DNPA Application No:	**0322/16**	District/Borough:	**Teignbridge**
DCC Application No.:	**DCC/3994/2017**	Parish:	**Ashburton**
Application Type:	**Full Planning Permission**		
Grid Ref:	**SX77007125**	Officer:	**James Aven**

Proposal: **Extension to the existing Linhay Hill Quarry for extraction of minerals and creation of new permanent landscaping bunds with associated landscaping, surface water management works and other environmental improvements on land adjacent to the quarry; Backfilling of overburden and quarry spoil from later stages of the quarry extension. • Closure and removal of a section of Alston Lane and junction onto the A38; Provision of a new road as a replacement for Alston Lane; Diversion of Ashburton footpath 16; Removal of existing accesses to Alston Farm and Lower Waye, and replacement with new accesses; Diversion of water supply pipe and relaying of existing underground telecommunication duct; • Widening of Balland Lane and alterations to the coach turning circle at South Dartmoor Community College, with temporary construction compound; • Flood mitigation works; Provision of public access and footpaths, with amenity area in walled garden. Provision of quarry viewpoint with information facilities and parking as appropriate.**
• Continuation of quarrying and all currently consented operations for 60 years after commencement of proposals, including retention of existing plant, equipment and buildings, for processing of minerals and recycled aggregates, manufacture of aggregate products and completion of existing tip. Extraction of minerals in existing and extended quarry to full extents to 0m AOD, Raising the sides of the existing settling pond to increase its capacity, and providing for its capping and subsequently for a temporary bund to screen mobile processing plant for final part of quarrying. • Progressive restoration and landscaping of the existing and extended quarry with provision for nature conservation, biodiversity and geology. • Following the cessation of quarrying, final Restoration to a combination of: amenity, informal recreation, and nature conservation in the main part of the extended quarry area with amenity area on part of capped Balland Pit and public access via circular path; and employment in the workshop area and part of capped Balland Pit. Ongoing management of the restored areas and after uses.

Location: **Linhay Hill Quarry, Ashburton**

Applicant: **E & JW Glendinnings 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 conditions and the completion of a s.106 Planning Obligation Agreement.

Appendices

1 Introduction

1.1 Linhay Hill Quarry is a major limestone quarry located to the north east of Ashburton. The quarry is immediately adjacent to the A38 Devon Expressway, which runs along its south eastern boundary and at this point is the boundary of the Dartmoor National Park.

1.2 The existing quarry comprises a large void, containing further rock reserves, with primary and secondary aggregate processing plant located within it, and further associated workshops, plant and storage areas located on its western and north western side. A tip for overburden and quarry spoil is located to the north of the void and is being progressively restored to agricultural use.

1.3 The applicant produces a range of aggregates, ready mix concretes, asphalt, blocks, paving, sand and lime for new roads and highways maintenance, building construction and agricultural use. The quarry also supplies aggregates to the applicant's ready-mix concrete batching plants and pre-cast works at Exeter, Plymouth and Paignton. It also processes demolition waste into recycled aggregate.

1.4 The limestone is extracted in layers, called 'benches', of about 15m depth. The limestone is released by controlled blasting, and then transported by dumpers to the processing area, situated in the southern part of the quarry. The processing plant comprises a primary and secondary crusher, an asphalt plant, and an agricultural lime plant. There is also a reception area with offices, weighbridges, loading facilities and wheel washes.

1.5 The deepest part of the quarry in the south western corner is now flooded. This area is known as the Balland Pit. The water is used for washing the product during processing and dust suppression. The flooded area also acts as a settling pond for the solids. The remainder of the quarry void is used for stockpiling, circulation and minerals extraction.

1.6 The workshop area contains maintenance workshops for quarry plant and for the company's fleet of lorries, together with a ready-mix concrete batching plant and other processing buildings, producing the range of products described above and product storage areas.

1.7 The quarry has two entrances, the higher one is the main entrance, from which aggregates and asphalt products leave the quarry, the lower one is used for all products from the workshop area, blockwork, paving, lintels, ready mixed concrete and other fabricated products. The entrances access on to Balland Lane and the B3352 from where it is a short distance to a north and south bound junction onto the A38.

1.8 The applicant states that reserves remaining are sufficient for the quarry to continue to operate viably for a further ten years at the current rate of extraction (as at the end of 2015). The applicant is therefore applying for an extension to secure the continued operation of the quarry.

1.9 The planning application consists of the original application made in June 2016, plus five rounds for Further Environmental Information (FEI) and two rounds of 'Other Information' (OI) submitted in:

- FEI#1 July 2017
- FEI#2 November 2018
- FEI#3 March 2019
- FEI#4 March 2019
- OI#1 July 2019
- OI#2 October 2019
- FEI#5 August 2020

1.10 This planning application (0322/16) includes within its 'application site' a narrow strip of land alongside the A38 that falls outside the National Park. As such, the applicants submitted a duplicate application (ref. DCC/3994/2017) to Devon County Council as Mineral Planning Authority for Teignbridge District, which was subsequently delegated to Dartmoor National Park Authority for determination as most of the application site falls within its area. Hence the two planning application reference numbers at the top of this report.

1.11 The narrow strip of land outside the National Park runs along the northern edge of the A38 and includes the Alston Lane junction. However, unlike the proposed 'improvement' works to the Caton Lane junction that was considered and approved by Teignbridge District Council (ref. 18/00542/FUL), the closure of the Alston Lane junction does not involve engineering works requiring planning permission and as such, this did not require a separate application to Teignbridge District Council. The closure of this junction is therefore being considered as part of the main application.

2 <u>Consultation Responses</u> – Please see Appendices 2 and 3.

3 Relevant Development Plan Policies

3.1 Dartmoor National Park - Core Strategy Development Plan Document (June 2008)

COR1 - Sustainable Development Principles

COR2 – Strategic settlement policy

COR3 – Protection of Dartmoor's special environmental qualities

COR4 – Built Environment

COR5 – Protecting the historic built environment

COR6 – Protecting Dartmoor's Archaeology

COR7 – Providing for the conservation of Dartmoor's varied plant and animal life and geology

COR8 – Climate change

COR9 – Protection from and prevention of flooding

COR11 – Sustaining tranquillity

COR14 – Infrastructure for new development

COR18 – Sustainable economic growth

COR21 - Dealing with development and transport issues in a sustainable way

COR22 – Minerals development

COR24 – Protecting water resources from depletion and pollution

3.2 Dartmoor National Park - Development Management and Delivery Development Plan Document (July 2013)

DMD1a - Presumption in favour of sustainable development

DMD1b - Delivering National Park purposes and protecting Dartmoor National Park's special qualities

DMD2 – Major development

DMD3 – Sustaining the quality of places

DMD4 - Protecting residential amenity

DMD5 - Protecting the character of Dartmoor's landscape

DMD13 - Protection of heritage assets with archaeological interests

DMD14 - Natural environment, biodiversity and geodiversity

DMD18 - Development on unstable land

DMD31 - Provision of new recreational and leisure facilities

DMD42 - Development affecting a public right of way

3.3 Dartmoor National Park - Minerals Local Plan (1995)

M2 – The principle of mineral extraction

M4 – Criteria for assessment

4 Observations

4.1 This report is set out in the following sections:

5 Planning History

5.1

SA/2	Full Planning Permission	Quarrying limestone at Badcocks Quarry	**Granted conditionally** 6 January 1949
SA/35		Quarry development' (including extraction)	**Granted conditionally** 5 July 1950
SA/202		Extension to quarry to the north and west of the original quarry area	**Granted conditionally** 31 October 1957
SA/219		Quarry extension	**Granted conditionally** 1 April 1959
SA/233		Quarry extension	**Granted conditionally** 13 August 1959
SA/296		Winning and working of limestone	**Granted conditionally** 7 November 1961
SA/676		Winning and working of minerals eastwards as far as Alston Lane and including the several existing permissions	**Granted conditionally** February 1970
5/2/1517 /31/4D		Disposal of overburden in an area to the north west of the extended quarry	**Granted conditionally** 12 December 1975
87/0683/ 31/3D		Extension to the overburden tip, relocation of quarry buildings and plant, an altered access, consolidation of some earlier planning permissions and updating of the planning conditions	**Granted conditionally** 17 August 1988

90/1108/ 31/4D	Revised scheme for the tipping of overburden	**Granted conditionally** 27 July 1990
5/31/286 /97/03	Revision of the scheme for tipping of overburden	**Granted conditionally** 6 April 1998
5/31/064 /94/03	Use of land for recycled and secondary aggregates processing and stockpiling	**Granted conditionally** 14 April 1994
5/31/285 /94/03	Use of land for recycled and secondary aggregates processing and stockpiling	**Granted conditionally** 28 November 1994

5.2 The existing quarry is currently operated under two main planning permissions (SA/35 and SA/676) which were consolidated in the early 1990s under the terms of planning permission ref 87/0683/31/3D and accompanying Section 52 legal agreement (*NB. agreements under s52 of the Town and Country Planning Act 1971 have been superseded by s106 of the Town and Country Planning Act 1990*). This is a time-limited (temporary) permission and is due to expire in 2048, although the applicant states that reserves remaining are sufficient for the quarry to continue to operate viably until around 2025 at the current rate of extraction (as at the end of 2015).

6 The Proposal

6.1 The proposed quarry extension area is land to the north east of the existing quarry and alongside the A38 and comprises fields within Alston Farm. Most of the proposed extension area is currently farmed as a livestock farm, but the western most fields closest to the existing quarry are also used for growing turf for the turf business at Lower Waye. Alston Lane, a single track public lane leading from a simple two-way junction with the A38, lies between the existing quarry and the extension area.

6.2 The nearest dwellings to the extension are Alston Farm House and Alston Cottage, located within 25m of the proposed site boundary, which are in the ownership of the applicants, but privately occupied. There are two further dwellings at Lower Waye, one of which is owned by the applicant; both are privately occupied. To the north east is the small hamlet of Caton, comprising several private houses, the closest being within 30m of the proposed site boundary. Other private residences are located to the north and west.

6.3 To the south of the existing Linhay Hill Quarry is the Linhay Business Park and playing fields of South Dartmoor Community College. The College's Sixth Form Centre occupies Place House, which is located to the north of the quarry workshop area.

6.4 The additional extraction area will yield sufficient material for a further 60 years at the quarry's current rate of extraction. The extension area will be quarried progressively in a north easterly direction from the existing quarry at Linhay Hill, with the adjacent land within the application site used to create screening bunds by

tipping of the overburden from the earlier stages of the extended quarry area. In parallel the application seeks to allow the existing quarry to be deepened to extract limestone below the current depth limit of 28m Above Ordnance Datum (AOD). This will yield about 3 years of further reserves from within the existing footprint of the quarry and also allow the overburden from the later stages of the quarry extension area to be backfilled into the base of the quarry

6.5 This application is for a deepening of the existing quarry from the approved 28m AOD to 0m AOD, and a lateral extension to the north east. The lateral extension area covers 32ha and would comprise 21ha for the extraction of minerals and 11ha to the south east and north east where screening bunds would be constructed using some of the overburden material from the extension area. Extraction would take place over a 60 year period. The main mineral that would be extracted would be limestone, which is the same as the existing quarry.

6.6 The stone and quarry products would continue to be transported to customers via the existing main quarry entrance and using the current access link onto the A38. The proposed hours of operation would be the same as for the existing quarry - extraction of minerals and activities up to and including primary crushing: 0600 and midnight on Mondays to Saturdays, and 0600 and 1200 hours on Sundays and Bank Holidays.

6.7 Other elements of the proposed development are:

- Surface water management works and other environmental improvements on land adjacent to the quarry, including raising the sides of the existing settling pond to increase its capacity and providing for its capping, and a temporary bund to screen mobile processing plant for final part of quarrying;
- Backfilling of overburden and quarry spoil from later stages of the quarry extension into the existing quarry void;
- Closure and removal of a section of Alston Lane and junction onto the A38 and provision of a replacement road following the route of a track called Waye Lane to the north of the existing quarry;
- Widening of Balland Lane;
- Diversion of Ashburton footpath 16;
- Removal of existing accesses to Alston Farm and Lower Waye, and replacement with new accesses;
- Diversion of water supply pipe;
- Relaying of existing underground telecommunication duct;
- Flood mitigation works;
- Introduction of a Traffic Regulation Order at Hook’s Cross to minimise additional traffic using Caton Lane once Alston Lane is closed.

