Environmental Management System, ongoing socio-economic and environmental studies and a complementary shadow non statutory Environmental Appraisal. This comprehensive approach will help to ensure that both the Secretary of State for Defence and the Secretary of State for the Environment are fully briefed and able to take informed decisions on the future of light force military training on Dartmoor.'* This was followed by a second Stakeholders letter<sup>7</sup>, which gave fuller details of the Environmental Appraisal process.
- 3.5 These stakeholder letters were reinforced by public information leaflets<sup>8</sup>, which sought to explain to the public where and when information would be made available, and how they could be involved in the process. There was an opportunity for stakeholders to comment on the Scoping study for the Environmental Appraisal. Two rounds of public consultation meetings were held in 2007. The Duchy also consulted interested bodies in 2011.

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<sup>3</sup> The Continuing Need for Military Training on Dartmoor, RPS, June 2005.

<sup>4</sup> Minutes of the 45<sup>th</sup> meeting of the Dartmoor Steering Group 18 January 2006.

<sup>5</sup> Dartmoor Training Area – Paper informing Future Military Options, RPS, March 2006.

<sup>6</sup> Defence Training Estates first stakeholders letter DTE 0473 dated 7 April 2006.

<sup>7</sup> Defence Training Estates second stakeholders letter DTE 0473 dated 22 June 2006.

<sup>8</sup> Public Information leaflet issued in October 2006 and a second in October 2007.

3.6 It was recognised that the Government would have to make the final decision and that it would require evidence that:

- a) There is a clear military need for both live firing (real ammunition) and dry training (blank ammunition) on the Dartmoor Training Area.
- b) Management of the Dartmoor Training Area for military activities will continue to be sensitive to environmental issues, farming and public access.

#### 4.0 LESSONS LEARNED

4.1 In identifying the lessons learned, the issues have been grouped in three categories; (A) the decision making authority, (B) the legal basis and (C) the process. Pertinent to each of these issues is the extent and timing of consultation with Statutory Bodies, Non Governmental Organisations (NGO) and the public.

##### A. - Decision Making Authority

4.2 Inevitably the Government will be required to make the decision on whether or not to negotiate the required licences to continue training on Dartmoor with landowners because it is only at this level that any conflict between the national need for defence and the designation of Dartmoor as a National Park can be resolved.

4.3 However, the Government may decide that a subordinate body should provide advice, or resolve as many issues as possible, in order that Ministers can deliberate on any remaining unresolved issues. Potential bodies or methods of achieving this include the statutory planning system, non-statutory public inquiry, run-on/extend the current licence, the Dartmoor Steering Group or the National Infrastructure Committee. These are discussed below.

Process	Advantages	Disadvantages	Comments
<b>Planning</b>	<ul style="list-style-type: none"> <li>• Transparent</li> <li>• Facilitates wider public involvement</li> </ul>	<ul style="list-style-type: none"> <li>• Potential costs</li> <li>• Likely to create conflict and dismantle good local working relationships.</li> </ul>	<ul style="list-style-type: none"> <li>• Could end up in public Inquiry</li> <li>• Decision would be called in by Government as national interests are involved</li> <li>• Only available as an option if MOD submits a planning application</li> </ul>
<b>Non Statutory Public Inquiry</b>	<ul style="list-style-type: none"> <li>• Transparent</li> <li>• Facilitates wider public involvement</li> </ul>	<ul style="list-style-type: none"> <li>• Only considers specific issues agreed by the principal parties.</li> <li>• It would result in recommendations to Government,</li> </ul>	<ul style="list-style-type: none"> <li>• Government would have to call a non Statutory public inquiry</li> </ul>