6.8 The proposed development also includes the retention of all existing buildings and plant, accesses and internal roadways, outside storage areas and circulation spaces, weighbridges and other reception features, boundary and internal fences and gates, signs and other built features and installations. The application also provides for the ongoing use of land for recycled and secondary aggregates processing and stockpiling.

6.9 The extension area would be restored to form a large lake within the quarry void, with amenity, informal recreation, and nature conservation features surrounding it.

The workshop area is proposed to be retained for future employment uses.

6.10 These proposals would be implemented in stages, as set out in the following sections:

Stage 0: years 1-2

6.10.1 *Widening of Balland Lane*
To mitigate the impact of the additional traffic from Waye Lane on the eastern part of Balland Lane, the single lane length would be improved by providing two passing places to allow cars to pass each other (see Appendix 6).

6.10.2 *Construction of Waye Lane*
This would be provided to provide appropriate access arrangements to all a section of Alston Lane, which passes between the existing quarry and the extension area, to be removed.

6.10.3 From Balland Lane the route would follow the line of the off-road footpath until it meets the existing farm track north of the grounds of Place House. It would then follow the track and footpath for approximately 450m where it would then follow the edge of the existing spoil tip, traversing to the south of Waye House, to meet the existing Alston Lane north of Lower Waye. Where Waye Lane passes Waye Farm there would be a link between the new Waye Lane and Waye properties allowing them access for travel towards Ashburton and the A38. Passing bays would be incorporated into the overall road alignment at suitable intervals. Hedgerows would be planted on both sides where practicable.

6.10.4 The lane would not be opened until the passing places on Balland Lane have been provided.

6.10.5 The existing access to Alston Farm would be lost with the removal of Alston Lane, therefore a replacement private access would be constructed before Alston Lane is closed. The applicant is proposing an interim route initially, and then a revised permanent route to allow for the quarrying works to take place in the vicinity. Hedgerows to be removed from the extraction area would be translocated along the access. Waste planings and hardcore from the removal of the lane would be reprocessed at the quarry for recycled aggregate.

6.10.6 *Diversion of footpath (Ashburton 16)*
To accommodate the construction of the new Waye Lane, the existing footpath in this area would need to be diverted. The footpath would be diverted prior to any construction of the new Waye Lane to maintain access.

6.10.7 *Introduction of a Traffic Regulation Order at Hook's Cross.*
The proposed development provides for a Traffic Regulation Order to be introduced to designate Caton Lane for 'Access Only'.

6.10.8 *Diversion of services*
The section of water main that runs along Alston Lane from Alston Cross up to Lower Waye would be removed and replaced. The new route would follow the replacement Waye Lane alignment joining the remaining length at Alston Lane and supply to houses from there as per current private links. At the Balland Lane end of

the diverted route, there would be a connection to the existing main.

6.10.9 The proposed development would require the dismantling of two 11KV overhead routes which cross the proposed extension area. The alternative connection would be achieved predominantly by adding a third wire to the existing overhead lines passing around the proposed extension area as well as two areas of new line or cable between Hooks Cross and Stormsdown Lane, and near Stormsdown Village northwards to Owlacombe Farm. Changes to the electricity grid would be covered by a Section 37 application under the Electricity Act.

6.10.10 *Flood Risk Mitigation*

Additional temporary flood water storage measures are proposed to mitigate the increase in runoff which would occur due to the replacement Waye Lane, and to attenuate the runoff from the upper catchment of the Balland Stream above Waye Lane in order to further reduce the flood risk to Ashburton. Measures include forming detention basins around the existing ponds in the Alston Farm field north east of Waye, removing sediment from Waye Pond and increasing its detention area, and increasing attenuation of rainfall run off from the land and hillsides below Waye, Brownswell and Place Wood. Additionally, flow control would be incorporated within the Balland Stream channel at the quarry to divert flows to the Balland Pit (the settling pond at the existing quarry) when flow in the channel exceeds an agreed flow rate.

6.10.11 *Hedgerow and woodland planting and other ecological enhancements*

A range of landscape planting and ecological enhancements would be undertaken within the application area:

- The existing mixed plantations alongside the A38 (approximately 1.1ha), on the bunds to the north of the quarry (approximately 2.3ha) and south of Waye House and Farm (approximately 1.2ha) would be enhanced by selective thinning and removal of conifers and supplementary native broadleaved planting as required;
- The area (approximately 0.8ha) between this latter planted area and the northern length of the new Waye Lane would be planted with native woodland; and
- A total of around 1,800m of new native species rich hedgerow/hedgebank would be created alongside the new Waye Lane.

<u>Stages 1 -4: years 2-46</u>

6.10.12 *Existing quarry*

Deepening of the existing quarry would take place during stages 1 and 2 in years 2–31. It would be deepened to 28m AOD during years 2-13 (the current approved level) and to 0m AOD during years 14-31. This would take place in parallel with the lateral extension during years 2-31.

6.10.13 Once the deeper reserves in the existing quarry have been worked out, overburden from stages 3 and 4 of the extension area would be deposited back into the base of the existing quarry. Part of the base of the quarry would be reserved as a settling pond to replace Balland Pond (the existing settling pond) when it is filled with silt. Balland Pond would then be partially capped.

6.10.14 *Lateral extension*

Each stage would commence with installation of surface water drainage routes around the edges of the extraction area and associated bunding area to intercept and direct surface water runoff from higher land. These routes would be grassed channels. Temporary settling ponds would be provided at each stage to capture runoff and settle out suspended solids during soil stripping.

6.10.15 The next step in each stage would be the translocation of hedgerows from the fields to be quarried and used for bunds. The hedgerows would be translocated as follows:

- Hedgerows removed during stage 1 would be translocated alongside the new access to Alston Farm and along the outer edge of the Stage 1b bunding area, closest to Caton.
- Hedgerows removed during stage 2 would be translocated around the stage 2 bunding area, alongside the hedgerow on the north eastern edge of the quarry extension area and around the north eastern side of Alston Farm buildings (with the aim of completing a green lane across the site linking through from the A38 to Alston Wood); and on the existing tip north of Linhay Hill (with the aim of recreating the historic field pattern).
- Hedgerows removed during stages 3 and 4 would also be placed on the existing tip north of Linhay Hill, with some from stage 3 also placed on the stage 2 bunding.

6.10.16 Topsoil and overburden would be stripped and stored. Overburden from stages 1 and 2 would be stored within the extension area to the south east along the A38 and to the north east between the extraction area and Caton. Overburden removal would take place in campaigns, each lasting around 4 months. Assuming the current rate of extraction, these campaigns would take place during years 2, 10 (stage 1); 13, 16 (stage 2); 31 (stage 3); 40, 43 and 46 (stage 4). The outer sections of the overburden bunds would be constructed first. The outer face of the overburden bund to the south east along the A38 would have a gradient ranging from 1 in 2 to 1 in 3. The outer face of the overburden bund to the north east near Caton would have a gradient no steeper than 1 in 5. The outer faces would be spread with topsoil, planted with grass seeds and progressively planted with locally appropriate native broadleaved woodland. Overburden from stages 3 and 4 would be taken to the base of the existing quarry, which would have been worked to its maximum depth at this point.

6.10.17 Assuming a constant rate of extraction at the current rate, new areas of quarrying would be opened up in years 2, 10, (Stage 1); 13, 16, (Stage 2); 31, (Stage 3); 40, 43 and 46 (Stage 4).

6.10.18 The following design parameters for the benching of faces in the extension area have been used by the applicant:

North West -

- Overall slope angle 35^0 (from horizontal);
- Individual faces inclined at 80^0;
- Maximum face height 15m;
- Minimum bench widths 1.6 x face height of bench below later trimmed to 1.4 x face height.

South East -

- Overall slope angle 45^0;
- Individual faces inclined at 60^0;
- Maximum face height 15m;
- Minimum bench width 7m;
- All soil slopes (greater than 5 metres in height) to be cut at 1:3 (vertical : horizontal) i.e. 18^0.

South West and North East -

- Overall slope angle 60^0;
- Top rock face inclined at $60^{0,}$ subsequent faces at 80^0;
- Maximum face height 15m;
- Minimum bench width 7m;
- All soil slopes to be cut at 1:3 (vertical : horizontal) i.e. 18^0.

6.10.19 As with the existing quarry, the rock would be released by blasting designed to produce no more than a stated Peak Particle Velocity (ppv) as measured at the nearest property. The limit applied in the planning permissions for the existing quarry is 12mm/sec. The extension would take the quarry operation closer to a listed building and to residences at Caton and elsewhere that have not been affected by past blasting, so the applicant is proposing that the blasting limit be reduced to 8.5mm/sec ppv. Current permitted periods for blasting at the existing quarry are 0900 – 1730 on Mondays to Saturdays, with no blasting allowed on Sundays and Bank Holidays. The applicant is proposing that the same hours are applied to the extension.

6.10.20 The maximum depth that would be attained in each stage of the extension are:

- Stage 1: 110m AOD
- Stage 2: 54m AOD
- Stage 3: 41m AOD over part of the area
- Stage 4: 41m AOD over part of the area.

6.10.21 The settling pond in the existing quarry would also serve the extension. As extraction progresses, the capacity of this settling pond would be increased by bunding around its lowest side using overburden from the extension. As noted above, once working is completed in the existing quarry, a replacement settling pond would be created in its base and the existing pond would then be partially capped so it can continue to provide water storage.

6.10.22 During Stage 1 a new footpath would be created running from the new access to Alston Farm, to pass north of Alston Farm via a length of old trackway to join Caton Lane. A further new footpath would be provided at the beginning of Stage 3, linking the Stage 1 path to the footpath/cycleway alongside the A38.

Stage 5: years 47-60+

6.10.23 At this stage the extension area would have reached its lateral extent and quarrying in the extension area would proceed by deepening. Deepening in the extension area would be achieved by continuing the formation of benches using the same design parameters set out above for Stages 1-4. The faces in Stage 5 would include

a bench at 95m AOD to facilitate the proposed lake edge treatment when the excavated void is flooded.

6.10.24 Once all other reserves are exhausted, the processing plant in the south eastern part of the existing quarry would be removed so that the limestone beneath it could be extracted. Mobile plant, that would be positioned on the now fully capped Balland Pond, would be used to process the limestone. A bund would be created around the south western edges of the Balland Pond plant area.

Restoration and Aftercare

6.10.25 *Progressive Restoration*
The levels of the benches in the existing quarry would not be altered and the existing progressive restoration allowing natural regeneration would continue in line with previous planning permissions. The applicant states that this is because the benches have already been determined by reference to the historic restoration strategy approved under previous planning permissions and to Quarrying Regulations.

6.10.26 The range of habitats to be created by progressive restoration of the higher benches in the extension area is as follows:

- North western faces of Stages 1-4: The overall slope would be 35^0. The higher slopes would be fenced to enable grazing by sheep and would be seeded and managed to become calcareous grassland. These slopes would connect to and extend the species-rich grasslands created during Stage 0 to the south of the new farm access road, to create a contiguous area of sufficient size for grazing to be practical. Below the fence line, the re-profiled rock faces would be left bare to form scree and open rock surfaces with an open sward. Areas of habitat suitable for Deptford Pink Dianthus armeria, (classified as a Priority Species in the UK Biodiversity Action Plan and as Endangered in Britain on the Red Data List) would be created by application of a suitable soil mix.
- North eastern face formed in Stage 3 below Alston Cottage: The overall slope would be 60^0. Calcareous grassland would be planted on the higher slopes and an open sward on the lower benches. The lower benches would have a greater proportion of bare rock and geological exposures, forming projecting headwalls and buttresses.
- North eastern face formed in stage 4: Scrub would be created on the higher part of the face, then a narrow band of calcareous grassland,
- followed by exposed rock with scrub and trees.
- South eastern face, all stages: The overall slope would be 45^0. The higher slopes would be vegetated with a combination of scrub and open sward on exposed rock.
- Corner faces to the south of the A38 bund: The face would mainly be scrub with sections of scree and open sward/exposed rock.
- Edge of the proposed public amenity area in the south: This area would have shallow graded sides to the restored quarry to facilitate public access and interaction with the water body. More detail on this is provided in the next section.

6.10.27 The approved restoration scheme for the existing tip to the north west of the existing quarry, was to sow with an Italian ryegrass seed mix to provide a permanent

pasture grassland sward, with the surface area subdivided into three parcels by new hedgerows. In addition, a strip of scrub was to be planted between the tip and the quarry and a rock feature introduced in the south part of the crest of the tip. The restoration was to be undertaken progressively as tipping proceeds and to date has been implemented on approximately two thirds of the tip. As part of this application the applicant is proposing to change the pasture grassland from Italian ryegrass to species rich grassland by a combination of management of the part that has already been created and by altering the grass mixture for the remainder. In addition, a new field pattern is proposed by introducing relocated hedgerows from the extension area to replicate the historic field pattern and a previously proposed rock feature would be omitted.

6.10.28 *Final Restoration*

The Final Restoration Strategy is based on the position that at the end of the working life of the quarry when dewatering of the void ceases, the quarry void would be allowed to fill with water. The final water level would naturally be controlled by the adjacent hydrological features, with a water level control installed to regulate the outflow of water from the lake during episodes of high rainfall. In this way, flood waters can be stored within the lake and released more slowly over time, reducing flood risk to Ashburton downstream. The maximum depth of the lake would be around 96m.

6.10.29 The treatment of the edges of the flooded void would be designed to create a variety of water-based habitats, such as shallow water, ponds, and wetlands, depending on aspect and space available. In a number of locations, surface water drainage networks constructed to control water during quarrying would be diverted to flow over the restored quarry edges creating new (probably seasonal) running water and waterfall features. A minimum of 4 artificial ‘bat caves’ would be created in the re-profiled quarry benches.

6.10.30 Approximately 1ha (the applicant proposes reviewing the final size of the area nearer the end of operations) in the south west part of the quarry on the capped former settling pond would be used for informal recreation use, accessed via the existing main entrance to the quarry. This public amenity area would be landscaped with grass and tree planting. It would include provision for car parking, interpretation and a grassland area for open air recreation linking with a circular path that would be provided around the lake, linking into other existing and proposed footpaths. The applicant has identified that other informal activities that could take place in the restored quarry include recreational fishing and boating/canoeing. These activities would be low impact, compatible with nature conservation objectives.

6.10.31 The applicant’s intention would be to dedicate the areas for public amenity and informal recreation, including the circular path, for public access. The applicant would prepare a Site Management Plan that would set out detailed matters of ownership, governance, control, maintenance and funding of the public amenity areas and informal recreation. In summary, the applicant is proposing the following:

- Ownership - This would remain with the Company, with the ability to pass this on to successive owners subject to the same obligations.
- Governance – This would be by a Community Trust, partnership, shared ownership or similar legal body, with representatives from local government bodies (e.g. Ashburton Town Council, Dartmoor National Park, Devon County

Council) and the site owners, and open to other organisations, such as local clubs and associations, or educational bodies.

- Rent - The public access areas would be made available to the Governance Body at a peppercorn rent into perpetuity or as determined by the Governance Body.
- Control and maintenance –Control would be afforded via bylaws, arrangements for opening and closing the site on occasions if deemed necessary and similar measures. Maintenance arrangements would depend on the type of provision and level of use (e.g. cleaning if toilets are provided, grass mowing, checking condition of equipment such as picnic tables etc).
- Funding for site management – This would be a combination of % of profit from (i) visitor/amenity facility and/or café operated by Community Trust, (ii) car parking charges if levied, and (iii) income from the Company retained industrial land on the remainder of the Balland Pit area and workshop area.

6.10.32 Restoration would be followed by a 5 year aftercare period to ensure that the restoration treatment for each respective area becomes established.

Offsite Measures

6.10.33 The application originally included the following offsite measure:

- The dedication of the walled garden near Place House for public access;
- The provision of a quarry viewing point and associated parking;
- Provision of new accesses to the school car park at Place House; and
- Alteration of the school coach turning circle.

6.10.34 The applicant reviewed the range of proposals included in the application in the light of a Supreme Court case (Wright v Resilient Energy Severndale Ltd and Forest of Dean Council). In this case the Supreme Court found that the condition imposed by the Council requiring a contribution to a community fund was unlawful as the contribution had been incorrectly treated as a material consideration; it should not have been taken as a material consideration because it was unconnected to the use of the land in question.

6.10.35 The applicant considers that the four aspects identified above are not material to the main development and not necessary to make the development acceptable in planning terms. The applicant has decided to retain them as part of the planning application, but they should not be taken into account in the determination of the application.

7 Major Development

7.1 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.

7.2 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.

7.3 What is "Major Development"?

7.3.1 Unfortunately for Members faced with making this planning judgement, there is no single test, set of criteria or statutory definition in the National Planning Policy Framework 2019 (the 'NPPF') context to inform the decision-making process. 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 Town and Country Planning (Development Management Procedure) (England) Order 2015 (the 'DMPO'). 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.

7.3.2 The starting point is footnote 55 in the NPPF, 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. James Maurici QC produced the "Maurici Opinions" on the major development issue. 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 are still valid.

7.4 Policy Tests

7.4.1 There is a strong presumption against major development in the National Park and the policies around major development are therefore relevant.

7.4.2 While not an actual 'test', the National Planning Policy Framework 2019 Paragraph 172 is commonly referred to as the major development test. This discusses the requirements for the determination of development proposals within National Parks and states at paragraph 172 that:

> "*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 these designated areas should be limited. Planning 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."

7.4.3 Footnote 55 is new to the NPPF 2019 and clarifies that "for the purposes of Para 172, whether the proposed development 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".

7.4.4 Policy COR22 of the Development Plan provides that 'major mineral development' will not be allowed unless "*after rigorous examination, it can be demonstrated that there is a national need which cannot reasonably be met in any other way, and which is sufficient to override the potential damage to the natural beauty, wildlife, cultural heritage or quiet enjoyment of the National Park".* This also creates a very strong presumption against any such development.

7.4.5 Policy DMD2 of the Development Plan provides that planning permission *"will not be granted for Major Development unless after the most rigorous examination it can be demonstrated that there is an overriding public interest in permitting the development which outweighs National Park purposes and the development cannot reasonably be accommodated in any other way".* This requirement for an overriding public interest imposes a very severe policy test.

7.4.6 It should also be noted that the policies of the Development Plan were adopted before the current NPPF.

7.5 Officer Assessment

7.5.1 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.

7.5.2 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.

7.5.3 The application has been submitted on the basis that the proposed development constitutes Major Development. Having regard to the character, nature and scale of the proposed development and taking the local circumstances and context into account, Officers agree that the proposal is “major development” within the meaning of NPPF paragraph 172, and the development plan policies.

8 Landscape and Visual Impacts

8.1 NPPF Paragraph 172 requires all decision-makers to give great weight to conserving and enhancing landscape and scenic beauty in National Parks. More generally, the NPPF states that planning decisions should ensure that developments are sympathetic to local character, including the surrounding built environment and landscape setting, (paragraph 127); that valued landscapes are protected and enhanced and that the intrinsic character and quality of the countryside is recognised (paragraph 170).

8.2 Development Plan Policy COR22 contains the Major Development Test and states that major mineral development will not be allowed unless, after rigorous examination, it can be demonstrated that there is a national need which cannot reasonably be met in any other way, and which is sufficient to override the potential damage to, amongst other matters, the natural beauty of the National Park.

8.3 Policy COR1 requires a number of considerations to be taken into account to ensure that development is undertaken in a sustainable manner. This includes the following (of most relevance to the proposed development):

- the provision of high quality design and construction
- respect for and enhancement of the character, quality and tranquillity of local landscapes and the wider countryside;
- the need to sustain the local distinctiveness, character, townscape, and the setting of settlements.

8.4 Policy COR3 requires development to conserve and enhance the characteristic landscapes and features that contribute to Dartmoor’s special environmental qualities, with particular regard being given to the following characteristics (those of relevance to the proposed development:

- underlying geology and watercourses, river corridors and wetlands;
- woodlands, trees and orchards;
- wildlife habitats;
- field boundaries;
- settlements, roads and lanes;
- historic and archaeological landscapes, features and artefacts;
- vernacular and other historic buildings and traditional man-made features.

8.5 Policy COR4 sets out a list of design principles to which development proposals are expected to conform in relation to their effect on Dartmoor’s built environment.

8.6 Policy DMD1b gives priority to the conservation and enhancement of the natural beauty, wildlife and cultural heritage over other considerations in the determination

of development proposals. The policy identifies a number of criteria for development:

- conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park; or
- promote the understanding and enjoyment of the special qualities of the National Park; or
- foster the social or economic wellbeing of the communities in the National Park provided that such development is compatible with the pursuit of National Park purposes.

8.7 In all cases, development should not detract from, and where appropriate enhance, the special qualities of the National Park.

8.8 Policy DMD3 sets out a number of ways in which development proposals should contribute to sustaining good quality places in Dartmoor National Park, including the following (of most relevance to the proposed development):

- responding to and reinforcing locally distinctive patterns of development, landscape and cultural heritage;
- protecting distinctive landmarks, buildings and views;
- making best use of opportunities to incorporate public open space, hard and soft landscaping, public art features, and green infrastructure.

8.9 Development Plan policy DMD5 requires development proposals to conserve and/or enhance the character and special qualities of the Dartmoor landscape.

8.10 Minerals Local Plan policy M4 lists a number of factors that regard will be given to including (of most relevant to the proposed development):

- the effect on landscape;
- the proposals by the applicant for the method of working, and for restoration to agriculture, forestry or other appropriate use (to include details for the aftercare necessary to ensure proper establishment to a condition suitable for that use).

8.11 The special qualities of the National Park include: enclosed farmland with small irregular pasture fields bounded by dry stone walls and hedgebanks providing a mosaic of different wildlife habitats, including hay meadows and species rich dry grasslands with wildlife such as the beautiful greater butterfly orchid

8.12 Landscape character assessments help to understand what makes landscapes distinctive and informs decisions on planning applications. A number of landscape character assessments have been prepared which are of relevance to the proposed development:

- National Countryside Character Area profile (Natural England)
- Dartmoor National Park Landscape Character Assessment (2017);
- Devon Landscape Character Assessment (DLCA) (Devon County Council);
- Teignbridge District Council Landscape Character Assessment (2009 updated 2014).

8.13 A Landscape and Visual Impact Assessment (LVIA) was included within the

Environmental Statement (ES) submitted with the planning application. This describes and evaluates the effects of the proposed extension on the physical landscape characteristics and visual amenity of the Study Area (initially a 2.5km radius, later refined to the proposed extended quarry and surrounding landscape – Detailed Study Area). The assessment considers the effect on the landscape resource (both direct effects and effects on how the landscape character is perceived) and the effect on visual amenity (views). Cumulative effects, arising from the effect of the extension in conjunction with the continuation of quarrying at the current Linhay Hill Quarry, are also considered. The methodology used for this assessment is based on guidance contained in the 'Guidelines for Landscape and Visual Impact Assessment (Third Edition)' published by the Landscape Institute and Institute of Environmental Management and Assessment in April 2013. It includes an assessment of the effects on landscape character and visual effects on settlements, properties, footpaths, roads and public open space during each stage of the proposed development.

8.14 The applicant's LVIA notes that in policy terms, nationally designated landscapes are ascribed a greater sensitivity than those of local designations, so in principle, being within the National Park, the Study Area is considered as having high sensitivity. It goes on to state that the site is located adjacent to the active A38 dual carriageway which does not generally have a rural feel, being a busy dual carriageway route, thereby increasing its visual and audible impact on the surrounding landscape. The presence of the existing active quarry and other features such as the caravan site on the opposite side of the A38 also has an influence on the current landscape character. Whilst the Study Area in general is considered to be primarily of 'high' sensitivity to the proposed development, the proposed extended quarry and its setting is considered by the applicant to be primarily of 'moderate' sensitivity to proposed development.

8.15 As a result, the LVIA concluded that the landscape of the Detailed Study Area (the extended quarry and its immediate setting) may be able to largely accommodate change of the type proposed without a large significant detrimental effect on the overall character and landscape resource.

8.16 The restoration stage was assessed by the applicant's LVIA and found to have moderate beneficial effects in the long term, although the eventual completion of the quarrying activities and inherent nature of the development would potentially result in negative effects on the baseline landscape character and elements of the development site.