Process	Advantages	Disadvantages	Comments
		<p>which would still make the decision.</p> <ul style="list-style-type: none"> <li>• Experience from Otterburn and Warcop Public Inquiries indicates that they can be costly in time, effort and funds, and can be divisive, combative and prolonged.</li> </ul>	
<b>Run-on/extending current licence</b>	<ul style="list-style-type: none"> <li>• Cheap, simple and quick.</li> <li>• Few resources required</li> </ul>	<ul style="list-style-type: none"> <li>• Limited opportunity for debate</li> </ul>	<ul style="list-style-type: none"> <li>• Duchy of Cornwall took decision that this was not an option following consultation with key stakeholders.</li> </ul>
<b>Dartmoor Steering Group</b>			<ul style="list-style-type: none"> <li>• The Steering Group is an advisory body to reconcile military training with National Park purposes and thus would not be an appropriate mechanism to adjudicate on or even facilitate the consultation surrounding licence renewal</li> </ul>
<b>National Infrastructure Committee</b>			<ul style="list-style-type: none"> <li>• Not available as an option for SMTOD process</li> </ul>

4.4 It was entirely appropriate for Defence Estates to answer the Ministers' questions on training need and sustainable development. However, it has been suggested by DNPA that the location of the training should have been specifically detached from the Military Needs and the Environmental Appraisal exercises, so that alternative sites could have been considered separately by the Decision Making Authority from a national perspective.

## B. - Legal Basis

4.5 The legal basis for the 2012 licence was contested. MOD decided on legal advice that the licence was a continuation of existing training and not a renewal and that the requirements of Environmental Circular 12/96 Para 56 did not apply. DNPA,

Campaign for National Parks, Open Spaces Society and Dartmoor Preservation Association considered that this was to all intents and purpose a new licence and, at the very least, a formal renewal to the existing one in that the intension was an extension of the period of use with the potential for new terms and conditions. On this basis these organisations argued that a formal Environmental Impact Assessment should have been conducted, including detailed consideration of potential alternative options. This remains an area of disagreement.

- 4.6 MOD selected the option of mirroring the planning process with the results being submitted to Ministers for a decision.

## **C. - The Process**

### ***Training Need***

- 4.7 RPS Group Plc was contracted by MOD to produce the training need requirement document. This was then published for comment.
- 4.8 All Stakeholders accept that only MOD is in a position to determine and state the type, quantity and conditions of the progressive training required to achieve the required operational capability required by the Government's defence strategy. Nevertheless, there is a need for this to be a transparent process open to public scrutiny.
- 4.9 Publication of the training need would allow scrutiny by stakeholders and the public, any of whom might consider employing a subject matter expert to assist them.

### ***Location***

- 4.10 After publication of the Environmental Appraisal, Chairman DNPA highlighted<sup>9</sup> a strategic concern at '*the lack of detailed options appraisal linking various military training scenarios with associated impacts on training needs and public benefits.*' DNPA's officers suggest that the locations of the estate required to deliver the training need should be considered separately by the Government or, if a public inquiry is held, by the inspector. The examination, they suggest, should be national in scope in order that all options are considered.
- 4.11 There is ongoing work to determine the future size and function of the military training estate.<sup>10</sup> At this stage, it is not clear whether this work would provide the detail to assess alternative locations or merely provide a global overview of training requirements.

### ***Environmental Appraisal***

- 4.12 MOD chose to mirror the planning process using an Environmental Appraisal, which followed the Environmental Impact Assessment Regulations, to provide Ministers

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<sup>9</sup> DSG Meeting 16 January 2008

<sup>10</sup> The Defence Estate Strategy 2006 In Trust and On Trust

Defra and MOD with an analysis of the significance of the effects of military activities.

- 4.13 Most stakeholders accepted MOD's choice of conducting an Environmental Appraisal in accordance with the Environmental Impact Assessment Regulations. However, the Campaign for National Parks, the Dartmoor Preservation Association and the Open Spaces Society expressed concern about the selection of an Environmental Appraisal instead of an Environmental Impact Assessment. MOD responded that *'The licence between the Secretary of State for Defence and the Duchy of Cornwall is a private contractual arrangement that is being renewed; in that the parties to the licence are on course to re-negotiate an extension to the period of its validity. However, this does not amount to a renewal of the use of the land in accordance with Circular 12/96. For 12/96 to be engaged the renewal should amount to a resumption of the use of national park after an interruption or a pause, which is not the case in respect of military training on Dartmoor. Despite the fact that MOD does not accept that it is bound to carry out an EIA, either in accordance with Circular 12/96 for the reasons given above, or on a statutory basis in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, we are conducting an environmental appraisal that will mirror the output of an EIA, be subject to public consultation and will propose measures for mitigation of any adverse effect of the military presence on Dartmoor.'*
- 4.14 Of the 200 or so organisations consulted (using DNPA's list in their draft Statement of Community Involvement) only 2 Statutory Bodies, 10 Non Governmental Organisations and 83 members of the public responded to the Scoping Report. Some of those that did not respond recognise, with the benefit of hindsight, that they should have engaged more fully at the Scoping Report stage. This would, perhaps, have removed some of the later comments on the methodology used.
- 4.15 DNPA recorded<sup>11</sup> that *'the NPA was unable to endorse the EA in its present form as a basis for potential licence renewal and ... highlighted the following strategic concerns' 'insufficient weight being accorded to National Park status in the assessment of significance' and 'a focus on the past and present with little detail as to how the environmental impact and 'significance' might be assessed in the future'.*
- 4.16 Prior to another licence process, there is a need for a body to be designated to determine that the Environmental Appraisal is fit for purpose. Normally this would be the decision making body, but they could choose to delegate this responsibility.

### **Time and Resources**

- 4.17 MOD started its planning and funding process in 2003. Checks were made that sufficient evidence was already held and, where necessary, additional surveys commissioned in partnership with SBs and NGOs. The first formal consultation with SBs was in 2006.
- 4.18 There is a general feeling that a slimmer and swifter process would be beneficial, reducing the resources required. Agreeing or receiving direction on the process to be followed with a guide to timing would assist statutory bodies to plan and find

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<sup>11</sup> ibid



sufficient resources. An agreed data collection programme, conducted, where possible, jointly with other bodies, would also assist assessment of the effects of military activities. The data collection and assessment will also assist MOD's mid term stocktake, which has been required by the Ministers for Defence and Defra.

- 4.19 There was also a concern about the volume of documentation produced, which some felt was overwhelming. However, as factual evidence was, and is likely to be required in the future, no alternative has been suggested.

### **Evidence**

- 4.20 MOD commissioned in partnership with key stakeholders and using, where possible, independent experts, data collections and assessments of military use, Environmental Management System external audit, cultural heritage, vegetation classification, breeding birds and socio economic.
- 4.21 DNPA officers suggest that data should also be collected on potential visitors who might be deterred from visiting Dartmoor by military training. Consideration should also be given to collecting data on visitor and tourist numbers, routes and destinations to determine how many people travel deep into the Moor and might therefore be inconvenienced by restrictions on access to range danger areas.

### **Role of DSG**

- 4.22 The role of the DSG was set by Parliament in 1978. It requires the DSG to keep under review the progress made on the recommendations contained in the Sharp Report (Comnd 6837) and the best possible reconciliation of military training, conservation and public access. The DSG also considers matters referred to it by its subordinate body, the Dartmoor Working Party (DWP) and any reports prepared by the DWP. The DSG reports annually to the Secretaries of State for Defence and Defra.
- 4.23 The Environmental Appraisal Scoping Report Para 1.2.11 proposed '*In discussion with the DSG, DTE has established a process through which stakeholder comments on this Report and the EA will be collated, reviewed and taken into account as required. This process requires the DSG to act in a similar way to a planning authority and/or an inspector at a planning inquiry. The DSG will assess the adequacy of this Report, the scoping opinion and the EA and make recommendations to the Secretaries of State for defence and Environment on the sustainability of military training on Dartmoor*'. As a result of comment, the EA (Para 1.3.2) envisaged '*the DSG acting in a similar way to a planning authority. Thus the DSG will be asked to debate the adequacy of the EA and report to the Sof S for Defence and Environment*' and at 4.2.17 '*This DSG Report is expected to summarise the Group's opinions and the extent to which it was able to reconcile the requirements of military training, conservation and public access on the need for, and sustainability of military training on Dartmoor. The DSG Report might include recommendations to Ministers*'.
- 4.24 Greater clarity, agreement and acceptance of the role of DSG in the SMTOD process would have helped. The DSG is a body which can only make decisions by consensus and the DSG rejected the suggestion that it should act in a similar way

to a planning authority, it being outwith its terms of reference to act as the Competent Authority under the Environmental Impact Assessment Regulations, a role normally taken by the decision making authority eg the Local Planning Authority. This may be a matter on which DSG's sponsors may wish to give direction prior to the next licence discussions.