8.17 In terms of visual effects, the LVIA concludes that for the very closest properties, those at Alston Farm and Cottage, the effects of Stages 2 onwards are anticipated to be of large adverse significance, with stages 3 onwards being of medium adverse significance for Alston House once mitigation woodland planting becomes established. Elsewhere for those properties with the most direct views of the extended quarry from higher ground there would be moderate adverse visual effects at many stages. The remaining properties were anticipated to experience slight or neutral adverse effects. For nearly all receptors, the overall adverse visual effects of the stage 1-5 proposals would be significantly reduced by the extension being progressed in a series of stages, with intervals between each construction stage

which would allow alterations to the landscape to settle. At the Restoration stage, the significance of effects on all receptors who experienced an adverse effect would be reversed to moderate beneficial.

8.18 Consultation

8.18.1 Dartmoor National Park's (DNPA) Trees and Landscape officer provided comments on the original application in 2016, advising that whilst the Landscape and Visual impact Assessment was generally in conformity with guidance, there were some areas where it did not comply. The comments went on to describe how the LVIA was considered to underplay the impact of the development, failed to recognise the importance of the local landscape, did not assign sufficient weight to the National Park designation and was overly positive about the impact of the restoration scheme on the landscape.

8.18.2 A range of other consultation responses have been received from various organisations or local residents. Some of these have raised general concerns about the landscape and visual impact generally, while others have noted that the landscape assessment and mitigation proposed is appropriate. Plymouth City Council raised a query around the long term maintenance of the screening planting adjacent to the A38 should Glendinning go out of business before the proposed development was completed.

8.19 Assessment

8.19.1 Since the submission of the original application, additional information has been provided by the applicant within their FEI#4 submission. This information has corrected some of the areas of the original LVIA which did not comply with guidance and has provided greater clarity on the applicant's assessment and how they have reached certain conclusions.

8.19.2 Officers do consider that even with the improved LVIA, the assessment does underplay the impact on the local landscape and the National Park. The proposed development would create a substantial change to the landscape within the area of the National Park in which it is located. It would see the existing landscape features (agricultural and historic field patterns) across 32 ha of land removed and replaced; largely with a 21 ha quarry void and the proposed screening bunds.

8.19.3 It is acknowledged that the topography surrounding the existing quarry and proposed extension area does provide a large degree of natural screening to the proposed development and that the landscape and visual impacts will not be experienced across as wide an area as might be expected.

8.19.4 It is considered that the majority of significant visual effects would be experienced within approximately 1km of the proposed application boundary, but beyond 1km the screening provided by topography and existing landscape features and the increasing distance to the proposed site will mean that views will largely be either screened or will not be of significant impact. Within the 1km zone, views of the quarry void may be screened by the bunding created and planting undertaken. Over time, the planting will mature and soften the views created, although many of these changes will be significant adverse impacts in their own right when considered against the existing baseline. These effects will be particularly relevant to receptors

close to the proposed boundary where screening works would be of greater prominence in the field of view, such as the properties at Caton and Alston Farm and Cottage.

8.19.5 The landscape effects of the extraction stages are mainly described as being of a moderate adverse significance by the applicant, with occasional major changes from the construction activities (bund creation) leading to large adverse significance while these are ongoing. Officers are of the opinion that the effects would actually be of a greater significance, tending to be major changes in the landscape leading to an overall large adverse significant effect on the local landscape.

8.19.6 Officers acknowledge that the restored landscape would provide an improvement over the existing quarry void, but that the applicant's assessment underplays the impact on the landscape of the extension area. The applicant's assessment concludes that there would be a minor adverse change on a baseline which is a moderately sensitive landscape, leading to a slight adverse effect which is not significant. Officers consider that the creation of a substantial lake feature and the permanence of the bunds, compared to a baseline of agricultural land and historic field boundaries, would be a moderate adverse change in what is a high sensitivity landscape. As such the effect would a moderate to large effect, which would be significant.

8.20 Conclusion

8.20.1 Officers are of the opinion that whilst the proposed development has been carefully designed to fit into the topography of the area, and that the proposed bunds and planting will be successful in screening many views which would otherwise have been available of the quarry void and working areas. However, the scale of the proposed development and the nature of the proposals mean that there would be a significant adverse effect on the landscape and special quality of this part of the National Park. In addition, there would be significant visual impacts from within a 1km zone around the proposed development.

8.20.2 The proposals are considered to have recognised the intrinsic character and quality of the countryside in the design and has sought to sustain local distinctiveness through the reinstatement of historic field boundaries and hedgerows that have been lost in the surrounding area, has given regard to woodlands and other green infrastructure and an appropriate restoration scheme has been proposed which incorporates public open space. Officers consider that the proposals therefore partially comply with NPPF Paragraph 170 and Development Plan policies COR3, DMD3 and M4. However the scale of proposed development and the impacts which are also created on existing landscape features and on views means that the proposals cannot be fully compliant with these policies.

8.20.3 As the proposal is not considered to conserve or enhance the landscape or scenic beauty of the National Park and does not sustain local distinctiveness, it is therefore considered to be contrary to NPPF Paragraph 172, to which great weight can be given in the decision making process, NPPF Paragraph 127 and Development Plan policies COR1, DMD1b and DMD5.

9 Residential Amenity

9.1 Paragraph 180 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions. In doing so they should mitigate and reduce to a minimum, potential adverse impacts resulting from noise from new development, to avoid noise causing significant adverse impacts on health and quality of life, in accordance with the Noise Policy Statement for England. The Noise Policy Statement for England sets out a number of aims to help decisions to be made on what is an acceptable noise burden, in particular in terms of quality of life and health considerations. Paragraph 180 also states that light pollution should be minimised.

9.2 The NPPF Chapter 17 is specific to minerals developments. Paragraph 205 requires that there are no unacceptable adverse impacts on human health and unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source. The National Planning Practice Guidance provides advice on the environmental issues of mineral working and how they should be addressed, including noise, dust, air quality and lighting.

9.3 Development Plan Policy DMD4 states that development proposals should not introduce levels of noise, vibration, lighting, odours, fumes or dust that would adversely affect human health and well-being. Policy M4 of the Dartmoor National Park Minerals Local Plan specifies the effects of the proposal on the amenities of local residents as a factor to be taken into account when assessing proposals for minerals applications.

9.4 The special qualities of the National Park include timelessness - a place spared many of the intrusions of modern life, with dark night-time skies.

9.5 Noise

9.5.1 The National Planning Practice Guidance 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.

9.5.2 The National Planning Practice Guidance 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 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.

9.5.3 The Department for Environment, Food & Rural Affairs' (DEFRA) 'Noise Policy Statement for England 2010' provides guidance on how noise impacts can be assessed:

- No Observed Effect Level (NOEL) - This is the level below which no effect can be detected and there is no detectable effect on health and quality of life due to the noise.

- Lowest Observed Adverse Effect Level (LOEL) - This is the level above which adverse effects on health and quality of life can be detected.
- Significant Observed Adverse Effect Level (SOAEL) - This is the level above which significant adverse effects on health and quality of life occur.

9.5.4 Noise levels for temporary and normal operations at the existing site are controlled through planning conditions on the current permission. Condition 29 of planning permission reference 87/0683/31/3D sets levels of 55dB(A) between 0700 and 1900 Mondays to Saturdays; 45dB(A) 1900 to 2200 hours and 0600 to 0700 hours Mondays to Saturdays; and 40dB(A) at any other time. Part b of the condition allows for some very limited exceedances.

9.5.5 The applicant's noise assessment states that, during the proposed construction works (soils and overburden removal, bund formation, road construction), with the identified mitigation measures in place, the significance of the residual effect would be 'noticeable and intrusive' (Lowest Observed Adverse Effect Level) for a limited amount of receptors for short periods, but overall the impact would be 'not intrusive' (No Observed Effect Level - Lowest Observed Adverse Effect Level). The noise assessment concludes that the construction works would result in an adverse effect of moderate significance for a few receptors for short duration but overall, the adverse effect would be of slight significance.

9.5.6 The applicant's noise assessment states that, during the operational phase, the residual effect, including cumulative effects of the proposed extension and existing quarry, would be 'noticeable and intrusive' (Lowest Observed Adverse Effect Level) for Momalda and Lower Waye at the early stages of operation, but overall the longer-term impact of the operational works, including the ongoing operation of the existing quarry, was assessed as 'noticeable and not intrusive (No Observed Effect Level - Lowest Observed Adverse Effect Level). The noise assessment concludes that the operational works would result in an adverse effect of moderate significance for short periods, but overall, the longer-term impact is of slight significance.

9.5.7 For most of the nearby properties, the activities associated with the proposed development would be within the noise levels identified in the National Planning Practice Guidance, and at a level which may slightly affect the acoustic character of the area but not such that there would be a perceived change in the quality of life. There are two properties – Lower Waye, Momalda - where certain activities in the earlier stages are predicted to result in noise levels above those recommended in the National Planning Practice Guidance even with mitigation measures in place. These noise levels would be such that they would fall within the category of noise that would cause small changes in behaviour such as turning up volume of television or closing windows, with the potential for some sleep disturbance and affect on the acoustic character of the area such that there is a perceived change in the quality of life.

9.5.8 The noise assessment also indicates that the construction of Waye Lane would result in noise levels at Place House as above 70dB (A) and in the 'noticeable and disruptive' category during the short-term (around 1-2 weeks). Noise levels in this category would cause a material change in behaviour and/or attitude, such as avoiding certain activities during periods of intrusion, having to keep windows closed most of the time because of the noise and a diminution in quality of life due

to change in acoustic character of the area. However, the timing of works could be controlled through condition to avoid school term times.

9.5.9 The applicant's assessment shows that there would be some disturbance to noise sensitive properties as a result the Proposed Development, in particular in the early stages before the bunds are created, during the construction of Waye Lane, whilst quarrying would be taking place at shallower levels. Noise limits could be imposed on the various activities in line with those identified in the National Planning Practice Guidance. These would need to be carefully monitored, especially for those activities and properties that are predicted to have noise levels very close to or above the recommended levels to make sure that the noise levels in the conditions are met.

9.5.10 Teignbridge District Council's Environmental Health Officer has not raised an objection to the proposed development on grounds of noise, subject to securing the proposed mitigation as well as a condition requiring the submission of a detailed mitigation scheme prior to commencement of each stage.

9.5.11 Officers are of the opinion, that while there will be some significant noise effects arising from both the construction works and operational extraction works, these will be for short periods of time at limited receptors. For the construction works, these short term effects are acknowledged as being acceptable where they are required to facilitate the wider workings proposed. Officers agree that the effects identified are generally in accordance with the noise limits set out in NPPG and that the proposed condition on noise limits, and on the provision of a noise management plan are appropriate to control noise arisings to acceptable levels.

9.6 Blasting

9.6.1 There are two effects from blasting – ground vibration and air overpressure. There has been much research undertaken on blasting activities and how it may affect buildings, structures and people. This has informed good practice guidance and industry standards. The National Planning Practice Guidance identifies that blast vibration is an issue which should be addressed but does not provide any guidance on an assessment methodology or appropriate limits. The former minerals policy guidance notes advised that acceptable ground vibration levels, expressed in millimetres per second (mms-1), are between 6 – 10mms-1 at a 95% confidence level and no individual blast should exceed 12mms-1. BS 6472 recommends 6 – 10mms-1 at 90% confidence levels. These levels would avoid the risk of cosmetic damage occurring to buildings and are recognised as accepted good practice at quarries around the country.

9.6.2 Air overpressure also has the potential to cause damage to buildings. Research has shown that poorly mounted pre-stressed windows might crack at 150dB and structural damage can occur at 180dB. Air overpressure is very influenced by meteorological conditions and British Standards have therefore not set limits for air overpressure but advise that air overpressure should be minimised at source through the careful design and implementation of blasts to ensure that these levels are not reached.

9.6.3 Blasting is undertaken at the existing quarry and is controlled through limits imposed on ground vibration levels of 12mms-1 (condition 36 of permission 87/0683/31/3D). The applicant is proposing that for the extension, this would be

reduced to 8.5mms-1. The applicant also proposes that the current limit for airborne overpressure of 128bdB(A) is applied at the extension.