4.25 In the event, DSG did consider the Environmental Appraisal and, in its 20<sup>th</sup> Annual Report of September 2008, summarised the views of members and reported to Ministers that a list of outstanding aspirations and issues would be taken forward for resolution wherever possible.

4.26 There have been suggestions from some Non Governmental Organisations that membership of DSG should be extended to involve them in the decision making process. Broadening the membership to include additional statutory bodies and non-governmental organisations has been considered by DSG from time to time, but the unanimous decision has always been to keep the membership to the key statutory bodies. Given the present role of the DSG, widening membership, it is considered, would add little to the discussion, could make the DSG unwieldy (depending how many bodies and NGOs were given membership) and reduce the role of the key statutory bodies.

## 5.0 RECOMMENDATIONS

### Decisions Required

5.1 The decisions to be made should be identified at the beginning of the process. It is likely that they will fall into three categories.

- Military Need. The demand for training by space, time, type and any topographical or climatic requirements.
- Location. An assessment of the extent to which the military needs can only be met on Dartmoor as opposed to elsewhere. This will require consideration of other land uses, designations and sustainability.
- Sustainability. As well as addressing the environmental and social dimensions of sustainable development, consideration should also be given to the positive and negative impacts of military training on the local economy, with a view to maximising benefits whilst minimising negative impacts.

### Decision Level

5.2 Military Need. As the military need requires technical knowledge and specific competence, the decision on whether or not a military need for training exists should be made by the relevant Government Department (ie MOD) but the process by which this decision is reached should be transparent and, to the maximum extent possible, in the public domain.

5.3 Location. If there is a proven military need then a decision needs to be made about location. This decision should be based on analysis of all possible locations,

including locations outside National Park designation. Again, if the location for the required military training facility requires consideration of potential conflicting national interests, such as National Park or Site of Special Scientific Interest designations, the decision should be made at Government level involving the relevant Departments. In making the decision on location, the needs of national defence should be weighed against requirements for conservation and public access and other considerations. The 'procedure' for assessing major development in National Parks may aid this process.

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### **Process**

- 5.5 The consultation and decision-making process should be proposed by Government; considered by the statutory stakeholders and settled in advance by the decision makers. It is important that it is seen as open, independent and addressing the issues identified above in an inclusive way.
- 5.6 In conducting the licensing review, best practice should be followed. In particular, it should be:
- (i) Targeted to the significant issues.
  - (ii) Proportionate to the importance of the issues.
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- 5.7 Consultation arrangements should include provision to consult with and take representations from non governmental organisations and the public, in addition to statutory bodies. The Government Code of Practice on Consultation should be followed.
- 5.8 The DSG should continue to play a vital role in reconciling the requirements of military training, conservation and public access. As the DSG is not constituted to make decisions except by unanimous agreement of the members, its role should remain as a facilitator not a decision maker. It can however assist by checking that the agreed process is being followed, by encouraging discussion, brokering agreement and informing the decision makers of unresolved issues.

## **Annex A. Lesson Learned submissions to the Dartmoor Working Party**

### **DARTMOOR NATIONAL PARK AUTHORITY**

#### **Need for Military Training in National Parks – the principle**

We accept that as long as the UK has a requirement for military forces then they must have areas in which to train. However, we are also aware that there has been no public, independent assessment of the how much land is now required for training and where it should be located. If long held views such as the 1981 Joint Statement by the Countryside Commission and Dartmoor National Park Authority, which set an objective of ultimate military withdrawal and discouragement of any further development, and the more recent recommendations from the National Parks Review Panel (1991) are to be met, there is a need for a public assessment of training land requirements which identifies current and potential future requirements and balances this against the current pattern of training land, which is a reflection of historical acquisition rather than modern training requirements.<sup>12</sup>

The licence renewal/renegotiation process highlighted this need (notwithstanding the work done as part of SMTOD). If, following such an objective examination, it is determined by independent assessment that some of the parks must continue to be used for the time being, then their necessary contribution would be better understood and accepted. Such a process would also provide a strategic context and clear parameters for licence renewal/renegotiation and conditions to mitigate impacts associated with any such use.

#### **Renewal or Renegotiation?**

There is a fundamental, unresolved difference in opinion between MOD and Dartmoor National Park Authority (DNPA) concerning whether the process building up to/seeking a new licence to train on Dartmoor constitutes a renegotiation (as argued by MOD) or renewal (as argued by DNPA). If a renewal, then the provisions of Circular 12/96 apply and the process would require an Environmental Assessment with requisite identification of the competent authority. This has implications as the Competent Authority would need to agree the scope of the Environmental Assessment and determine whether the resultant report was acceptable. In practice, whilst maintaining that it is a renegotiation of the licence, MOD has sought to follow the principles of an Environmental Assessment by conducting an Environmental Appraisal, but this has raised questions about who determines that the process/report is acceptable.

#### **Public Inquiry**

There are views from some bodies (eg Campaign for National Parks) that there should have been a public inquiry and that this would have allowed for consideration of more strategic issues as per the Sharp Inquiry. Linked to this is a concern about the process

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<sup>12</sup> The National Park Authority's current ambition regarding military training is outlined in the Dartmoor National Park Management Plan 2007-2012. It states: "all military training taking place on Dartmoor will be consistent with national park purposes and Defence Estates land is managed as an exemplar of conservation and recreational opportunity".

for determining the need for military training and where it should occur (see above). Whilst the MOD must be the final arbiter of what training is required, they cannot be the final arbiter on where it occurs. There was no process within the SMTOD exercise to debate the Sharp Inquiry issues such as the presence of military training in a national park. Also, some expressed concern that the process had been a MOD-led exercise based on assertion, rather than demonstration. Given the prevailing climate of geo-political and military imperatives it is, perhaps, unsurprising that the logical path to some form of Sharp II inquiry was vetoed by Government at an early stage. While accepting this, DNPA remains of the view that the SMTOD exercise should not be considered to be an acceptable substitute in the future.

### **Role of the Dartmoor Steering Group (DSG)**

This was unclear. The SMTOD approach to Environmental Appraisal appeared to cast the DSG in the role of the Competent Authority that would accept the report and determine its acceptability. This is beyond the remit of the DSG whose very existence is predicated on continued military training.

### **Public Involvement**

The voluntary sector has raised specific concerns about the process for engagement and decision-making, arguing that it has not been as open and transparent as it could/should be. This in turn has led to calls for the membership of the DSG to be reviewed/extended.

### **Length of time for the renewal/renegotiation process and associated resource commitment**

This has been an issue for all parties. There is a general agreement on the need to find a more efficient and timely mechanism for considering any future licence renewal/renegotiation, notwithstanding the comments above. A repeat of the SMTOD exercise should not be considered appropriate for any future licence renewal process.

### **Lessons to Learn/Recommendations**

- 1 An agreed and funded monitoring framework would help reduce the time and resource required to consider any future licence application. This would also provide the base for the mid-term review requested in the Ministers' decision (January 2009).

**Proposed Action:** *DSG to agree a monitoring framework to include methodology and reporting process so it can properly implement its brief and advise on the mid-term review.*

- 2 The SMTOD process provided a significant amount of data but did not address the strategic issue of whether Government should be working towards a long-term objective of removing military training from National Parks as part of a wider review of military training requirements.