9.6.4 The limits on ground vibration levels can be secured through a planning condition. Conditions could also be imposed that would require blasting to take place at regular times within specified periods. Current permitted periods for blasting are 0900 – 1750 on Mondays to Saturdays, with no blasting allowed on Sundays and Bank Holidays. A condition could also require a scheme for the monitoring of blasting. Such conditions have been imposed on other minerals extraction operations and have been effective in ensuring the effects from blasting are acceptable.

9.6.5 Teignbridge District Council's Environmental Health Officer has not raised an objection to the proposed development on grounds of blasting.

9.6.6 Officers are of the opinion that the proposed blasting activities are designed to minimise the impacts created from vibration, and that all blasting activities should be within the current levels for vibration which are allowed within the existing permission. Conditions are proposed to confirm these limits will be applicable to the proposed development and to restrict the times at which blasting can take place.

9.7 Dust

9.7.1 Mineral sites can give rise to dust emissions, which, if not properly managed and controlled, can have an environmental impact and affect the quality of life of local residents. Dust particles from minerals sites vary in size. Dispersal of dust in the wider area depends on the size of the dust particle and the wind speed. The larger dust particles (greater than 30 micrometre (µm)) make up the greatest proportion of dust emitted from minerals extraction operations and these generally deposit within 100m of source. Intermediate sized particles (10 - 30 µm) are likely to travel up to 400m. The smaller particles (less than 10µm) may travel more than 400m but with minimal significance due to dispersion. The larger dust particles (greater than 10 µm) are generally referred to as disamenity dust and the main potential impact is its ability to cause annoyance or nuisance. The smaller dust particles (less than 10µm) are generally referred to as fine particulate matter and can potentially cause health effects.

9.7.2 The Institute of Air Quality Management guidance from 2016 on assessing air quality from minerals sites recommends that an assessment of disamenity dust should be considered up to 250m for soft rock and 400m for hard rock quarries from the dust source.

9.7.3 The assessment in the environmental statement includes consideration of meteorological conditions as the strength and prevailing wind directions and rainfall have a bearing on the extent of the potential impacts. It also considers the potential for emissions during each phase of operations. The results of further dust monitoring since publication of the environmental statement were submitted as part of FEI#1 dated July 2017.

9.7.4 In terms of the small dust particles, one of the key considerations is whether the National Air Quality Objectives for these small dust particles (the PM10 and PM2.5) are likely to be breached. The National Air Quality Objectives are:

- PM10 - 50µg/m3 daily mean not to be exceeded more than 35 times a year and 40µg/m3 annual mean;
- PM2.5 - 25µg/m3 annual mean.

9.7.5 The Institute of Air Quality Management guidance advises that fine particulate matter effects are unlikely to occur where the background PM10 concentrations are less than 17 µg/m3. The applicant has considered predicted air quality data available from DEFRA and has identified background values for the four closest points around the quarry. These identify that predicted background air quality is within the EU limit and National Air Quality Strategy objective for PM10 of 40ug/m3 as an annual average and the 17 µg/m3 level.

9.7.6 The National Planning Practice Guidance advises that in cases where PM10 levels are unlikely to exceed the National Air Quality Objectives, good practice measures should be employed to manage dust emissions. Planning conditions could secure the implementation of mitigation measures that could be used to manage both disamenity dust and fine particulate matter, such as the use of water bowsers, seeding of soil mounds, suspending operations in certain circumstances, following good practice for blast design, as well as monitoring of both PM10 levels and dust during site operations. Planning conditions could also be imposed to require the use of wheel washes and road sweepers at the site entrances and the sheeting of lorries to minimise material being deposited on to the public highway.

9.7.7 Teignbridge District Council's Environmental Health Officer was consulted on the proposed development and is satisfied with the methodology used to establish the baseline and to assess the impacts of dust. The Environmental Health Officer is satisfied that mitigation measures can be put in place through the imposition of planning conditions to control emissions to acceptable levels, and this should include the submission of a detailed dust management scheme prior to commencement of each stage.

9.7.8 Officers are of the opinion that the proposed working methods, the use of appropriate planning conditions, together with the requirements of the environmental permit that covers the processing plant, would ensure that dust emissions can be controlled, and the proposed development would not result in unacceptable impacts on air quality from disamenity dust or particulates. Conditions are therefore proposed to ensure a dust management plan is used to manage dust arisings and keep them at an acceptable level.

9.8 Lighting

9.8.1 The local branch of the Campaign to Protect Rural England (CPRE) and has raised a concern about the effect of lighting on the ability to enjoy the dark sky. Dartmoor is not a designated Dark Sky Park or Dark Sky Reserve in the way that some other UK National Parks are. However, the Authority considers that the Dartmoor landscape is very sensitive to increased lighting which could have an adverse effect on dark skies and light pollution could have a direct effect on local amenity, intrinsically dark landscapes and nature conservation.

9.8.2 The visual effects from lighting are set out in the landscape and visual impact section above. This section deals focuses on lighting as a nuisance.

9.8.3 The applicant states that there are no proposals to introduce additional lighting in the extension area. Processing of material would take place at the plant in the existing quarry. However, some illumination of the extension would be required, especially in the winter months. This would comprise mobile lighting in association with plant working in the void area which would be below ground level. Lighting may also be required for the construction of the bunds at the surface given the operational hours proposed by the applicant which are between 0800 - 1800 hours Monday to Friday, and between 0800 - 1230 hours on Saturdays.

9.8.4 No concerns are raised regarding the proposed temporary lighting for the extension by Teignbridge District Council Environmental Health Officer.

9.8.5 Officers are of the opinion that the lighting proposed within the extension area is limited to that which is necessary to provide safe working conditions. A condition has been proposed which requires a lighting plan to be submitted for the extension area to confirm the exact details of the lighting to be used.

9.9 Conclusions

9.9.1 There would be some disturbance to local residents for the duration of the proposed development. However, the impacts of the proposed development on residential amenity in terms of noise, blasting vibration, air quality and dust, are considered to be within acceptable limits and can be managed and controlled through the use of planning conditions. Whilst there are no relevant limits to measure lighting impacts against, the lighting proposals are considered to be restricted to those required to operate the quarry in a safe manner, and the lighting used can be managed and controlled by condition. With the site's proximity to the A38 it is not considered that the effects that would arise would impact on the special quality of the National Park.

9.9.2 It is not considered that cumulative effects from noise, blasting vibration, air quality and dust, or lighting would be unacceptable. The proposals are therefore considered to accord with NPPF paragraphs 180 and 205, NPPG, Policy DMD4 of the Development Plan and Policy M4 of the Minerals Local Plan.

10 Tranquillity

10.1 Tranquillity is one of the special qualities of Dartmoor National Park, being described as where it is possible to find absolute peace, offering spiritual refreshment and opportunities for quiet reflection, escape and creativity.

10.2 Levels of tranquillity are dependent on a number of factors beyond just 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.

10.3 Paragraph 180 of the NPPF states that planning decisions should identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

10.4 Policy COR1 requires that a number of considerations are taken into account, including respect for and enhancement of the tranquillity of local landscapes and the wider countryside.

10.5 Policy DMD5 requires development proposals to conserve and/or enhance the character and special qualities of the Dartmoor landscape by respecting the tranquillity and sense of remoteness of Dartmoor.

10.6 The text accompanying policy DMD5 states:

"*2.7.7 Some of the special qualities that define Dartmoor are based on its sense of tranquillity and remoteness, qualities which are sustained by land uses which are not noisy or intrusive ….. Development should seek to ensure that these special qualities that help create Dartmoor's unique sense of place and not damaged or diluted*"

10.7 Tranquillity is identified as one of the 14 special qualities of the National Park, with the National Park described as somewhere where people can find absolute peace, and which offers spiritual refreshment and opportunities for quiet reflection, escape and creativity.

10.8 Other policies refer to noise levels and health and wellbeing. Policy DMD4, seeks to protect residential amenity, requires that development proposals do not introduce levels of noise that would adversely affect human health and well-being, or detract from the special qualities of the area. Policy M4 requires proposals to be determined having regards to a number of factors including the effects on the local environment, including the generation and routing of heavy lorry traffic and potential nuisance by noise.

10.9 The Dartmoor National Park Landscape Character Assessment (LCA) makes reference to tranquillity in the context of the landscape character type (LCT) within which the application site sits - 3A - Upper farmed and wooded slopes. In the summary of landscape condition section, the LCA states that, although perceptually this is a tranquil, rural landscape overall, this quality is affected by a spread of 20th century development within and on the edges of historic settlements, as well as the close proximity of major road corridors and expanding urban/industrial centres on its boundary. Recreational uses such as golf courses and caravan sites, as well as the increasing popularity of visitor attractions within and adjacent to the LCT can also detract from the peace and quiet of the area and its rural roads, particularly at peak times.

10.10 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.

10.11 The applicant considers that Linhay Hill Quarry and the extension area are not considered to be in an area of 'tranquillity' since the latest available version of the CPRE's National Intrusion Maps (2007), shows a corridor along the A38 (and along all major roads and around urban areas) as already being 'disturbed by urban development, major infrastructure projects and other noise and visual intrusion'.

10.12 Consultation

10.12.1 A large number of the representations received refer to matters which have a bearing on tranquillity, although not all of them refer to tranquillity specifically. Issues such as noise, lighting, traffic movements, human activity and man-made structures can all affect tranquillity and many of the representations received from organisations (such as the CPRE) and local residents raise concerns over these matters. Responses from Teignbridge District Council's Environmental Health officer confirm that matters around noise, vibration and dust a have been assessed satisfactorily and emissions are within acceptable limits, and Devon County Council (Highways) and Highways England have confirmed that the road network is suitable for the traffic which would be generated.

10.13 Assessment

10.13.1 The proposed development is located within an area where both the CPRE (National Intrusion Maps 2007) and the National Park (Landscape Character Assessment) acknowledge that tranquillity is affected by matters including the A38, the urban development of Ashburton and development close to the National Park's boundary such as Parkers Farm Holiday Park. The site location is therefore not one which is considered to make a significant contribution to tranquillity as a special quality of Dartmoor National Park. In this regard the proposals are considered to accord with NPPF paragraph 180 and Policy DMD5 of the Development Plan.

10.13.2 The proposals would however introduce activities to the area, and continue existing operational practices at the quarry. These activities would lead to effects from noise, light, traffic and human activity which would not enhance tranquillity. This is considered to conflict with Policy COR1.

10.13.3 These effects would however be within the relevant limits and be undertaken within appropriate guidelines and standards. Conditions are proposed to manage these effects and minimise the effects on tranquillity.

10.14 Conclusions

10.14.1 Officers do not consider that the proposals would lead to a derogation of tranquillity to such a degree that it would impinge on the special qualities of the National Park. When all relevant policies are considered in the whole, it is considered that the proposed development accords with the principles of the NPPF and Development Plan in regard to tranquillity.

11 Hydrology, Hydrogeology and Land Stability

11.1 The NPPF 2019 generally discusses water related issues in terms of flood risk, both creating flood risk and being affected by it (chapter 14), and improving water quality (Chapter 15), with the impact on water supply included as part of the climate change context (paragraph 149). Paragraph 178 covers the need for a site to be suitable for its proposed use taking onto account ground conditions and risks arising from land stability and advises that adequate site investigation information is available to inform assessments.

11.2 Policy COR1 of the Development Plan states that all development should consider the conservation of the quality and quantity of natural resources, including water,

allow for the natural drainage of surface waters, and the avoidance of development, or reducing the vulnerability of re-development, in medium to high risk flood zones. Policy COR3 states that development will have particular regard to conserving and enhancing underlying geology and watercourses, rivers and wetlands. Policy COR7 states that development will protect, maintain or enhance geodiversity interests. Policy COR8 states that development should incorporate sustainable drainage and water conservation systems and have no adverse effects on drainage patterns or flood storage capacity. Policy COR9 applies the sequential development test to developments and flood risk areas, seeking to avoid development in areas if highest risk of flooding except in exceptional circumstances.

11.3 Policy DMD1 of the Development Plan states that development should dispose of surface water in accordance with sustainable methods that minimise the risk of flooding and the pollution of watercourses. Policy DMD18 states that development will only be acceptable on unstable land, where instability is present, with appropriate remedial measure. It also states that conditions may be used to ensure that regular monitoring of ground stability is undertaken.

11.4 The special qualities of the National Park include clean water, with Dartmoor being the catchment area for most of the rivers of Devon.