**Proposed Action:** *These issues are beyond the remit of the DSG but should be highlighted to Ministers for their consideration, recognising the divergent views of different stakeholders.*

- 3 The Management Plan linked to the new licence is a strategically important document. All sides are agreed on this and see it as the mechanism to sustain and enhance the good working relationships that have characterised the DWP/DSG process. For this to be achieved the Management Plan needs to link to the National Park Management Plan, provide a framework for specific actions and a mechanism for ensuring that management is properly funded and monitored into the future. Its preparation must be inclusive and provide for all parties to contribute views.

**Proposed Action:** *DSG needs to take an active role in commenting on, and contributing to, the Management Plan*

**Chairman, Dartmoor National Park Authority  
December 2011**

# DEFENCE ESTATES

From: Col Mark Waring OBE

→ DWP file



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28/1/4

Commander DTE

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Your Ref: KDB/AH/28/1/3

Our Ref:

Date: 1 December 2009

Dear Kevin,

## SUSTAINABLE MILITARY TRAINING ON DARTMOOR (SMTOD) – LESSONS LEARNED

Reference:

- A. Lessons Learned 2002 – 2012 and Principles for Future MOD/Duchy of Cornwall Licences - Draft dated 22 Sept.

1. Introduction. I welcome the opportunity for DTE to participate in this exercise; which we see as a positive contribution to developing relations with the Park Authority and the wider stakeholder community with an interest in the Dartmoor Training Area (DTA). Please note that, following consultation with Commander 43 (Wessex) Brigade and the Commandant of the Commando Training Centre Lympstone, we have agreed that HQ DTE would provide a consolidated response which represents the MOD view.

2. Historical Perspective. It is worth remembering that the current 21 year licence was granted by the Duchy some 19 years ago after a two day visit to Princetown by HRH The Prince of Wales, during which he discussed the issue with the DPNA, some NGOs and the MOD. Whilst this approach might have been considered acceptable in 1990, as a reflection of how relationships have developed, the MOD determined that a more inclusive method was more appropriate to re-negotiate the existing licence. In order to meet the aspirations of a large variety of interested parties, a more open, consultative and transparent process (Sustainable Military Training on Dartmoor (SMTOD)) was developed.

3. The SMTOD Process. We believe that a detailed examination of the SMTOD process will demonstrate that the MOD went to extraordinary lengths to try and ensure that the process mirrored the statutory planning process and was open, transparent, and, above all,

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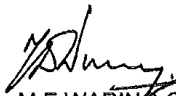
consultative and inclusive. In order to ensure that the widest possible audience was involved the SMTOD mailing list reflected the 200 consultees contained in the DNPA's Statement of Community Involvement. Whilst this approach succeeded in informing many, regrettably it resulted in only a limited response (for example only two SBs, 10 NGOs and 83 members of the public responded to the Scoping Report). Where responses were received they were reflected in the final suite of SMTOD documents.

4. With hindsight some organisations that did not respond now recognise that they should have engaged more fully at the Scoping Report stage. As some stakeholders feel that the chosen process was flawed, it is imperative that any future process for licence renegotiation is discussed and preferably agreed in advance by the major stakeholders, who must then become fully involved in the process from the very outset.

5. Detailed Comments. I have had sight of Reference A, which is a working draft document produced jointly by Comdt DTA and CE DNPA. It is, in my opinion, an extremely useful document. Annex A in particular gives a graphic illustration of the time and effort expended on the current licence re-negotiation and helps demonstrate how hard the interested parties have worked in order to allow the Secretaries of State to recommend that the MOD enter into licence negotiations with the Duchy.

6. The document sets out the background to the SMTOD process, describes the points of contention and concern, examines the lessons learned in some detail and will in time, develop a set of principles that may be applied in the future. I believe that Reference A encompasses all the major issues and should now be developed by the DWP with a view to tabling a paper for consideration by the DSG at the next meeting in Oct 2010. At that stage the DSG can debate it and either endorse or direct that it be further refined before the Chairman DSG makes recommendations to Ministers.

Yours sincerely



M E WARING OBE  
COL  
Comd DTE

Copy to:

Chairman DSG (via Dr K Bishop)  
Comd DTE SW



## **NATURAL ENGLAND (NE)**

- The amount of material the MoD had generated in support of the case for continued need was substantial. NE resources are very tight, with clear delivery priorities. At the time of consultation NE considered this material to the best of their ability despite resource issues.
- At the time of the initial consultations with regard to the Military Training Licence Renewal consultation, NE were also asked for comments on the ILMP and EMS – thus further adding to the burden on our resources.
- The ‘working group’ element of consultation process, in our view, lacked flexibility. The meeting dates were arranged without consulting the various interested parties and, as a consequence, NE were unable to attend all meetings. If more time had been allowed for this stage the process of negotiation might have been smoother.
- Legal questions surrounding the Licence have still to be resolved. From NE perspective, the renewed Licence will need an Appropriate Assessment as it constitutes a plan or project conducted within the Dartmoor SAC. Although the MoD have accepted this, it is still not clear that one will be performed. This would form the basis of the MoD’s consultations with NE and would need to include the considerations of alternatives to Dartmoor.
- There was a lack of clarity as to the Scoping Report/Environmental Appraisal (EA) process. NE raised objections to the EA but were told that we should have made those comments at an earlier stage. We would suggest that following the Appropriate Assessment route would have avoided this confusion.
- NE consider that we (or our respective legacy bodies, English Nature, Countryside Agency and Rural Development Service) should have been involved at the earliest stage in order to advise on an appropriate procedure. Had we been consulted at the beginning of the process i.e. 2002 rather than 2006, the resource issue would have been less pressing and the procedural and legal issues could perhaps have been ironed out before the process had gathered too much momentum.

**Andy Guy**  
**2010**

Natural England  
Level 8  
Renslade House  
Bonhay Road  
Exeter, EX4 3AW

## **DARTMOOR COMMONERS' COUNCIL**

IAN MERCER, Chairman, by EMAIL

1. The process was too long, started too early, and thus might not take account of incident or development much nearer the time of actual renewal (or not!) which could influence what the new licence (or its supporting docs) allowed or needed to control; eg new weapon, new training need in terrain terms etc)
2. The briefing of DEFRA minister with NP responsibility (alongside MOD minister or not) by MOD staff alone and before any other briefing (as I understand it) is not acceptable. At least the briefing (of DEFRA) should have been a joint meeting, better two meetings, one NPA briefing MOD observing, and one MOD briefing and NPA observing. More sophisticated would be joint briefing with adversarial cross questioning.
3. NPA v MOD is a bit David and Goliath, if only in resource terms (? real costs of MOD exercise in any case). The political logic is NE (national level) as NPA partner. NE after all has NPAs on its slop chit, but biodiversity distraction and local beholden-ness (?) to MOD survey cash and work might skew that potential aid. ...
4. At least at a properly conducted ministerial briefing, commoners who graze ranges should be represented

Ian Mercer

**GOVERNMENT OFFICE SOUTH WEST**



→ file

28/1/4

**GOVERNMENT OFFICE  
FOR THE SOUTH WEST**

8 December 2009

Kevin Bishop  
Dartmoor National Park Authority  
Parke  
Bovey Tracey  
Newton Abbott  
Devon  
TQ13 9JQ

**RICHARD BAYLY**  
Deputy Regional Director: Economy  
Growth & Regeneration

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Shepherds Wharf  
24 Sutton Road  
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Tel: 01752 635063  
Fax: 01752 227647

e-mail:  
richard.bayly@gosw.gsi.gov.uk

*Kevin*

Thank you for your letter of 27 October about lessons learned from the renewal of the license for military training on Dartmoor.

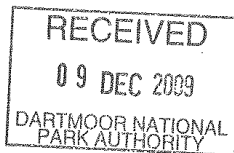
I am sorry not to have written before. This letter is simply to confirm formally that GOSW will not be submitting a formal response as I understand that DEFRA colleagues, who effectively we represent on the Steering Group, have already discussed the process with you.