11.5 The Environment Agency flood map shows that land within Ashburton, along the routes of the River Ashburn and Balland Stream are at risk from flooding and there have been a number of flooding incidents in the town in recent years after periods of heavy rainfall. The applicant's position on water flow from the quarry and flood risk downstream in Ashburton is that the quarry provides a catchment basin for excess water falling in and around the quarry and flowing down the Balland Stream from its sources to the north of the quarry. The excess water can be stored in the Balland Pit (the current settlement pond for quarry waters) to prevent excess water from reaching Ashburton at the same time as other excess water from rainfall of the River Ashburn, thereby reducing flood risk within the town. The excess water stored in the Balland Pit can then be released slowly into the downstream Balland Stream as water levels recede elsewhere.

11.6 The applicant proposes the same approach will be available in the proposed development, and there will be sufficient capacity with the Balland Pit to accommodate the flows from the upstream Balland Stream, from within the quarry workings, and from rainfall. Upon restoration, the lake to be formed within the quarry void will provide the same function, but with an even greater capacity being available for water storage.

11.7 The use of the Balland Pit as settlement pond and the standard working practices employed by the quarry will be continued, meaning that the quality of water being discharged from the quarry will continue to meet the requirements of the discharge permits.

11.8 The limestone geology (the Chercombe Bridge Limestone Formation) on which Linhay Hill Quarry is located is a karst formation. Karst formations are where parts of the rock formation have been dissolved by acidic waters, forming systems of cracks, caves and channels through which water can flow. As water flow changes through the karst system, such as from seasonal changes to rainfall, the different areas of the limestone can either open up to create new routes through which water

can flow (from dissolution or erosion) or the closure of existing routes through the deposition of sediments carried by the water. Changes to the water flows and the subsequent geological changes that can occur can create changes to both ground and surface water flows, and potentially issues like flooding and also can create land stability issues through the creation of sinkholes.

11.9 Quarrying operations can affect the hydrogeological (underground water) environment by a process known as drawdown. This is where extraction occurs below the existing water table, and ground waters drain into the void, lowering the water table in the nearby area. In a karst formation, the naturally changes which occur to water flows, and the additional changes introduced from the quarrying proposals, makes the prediction of hydrogeological effects less reliable than in other geological formations.

11.10 Due to the uncertainties that are inherent within assessments involving karst, Environment Agency guidance allows for a greater reliance on monitoring the effects on hydrogeology and land stability and mitigating any impacts which arise, than would normally be the case for minerals extraction in other geological formations. In the determination of this planning application, there has therefore been a focus on achieving an appropriate level of site investigation work to provide sufficient information on which to be able to base a determination, but with an acknowledgement that there would be ongoing uncertainty over the precise effects that might be realised until extraction occurs. Any permission that is granted would therefore have to include very carefully worded conditions to manage this issue.

11.11 There has been no requirement for the quarry operator to monitor hydrogeological conditions over the life of the quarry to date, so there is no historical information available on how the existing operations have affected hydrogeology and land stability. Following the original submission of the application, a Regulation 22 request was made for further information to be provided from site investigations in order to obtain a better understanding of the current karst situation, and to feed into the model of how the proposed extraction may effect hydrogeology and land stability. Updated information was supplied in FEI#3 and further information was subsequently requested, and supplied in FEI#5.

11.12 The applicant's Further Environmental Information (FEI) #5 estimates that drawdown from the existing operations is occurring to the south west of the existing quarry (up to Long Park in Ashburton), to the south east to Lower Mead and Mead Cross and to the north east across most of the proposed extension area. To the north the limit of predicted drawdown is much closer to the existing site boundary, up to Low Waye. FEI#5 goes onto predict that drawdown from the proposed quarrying operations will reach a maximum extent which is similar to the estimated existing area to the south west and south east, extends slightly further past Low Waye to the north and extends beyond Caton Lane to the north east.

11.13 A Monitoring and Mitigation Strategy is also proposed by the applicant which looks to monitor the expected effects created by this predicted drawdown area and provide mitigation measures that would deal with the predicted impacts. This includes monitoring proposals on a number of nearby watercourses including the Kester Brook, Goodstone Springs and Balland Stream, and groundwater monitoring through boreholes. Mitigation measures would include the ongoing use of Balland Pit and its discharge into the Balland Stream to control groundwater levels and

stream flow, diversion of water from an onsite pond to the Mead Farm, Caton and Alston Streams and the creation of a balancing pond near Caton to provide water for infiltration into the groundwaters.

11.14 With regard to land stability, there have been a number of sinkholes identified in the land around the existing quarry, some which have occurred in recent years and others which are older features in the landscape. Due to complexities of the karst formation and the other changes to the local water regime that occur from varying precipitation levels, other natural events, or from other human activity, it is difficult to identify what part the existing quarrying operations may have had in creating these sinkholes.

11.15 The applicant's land stability assessment does identify that many of the operations proposed in the application could have an impact on water flows, both from changes to surface run off and also from drawdown, and these could all go onto impact on land stability. As with hydrogeology, a monitoring and mitigation strategy is proposed to help manage any issues with land stability which do occur. In addition to the measures proposed for hydrogeology, monitoring will include liaison with local residents/ landowners to establish a process where people can report sinkhole formation to be inspected by the applicant, surface walkover monitoring at agreed times and after heavy rain events and, subject to owner consent, external condition surveys of nearby buildings at lower Waye, Alston Farm and Caton to provide a baseline understanding of their structural condition. Mitigation measures would depend on the issues arising but could include actions such as the infilling of sinkholes to the appropriate engineering standard and the appropriate repair of any structural damage to properties that does occur.

11.16 The applicant proposes that the exact measures in the monitoring and mitigation strategies for both hydrogeology and land stability would be reviewed at regular periods throughout the lifespan of the quarry extension, and revised to suit any changing circumstances that are relevant. Any such reviews and revisions would need to be agreed with he National Park Authority each time.

11.17 <u>Consultation</u>

11.17.1 Initial consultation responses from the Environment Agency and Devon County Council's Flood and Coastal Risk management team requested further information to be submitted in order to allow an adequate demonstration of the likely impacts on the water environment. Both organisations are now content that the level of information supplied is appropriate for the assessment purposes in this instance. The Environment Agency is furthermore content that issues relating to the karst, and the detail related to flood control measures, can be managed through a monitoring and mitigation strategy and appropriate conditions.

11.17.2 The Caton Group have used two third party organisations to review information submitted regarding karst, originally the Limestone Research & Consultancy Ltd and then Professor PL Smart, an Emeritus Professor from the School of Geological Sciences at the University of Bristol, on the FEI#3 and FEI#5 submissions. These reviews have all queried the amount of baseline information which is available for the assessment work, and have raised concerns with how the information has been used by the applicant in their assessment work. The most recent submission (October 2020) by Professor Smart requests that further baseline monitoring work is

undertaken, that elements of the assessment produced by the applicant's consultant engineers, Atkins Ltd., are revised and that mitigation measures may themselves lead to land stability issues being created.

11.17.3 Devon Karst Research Group has made four representations to the application, the first being to the original application and most recently on the FEI#5 submissions. Each representation made expresses a view that the current impacts of the quarrying operations at Linhay Hill Quarry are not sufficiently understood and baseline information gathering for the proposed extension works has not been suitably undertaken, and therefore the subsequent assessment is flawed and cannot be relied upon.

11.17.4 South West Water has requested conditions be implemented regarding both foul water discharge and surface water management, Ashburton Town Council raised concerns regarding borehole water supplies to properties nearby are maintained and neighbouring Bickington Parish Council raised concerns over flooding and land stability.

11.18 Assessment

11.18.1 Officers acknowledge that the applicant has undertaken a substantial amount of work within the application to obtain an understanding of the current baseline conditions relating to groundwaters and the karst geology in this area. It is also acknowledged that the nature of the karst is that there will always be uncertainties in the knowledge of how the water regime and land stability issues will continue to change over time due to natural processes, other human activity outside of the quarry and also the proposed quarrying operations themselves. The key consideration is therefore whether there is sufficient information available to give an understanding of the likely impacts, and whether a monitoring and mitigation scheme can be implemented which is likely to manage any impacts which do arise. In this regard, it is expected that the level of understanding provided by the baseline information would be lower than would be expected for quarrying in non-karst geologies, or for other environmental subjects under consideration in this application. This lower level of understanding would however be consistent with guidance issued by the Environment Agency for hydrological assessments which are needed for water abstraction licences in karst geologies.

11.18.2 Over the course of the application, advice has been provided to the applicant as to how the baseline survey work could be undertaken to try and achieve a suitable body of baseline data. The survey work undertaken has not followed all of the advice provided, but officers are now content that the survey work that has been done has provided sufficient information to allow an understanding of the baseline situation, and that there is no guarantee that additional survey work would lead to a different understanding at this point in time.

11.18.3 Given the uncertainty in this subject, it is however recommended that conditions could be used to request a further 3 years of hydrological monitoring works prior to any extraction occurring in Stage 1 of the proposed development. This would follow advice provided by the Environment Agency, allow confirmation of the findings to date and fine tuning of the monitoring and mitigation strategy to reflect the additional data collected.

11.18.4 The hydrological baseline data that has been presented in the planning application has been used by the applicant to identify an expected zone of drawdown around the quarrying activities. This has in turn been used to identify where impacts on ground or surface waters, or on land stability, could occur and to estimate what the nature of these impacts may be. Given the information that is available officers believe that the zone of drawdown could actually be wider than indicated by the applicant. Given the uncertainties inherent with karst, a more precautionary approach to identifying a potential drawdown zone would therefore be appropriate as impacts from quarry could also be more widespread. If impacts were to occur in a wider area, officers are of the opinion that the mitigation which may be required would be of a similar scale and nature to those proposed by the applicant within the narrower zone they identified. Taking into account these types of mitigation measures, the chances of locating a suitable location for them (both from technical requirements and obtaining landowner approval) and the likely environmental effects of the mitigation measures themselves, offices believe that is reasonable to assume they would be deliverable. Conditions have therefore been proposed which require monitoring in a wider area than proposed by the applicant.

11.18.5 The proposed hydrological conditions also require ongoing monitoring throughout the life of the quarry to allow the changing circumstances of the different quarry stages to be taken into account, and, if needed, regular updates of the mitigation measures to account for changes that do occur.

11.18.6 Similar conditions have been proposed that allow for the monitoring and mitigation of land stability impacts that may occur. The monitoring proposals for land stability focus on identifying any impacts which may occur at an early stage before they become significant problems. The monitoring works would also run both before and during extraction stages, and both the monitoring and mitigation proposed by the applicant are considered suitable for a wider zone of effect, if needed.

11.18.7 With regard to surface water flows and flood risk, officers note that the Environment Agency and Lead Local Flood Authority (DCC) are satisfied with the information provided. It is noted that not all flood risk within Ashburton is as a result of water flows from the quarry. The quarry will however provide a flood water storage area for those waters which do flow into the quarry and are then discharged into Ashburton through the Balland Stream. The flood waters stored in the quarry would be released into the downstream section of the Balland Stream in a controlled manner, reducing the likelihood of flooding and pollution from this source. The proposed development, and recommended condition, will formalise this flood control process and allow it to be managed in the future.

11.19 Conclusion

11.19.1 The proposed development will lead to changes in the groundwater regime in the vicinity of the application site through the process of drawdown. These changes are also likely to lead to some effects on surface waters and possibly land stability in this area. However, the type of effects that are likely to result are considered able to appropriately managed by the monitoring and mitigation schemes: which can be managed by the proposed conditions. This approach is considered to be in accordance with Environment Agency guidance on hydrological assessments within karst formations.

11.19.2 In addition, the proposed development would see the formalisation of flood control measures relating to the Balland Stream, providing benefits from reduced flood risk in Ashburton and the avoidance of pollution.

11.19.3 Officers therefore consider that the proposed development would not affect the special qualities of the National Park, is in conformity with the NPPF paragraphs 149, 163 and 178, with the hydrology aspects of Policy COR1, with COR3, COR8, COR9, DMD1 and DMD18.

12 Ecology

12.1 Paragraph 172 of the NPPF 2019 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.”

12.2 The NPPF includes a specific chapter on conserving and enhancing the natural environment (Chapter 15). The NPPF states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and sites of biodiversity and minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressure. When determining planning applications if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

12.3 Development Plan Policy COR1 includes a number of considerations to be taken into account to ensure that development within the Dartmoor National Park is undertaken in a sustainable manner, including: the conservation of the quality and quantity of natural resources including .... biodiversity.