With best wishes

Yours sincerely

*[Handwritten signature]*

**R D BAYLY**



INVESTOR IN PEOPLE

**No submission was received from the following DSG members:**

- English Heritage
- Duchy of Cornwall – they stated that the lessons learnt process was, in their view, a public sector guidance process and thus not applicable to them

## **Submission by Campaign (formerly Council) for National Parks**

9 April 2010

Richard Thomas  
Chairman, Dartmoor Steering Group  
26 Canon Street  
Winchester  
Hampshire  
SO23 9JJ

Dear Richard

### **Lessons learned from the licence renewal process**

We understand that the Dartmoor Working Party has been tasked with taking forward a 'lessons learned' exercise in relation to the licence renewal process (as discussed at the 47<sup>th</sup> meeting of the Dartmoor Steering Group). We note that this would be consistent with paragraph 114 of the recently published Circular<sup>13</sup> on National Parks which states that the Ministry of Defence will ensure that defence use of land within the Parks is kept under review.

While we have not seen any details of this exercise, we assume that its conclusions will eventually be made public and would welcome any details that you might be able to supply on the timescale for this. We would be grateful if the points below could be included within the exercise.

#### **1. Transparency and engagement**

CNP considers that the 'lessons learned' exercise provides a timely opportunity to review the operation and membership of the Dartmoor Steering Group. At the very least, meeting notes and agendas should be circulated more widely, and an automatic notification facility established on the Steering Group's web site so that users can register for and receive updates automatically.

Voluntary sector organisations had no opportunity to present their views to the Steering Group during the licence renewal process, other than through written representations. This inhibited the ability of such groups to engage in meaningful dialogue with the members of the Steering Group. A more open and transparent process would remove some of the concerns that were directed at the licence renewal process.

Without fail, the future process for considering the merits of whether an activity for which a national need has been claimed should be allowed to continue in the medium term in a landscape which has been nationally designated for its natural beauty and public enjoyment must be completely transparent and fully engage stakeholders. One way to achieve this would be to extend the membership of the Steering Group to include voluntary sector representation.

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<sup>13</sup> English National Parks and the Broads, UK Government Vision and Circular 2010, Defra

## **2. Objective examination of the continued need for military training**

As stated on various occasions, CNP fully supports the need for our Armed Forces to be trained to the highest standards and to be in a permanent state of readiness, particularly given the challenging circumstances in which they continue to be deployed. However, we question the extent to which this should continue to take place in our finest landscapes, and remain concerned that the process of licence renewal for Dartmoor did not consider need rigorously.

The 'lessons learned' exercise must consider how the pivotal issue of need is to be considered in the future, and how concerns such as ours can be assuaged. We suggest that an inquisitorial approach is taken, so that statements of need by military authorities can be examined more rigorously. We also think that the ultimate decision of licence renewal must in future lie outside the Ministry of Defence, as we think it unlikely that a Secretary of State for Defence would ever find arguments to relocate training away from Dartmoor compelling. Of course, an objective assessment of need for continued training on Dartmoor should not be carried out in isolation and would necessitate consideration of training on all parts of the defence estate. A dedicated commission could be established to consider this, giving the process vital independence and transparency.

In recognising that conflicts exist between National Park purposes and military training, paragraph 116 of the National Parks Circular states that, 'Any conflict between defence use and Park purposes is best resolved through timely co-operation between the MOD and the Authorities. In order to enable this, a proportionate means of conflict resolution should be established'. CNP suggests that the 'lessons learned' exercise should consider what this means in the context of the future examination of licence renewal on Dartmoor.

## **3. Role of the National Park Management Plan**

We welcome the production of a Management Plan to accompany the new licence, but in order for it to deliver maximum benefit to the National Park we consider that it needs to be linked explicitly to the National Park Management Plan. The Dartmoor Steering Group is well placed to feed in to the Management Plan, and should be tasked with keeping its progress under review.

Please do not hesitate to contact me should you have any queries about any of the above.

Yours sincerely



Ruth Chambers  
Deputy Chief Executive

## **Reply to CNP letter**

Dear Ruth,

Thank you for the letter attached to your e-mail below which I have safely received. I have copied this letter to the DSG Joint Secretaries and will ensure that your points are taken fully into account.

Regards  
Richard S Thomas

Chairman, DSG  
By e-mail 11 April 2010