12.4 Policy COR7 requires development proposals to protect, maintain or enhance the biodiversity and geodiversity interests of the Dartmoor National Park and opportunities will be sought to restore or re-create habitats or enhance the linkages between them.

12.5 Development Plan Policy DMD1b gives the conservation and enhancement of the natural beauty and wildlife priority over other considerations in the determination of development proposals. Development will only be provided for where it would conserve and enhance the natural beauty and wildlife of the National Park; or it would promote the understanding and enjoyment of the special qualities of the National Park.

12.6 Policy DMD14 requires development proposals to conserve, enhance and/or restore biodiversity and geodiversity within Dartmoor.

12.7 Policy M4 requires consideration of the effect on land with recognised conservation interest, including sites of nature conservation importance

12.8 The ecological interest of the National Park is recognised in the special qualities, as relevant to this location:

- enclosed farmland with small irregular pasture fields, bounded by dry stone walls and hedgebanks, providing a mosaic of different wildlife habitats, including hay meadows and species rich dry grasslands with wildlife such as the beautiful greater butterfly orchid.

12.9 The applicant's Environmental Statement includes an assessment of effects on ecology. The applicant states that the proposed development has been framed to take full account of biodiversity. Careful consideration has been given to ways in which the proposed development can reduce the effects on biodiversity, and opportunities to incorporate environmental enhancements in the extended quarry and surrounding land owned by the applicant. The scale and nature of mitigation provided is predicted to result in no overall significant adverse effects to important habitats and species. In addition, the proposals incorporate a staged approach to habitat creation aiming, as far as possible, to provide mitigation and enhancement of habitats in advance of adverse construction effects occurring. Overall, no significant adverse effects to important habitats are predicted. Significant beneficial effects at the Local (District) scale are predicted for woodlands, and at the Local scale for species-rich grasslands, running water and open water. The result is an identified gain for biodiversity over the life of the extended quarry.

12.10 Consultation

12.10.1 Natural England consider that the 'shadow' Habitats Regulations Assessment (HRA) submitted by the applicant is appropriate and they agree with the applicant's conclusions that the proposed development would not adversely affect the integrity of the South Dartmoor Special Areas of Conservation (SAC), Dartmoor SAC or South Hams SAC, either alone or in combination with other plans or projects.

12.10.2 The Dartmoor National Park Ecologist originally raised some concerns regarding the hydrological effects on biodiversity, how mitigation and management would be funded and delivered as well as some detailed specifics in the ecological assessment. Subject to these issues being resolved, it was agreed that proposals would deliver a net gain for biodiversity over the life of the development. The findings of the shadow HRA, and the other ecological assessments undertaken, were also agreed with subject to the conclusions of the hydrogeological work supporting the applicant's claim on how subterranean ecology would be affected by changes to ground waters.

12.10.3 Other consultation responses from local residents have raised concerns over the loss of wildlife and habitats, including underground species, and the disturbance to bats from light pollution.

12.11 Statutory Designated Sites

12.11.1 The application site is in close proximity to three European designated sites – Special Areas of Conservation (SACs). European sites are given protection under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). A shadow Habitats Regulation Assessment (HRA) has been submitted by the applicant to assist the competent authority, in this case the Authority, to determine whether there

are any likely significant effects from the proposed development. The applicant provided an updated assessment to inform the HRA in FEI#3 dated February 2019; this takes account of a number of design modifications, additional studies and assessments including hydrogeological, land stability and surface water.

12.11.2 The applicant's assessment states that no direct or indirect impacts to the qualifying habitat features within South Dartmoor Woods SAC are predicted given the distance from the closest component part of this site and the lack of impact pathway. This SAC was therefore screened out of the HRA process after the initial screening process.

12.11.3 No direct or indirect impacts on the qualifying habitats of Dartmoor SAC are anticipated due to the distance of their closest components from the site. The mobile qualifying interest features of the SAC are otter and Atlantic salmon. Any water pollution incidents during construction and in particular works in proximity to Balland Stream in relation to the Waye Lane Replacement Route, have the potential to adversely impact upon downstream habitats used by both these species, including potentially individuals from within the SAC populations. However, given the surface water control and treatment prior to discharge to Balland Stream, which would be detailed in full within the construction environmental management plan requested by a condition, no significant effects on downstream watercourses (including those used by Dartmoor SAC qualifying interest features) are anticipated.

12.11.4 No direct impacts on the South Hams SAC are anticipated given the distance to the nearest component sites at Haytor & Smallacombe Iron Mines (the closest of which is 4.4km away).

12.11.5 The extension area is within the landscape connectivity zone for the South Hams SAC (as defined in current 2019 SHSAC guidance for developers). The previous version of the guidance specifically identified a 'strategic flyway' which runs along the A38 corridor through the southern part of the extension area.

12.11.6 Due to the mobile nature of the relevant key interest feature (greater horseshoe bat), there is potential for indirect effects arising from severance or disturbance of greater horseshoe bat flight routes used by individual bats from within the SAC population.

12.11.7 During the construction phase, linear features (hedgerows) would be removed, however not within areas where the greatest levels of greater horseshoe bat activity were detected. No night-time construction working would take place and therefore no construction lighting would be required. Habitat creation and enhancement is proposed (and has commenced in some areas as advance planting) to extend and strengthen the existing woodland belt along the A38. Woodland planting and hedgerow translocation to create green lanes is proposed to create stronger connectivity from the A38 corridor to woodlands and the hedgerow network to the north of the extension area. The creation of these new and strengthened habitat linkages would be in advance of quarrying stages that reduce the hedgerow or are in the immediate proximity to landscape connectivity features used by greater horseshoe bats, such as the A38 corridor.

12.11.8 During the operational phase, given the very low level of predicted night-time vehicular use (less than 1 vehicle per hour) of the Waye Lane link, in combination

with the hedgerows that would line both sides of the new road and the adjacent and parallel proposed public footpath, screening adjacent areas from vehicle headlights, that applicant predicts that no significant effects would occur on the identified greater horseshoe bat flight route. The creation of artificial bat caves and strengthened habitat connectivity along the A38 corridor (as well as to east-west links to the north of the extension area) would be an indirect beneficial effect on the South Hams SAC.

12.12 Assessment

12.12.1 The applicant's shadow HRA identifies that there would no impact on many of the qualifying features of the three SACs due to the distances between the proposed development and the component parts of the SACs and their nature. In addition, it finds that indirect effects, such as noise and vibration or changes to water flows, would not affect most SAC receptors further away from the proposed development. Two issues were considered in more detail though:

- the impact on bat flight lines, where they use land outside of the SAC for commuting purposes
- the potential for pollution incidences to harm otter and Atlantic Salmon further downstream

12.12.2 The more detailed consideration of both of these issues found that with the mitigation measures proposed (design and location of overburden bunds, planting and habitats creation, the use of pollution control measures and adherence to existing environmental permits), there will be no adverse affect on the integrity of the SACs in relation to these issues. With the recommended conditions relating to hydrology, as described in section 7 of this report, officers agree with the findings of the HRA and propose that DNPA, as the competent authority under the Conservation of Habitats and Species Regulations 2017, adopts the shadow HRA as the final HRA for the project.

12.13 Locally Designated Sites

12.13.1 The applicant's assessment identified 19 non-statutory wildlife sites within the wider study area, comprising two County Wildlife Sites (CWS), ten Unconfirmed Wildlife Sites (UWS) and seven Other Sites of Wildlife Interest (OSWI).

12.13.2 The site boundary partially overlaps with Little Barton Fields UWS which lies immediately adjacent to and north of the extension area. This site is described as 'unimproved grassland on limestone' and also includes a substantial part of Alston Wood. The Mead Cross UWS, a small area of broadleaved woodland, lies approximately 65m to the south of the extension area and is separated from it by the A38. The other non-statutory wildlife sites are all located at least 450m from the main site and include areas of unimproved and semi-improved neutral grassland, grassland on limestone, scrub, broadleaved woodland, an orchard as well as rush pasture and wet short-herb vegetation. Given the distances from the proposed development and the interest features, the applicant's assessment considered that there would be no effects.

12.13.3 The applicant's assessment identifies potential impacts from the proposed development as:

- The small-scale drainage management works to the north of Alston Farm as it includes a section of ditch which passes through woodland within the Little Barton Fields UWS;
- Indirect impacts from potential dust deposition; and
- Excavation and dewatering due to the potential to result in changes to ground water levels.

12.13.4 The applicant has identified mitigation in the form of:

- A construction environmental management plan;
- Dust control measures during construction, operation and restoration; and
- Native broadleaved woodland planting (0.35ha) on an area of poor semi-improved grassland within the Little Barton Fields UWS during Stage 1b to expand the size and increase the connectivity of existing adjacent woodland areas within Little Barton Fields UWS.

12.13.5 The applicant provided an additional assessment through FEI#3 (February 2019) on potential ecological effects due to hydrological changes on Meads Cross and Little Barton Fields UWC. This assessment identified that changes to flows in surface watercourses have the potential to result in changes to the flow through the culvert under the A38 which discharges into Mead Cross UWS, but concludes that effects on the UWS would be limited due to the fact that the drainage proposals would provide for surface flow through the Mead Cross UWS to be maintained as well as the fact that the woodland is not dependent on groundwater. The assessment concludes that no hydrological changes to the Little Barton Fields UWS are predicted to arise from operational dewatering due to lack of pathways between the proposed development and the UWS.

12.13.6 The applicant's assessment concludes that, with the identified mitigation measures in place, no significant effects are anticipated on locally designated sites.

12.14 Assessment

12.14.1 The small-scale drainage management works to the north of Alston Farm would be minor and would not impact on the integrity of the Little Barton Fields UWS. Dust mitigation measures can be secured through a planning condition and it is considered that these would be effective in ensuring that dust deposition would not adversely affect plant health within any UWS.

12.14.2 The applicant was asked to consider incorporating proposals for improved management of the Little Barton Fields UWS into the overall mitigation works, with the aim of achieving County Wildlife Site designation for the site. Through FEI#1 (July 2017) the applicant confirmed that they would be willing to commit to including the Little Barton Fields UWS (the portion that is within its ownership) within the overall Operational Land Management Plan (OLMP) that would be produced should planning permission be granted. The focus of management actions for the UWS would be to bring woodland and grassland habitats to a condition that would meet County Wildlife Site criteria for those habitat types. The OLMP is subject to a recommended planning condition should planning permission be granted.

12.14.3 Based on the above, it is considered that there would be no unacceptable effect on any locally designated sites.

12.15 Habitats

12.15.1 The applicant's assessment identifies that the road works would result in the loss of approximately 0.16ha of broad-leaved woodland (within the silted-up Waye Pond); 0.16ha of dense scrub; 0.08ha of mixed plantation; 0.4ha of improved grassland; 0.25ha of marshy grassland; 1.41ha of poor semi-improved grassland and 0.37ha of good semi-improved neutral grassland. The extension and screening bunds would result in the loss of arable (6.89ha); improved grassland (14.97ha) and poor semi-improved grassland (8.71ha) habitats. The majority of hedgerows under the footprint of the proposed extension would also be removed (around 4.96km). Smaller areas of other habitat types would also be lost, including ephemeral / short perennial vegetation (0.89ha), mixed plantation (0.24ha), good semi-improved neutral grassland (0.29ha) and tall ruderal vegetation (0.01ha). These losses would occur during the first 4 stages of the proposed quarry extension, i.e. over an approximate 44 year period.

12.15.2 The applicant is proposing a range of habitat creation during the various stages of quarry development. This includes the following:

- Species rich grassland -
  - creation of an area of 0.67ha of species-rich grassland within the Stage 0;
  - long-term grassland enhancement within fields totalling around 10ha on the spoil tip for the existing quarry (to the north of the existing quarry);
  - the creation of around 4.3ha of largely contiguous species-rich calcareous grassland through progressive restoration.

- Woodland -
  - 14.4ha of new broadleaved woodland is proposed which would cover the majority of the spoil mounds and screening bunds and would be along the sides of the new farm access road and the Waye Lane link.
  - Woodland habitat enhancement would be undertaken within mixed plantation woodland along the length of the Waye Lane link and within the wider land ownership, covering an area of 9.3 ha.
  - Broadleaved woodland would form around 1.4ha of the total 7.2ha progressive restoration habitat mosaic.

- Hedgerow –
  - All hedgerows under the footprint of the proposals would be translocated to suitable locations, with the exception of around 200m of hedge lost under the Balland Lane widening works, which is unsuitable for translocation.
  - 2.2km of new hedge would be planted to create new field boundaries, line the Waye Lane Replacement Route and farm access track and to re-create historic field boundaries.

- Watercourses -
  - The two attenuation ponds (Alston Ponds) would be reprofiled and the edges designed to allow marginal plants to colonise
  - The silted-up Waye Pond would be de-silted and extended for water attenuation reasons and to restore an area of open water. It would be graded to allow early natural colonisation of marginal / emergent vegetation.
  - Pollution prevention measures for works within / near water would be detailed in full within the Construction Environmental management plan (CEMP).

- Stock fencing is proposed to be installed along the Brownswell stream in order to control access to the stream by cattle and enhance the ecological value of the stream corridor.

12.15.3 No notable / scarce plant species were found during the surveys which could be impacted by the proposed development.

12.15.4 Dust control measures would be adopted to minimise risk to habitat health during the construction and operational phases.

12.15.5 With the proposed mitigation, the applicant's assessment concludes that there would not be any significant adverse effects on habitats due to the proposed development.

12.16 Assessment

12.16.1 The minerals extraction operations would result in the loss of 21ha of habitat which is of up to county value in its own right. In addition, there would be habitat loss associated with the Waye Lane link and the bund creation.

12.16.2 One of the main ecological interest features of the application site is the hedgerows – the intrinsic value of the hedgerows themselves as well as the fauna they support. The applicant's assessment acknowledges that the hedgerows are ancient and species rich and assesses them of being 'district' value. However, it is considered that this network of ancient and species-rich hedgerows should be considered as being of county value, as this network is exceedingly species-rich, and a highly intact ancient boundary system. The proposed development would result in the removal of 4.96km of hedgerow, the majority of which (70%) was identified as 'important' in the applicant's assessment. The majority of hedgerow impacts would occur within the extension area, with around 760m of hedgerow impacted by the Waye Lane link and widening of Balland Lane.

12.16.3 The applicant is proposing that all hedgerows under the footprint of the proposed development would be translocated to suitable locations, with the exception of around 200m of hedgerow that would be lost due to the Balland Lane widening works which is unsuitable for translocation. The applicant has included examples of hedgerow translocations that they have successfully carried out at one of their other sites. The applicant is also proposing a total of 2.2km of new hedgerows to create new field boundaries, to line the Waye Lane link and farm access track and to re-create historic field boundaries. The applicant proposed that the newly created, translocated and retained hedgerows would be managed through the implementation of a long-term Operational Land Management Plan that could be secured through a planning condition should planning permission be granted. On balance, Officers consider that the proposed translocations and new hedgerow planting is considered to be an acceptable response to the loss of hedgerows required by the minerals extraction proposed.

12.16.4 As well as the direct loss of habitat, consideration also needs to be given to the connectivity that the habitats (mainly the hedgerows) provide for the species that use the area, notably dormice and bats. Without appropriate mitigation and enhancement works, there is the serious risk that populations become isolated, that important feeding grounds can no longer be reached, or require much longer

journeys as animals have to travel around the new quarry rather than using the current hedgerow network or field systems currently available.

12.16.5 The applicant is proposing an extensive and comprehensive mitigation and enhancement strategy during the operational phase, and an outline restoration strategy has also been submitted. The success of the mitigation and enhancement strategy will depend on how it is delivered and managed in the long term. Concerns were raised with the applicant about whether the mitigation and restoration proposals would be achieved, especially given the lack of information presented initially on funding and governance of ecological mitigation, management and the restoration proposals. Further information to address this concern was provided by the applicant in FEI#1 (July 2017).

12.16.6 The applicant intends that the ecological mitigation, enhancement and progressive restoration specifications and methods would be set out in a number of documents including:

- Construction Environmental Management Plan (CEMP);
- Detailed Ecological Mitigation and Enhancement Strategy (EMES) (Stages 0-5);
- Protected Species Licence Method Statements (for Dormice and Badgers); and
- Other Non-licence Method Statements (e.g. Reptile Translocation Strategy for Stage 1a)

12.16.7 The applicant has confirmed that they would fund the delivery of the ecological mitigation, enhancement and progressive restoration works and would be responsible for their implementation. Delivery would be overseen by an appropriately qualified and experienced ecologist (an Ecological Clerk of Works) appointed by the applicant, and via an Environmental Steering Group that would be established in advance of the commencement of Stage 0 works. The Environmental Steering Group would include representation from the Authority.

12.16.8 These documents, the use of an Ecological Clerk of Works and the details of the Environmental Steering Group are covered by recommended planning condition(s) should planning permission be granted.

12.16.9 The applicant would produce a detailed Operational Land Management Plan (OLMP) which would set out the status of the natural resources in the area to be managed (such as hedgerows), the desired future conditions, management practices to achieve those conditions and realistic time horizons for actions and achievement of objectives. The management activities set out within the OLMP would be funded by the applicant and undertaken by them (or an organisation on their behalf). Delivery would be overseen by the Ecological Clerk of Works and the Environmental Steering Group. The Outline Operational Land Management Strategy submitted with the application provides a commitment to manage all habitats and features created or enhanced as part of the mitigation and enhancement proposals for the 60 year period of the quarry operation. The submission of the OLMP and its implementation could be secured through the recommended planning condition(s) should planning permission be granted.

12.16.10 The applicant intends that a Final Restoration Plan would be prepared in advance of the final stage of quarrying, based on the principles established in the Outline Restoration Strategy. This is a common approach with minerals developments

whereby a restoration strategy is submitted to give an overview of the proposed after uses, and a planning condition would be imposed to secure the detailed scheme at a specified point towards the end of the life of the permission. It is also consistent with the advice in the National Planning Practice Guidance. The delivery of all Final Restoration (Stage 6) ecological mitigation and enhancement works would be undertaken and funded by the applicant, overseen by the Ecological Clerk of Works.

12.16.11 The National Planning Practice Guidance advises that a financial guarantee to cover restoration and aftercare costs will normally only be justified in exceptional cases. The National Planning Practice Guidance also advises that where an operator is contributing to an established mutual funding scheme, such as the Mineral Products Association Restoration Guarantee Fund or the British Aggregates Association (BAA) Restoration Guarantee Fund, it should not be necessary for a Mineral Planning Authority to seek a guarantee against possible future financial failure, even in such exceptional circumstances. The applicant has confirmed the company's membership of the BAA and with that, access to its Restoration Guarantee Fund. It is considered that this industry standard assurance policy, tied to a Section 106 legal agreement to ensure the continued membership of such a scheme, together with the progressive restoration proposed, will provide sufficient comfort that funding will be in place to undertake final restoration if it is needed.

12.16.12 For the long-term aftercare management, following the cessation of minerals extraction and site restoration, the applicant intends that a Post-operational Management Plan would be produced in advance of the completion of the final Stage of quarrying. This Management Plan would include details of funding, management objectives, review processes and monitoring. After cessation of operation, ownership and overall responsibility of the site would remain with the applicant (or successive owners in the event of disposal) together with a Not-for-profit Management Company or Community Trust established for governance of the restored site and the public access. It is intended that long term management would be funded by financial contributions from any recreational facilities such as car parking / cafes, supplemented as necessary by further contributions made by owners of the retained commercial / industrial land (covered by a covenant). Delivery would be overseen by the Ecological Clerk of Works and the Environmental Steering Group.

12.16.13 It is considered that there could be benefits in having a Not-for-profit Management Company or Trust taking a role in the governance of the restored site and public access, for example, such charitable organisations can attract funding from other sources.

12.16.14 The Post-operational Management Plan could be secured through a planning condition should planning permission be granted. The formation and funding of the Management Company / Community Trust could be secured through planning condition or Section 106 legal agreement.

12.16.15 The proposed development would result in the loss of habitats that are important at the county level both in their own right and because of the connectivity they provide for a number of species. However, the applicant has provided a comprehensive package of mitigation and enhancement measures, and the tools required to secure the implementation of the ecological mitigation and enhancement

proposals during the operational phase, during restoration and in the long-term following cessation of operations, can be secured through planning conditions or a Section 106 legal agreement. It is therefore considered that suitable mitigation has been provided for the potential impacts such that the proposed development would not have an unacceptable effect on habitats it would, overall, result in a significant biodiversity net gain in the medium to long term.

12.17 Species

12.17.1 A number of species were identified by the applicant as being present within the application site and that may be affected by the proposed development – badger, dormouse, bats, reptiles, invertebrates, subterranean invertebrates and breeding birds.

12.18 Badgers

12.18.1 Potential impacts to badgers arising from construction activities are loss of grassland and hedgerow foraging habitat, and potential disturbance to a main sett adjacent to the site, and an outlier sett within the site, near to proposed construction activities. The applicant is proposing to undertake update surveys for changes of use of the site by badger, and to confirm continued activity at currently identified setts at appropriate intervals through the construction of the proposed development. Should active sett disturbance be unavoidable, exclusion following provision of alternative artificial setts would be undertaken under licence from Natural England. The applicant's assessment identifies that habitat creation of around 14.4ha of broadleaved woodland would provide suitable habitat for badgers to mitigate for the loss of the grassland habitats considered to only be occasionally used by foraging or dispersing animals, and not currently forming an integral part of a badger territory. Furthermore, the wooded corridors and hedgerow network that would be created would strengthen existing habitat connectivity for badgers in the area.

12.18.2 During the operational phase, the use of Waye Lane link has potential to result in additional road mortality to badgers in the area. The applicant's assessment considers this risk is very low given the traffic volumes predicted during the night-time

12.19 Dormouse

12.19.1 Potential impacts to dormouse are loss or fragmentation of habitats and killing/injuring during vegetation removal, and in particular the loss of 4.96 km of hedges (see 'habitats' section above). The applicant's mitigation would be the phased displacement of dormice prior to the start of each Stage following the broad strategy of habitat creation, restricting the length of hedges cut per day combined with nest checking, impacted woodland and scrub removal tied to hibernation periods. This would mean that before dormice are displaced out of the hedgerow network within each progressive stage, a larger area of new suitable habitat or enhanced existing habitat is available for them to be displaced into. In the short term, a slight adverse effect is predicted and in the long term a significant beneficial effect is predicted.

12.20 Bats

12.20.1 The potential impact on greater horseshoe bats, as a feature of the South Hams SAC has already been discussed, but bat activity survey has shown the extension area is used by other bats species.

12.20.2 The applicant's assessment identifies that works associated with the Waye Lane link and the new farm access road have the potential to indirectly impact known bat tree roosts (used by low numbers of pipistrelle bats) via disturbance from construction activities including noise and vibration and disruption to flight routes used by roosting bats within Lower Waye, Alston Farm and Alston Cottage. No direct impacts on bat roosts are anticipated.

12.20.3 The applicant's mitigation includes controlling excessive construction noise / vibration through adopting standard working practices (to be detailed within the CEMP) and sensitive work timings and use of temporary acoustic barriers if update surveys undertaken prior to works in relevant locations indicate the presence of roosting bats. A total of 30 artificial bat boxes would be installed within woodland or on scattered mature trees along the Waye Lane link to provide additional roosting opportunities along with the retention of key hedgerow connections from known building roosts.

12.20.4 The operation of the Waye Lane link would result in changes to the night-time lighting arising from vehicular use which could potentially result in discouraging bats from using roost sites in close proximity to this road, although the predicted night time use of this road is very low. The applicant is proposing a minimum of 4 artificial 'bat caves' designed to provide suitable roost sites for bats during active and hibernation stages will be created in the re-profiled quarry benches as a part of the progressive restoration work.

12.20.5 With the mitigation measures in place, the applicant's assessment concludes that effects on roosting bats would not be significant and in the very long term the proposed development would result in a significant beneficial effect.

12.20.6 Impacts to foraging bats could arise from damage to foraging and commuting routes along Waye Lane, Balland Lane and in locations where the proposed new farm access track intersects the existing hedgerow and green lane network. As quarrying and the bund creation progress across the extension area, the removal of hedgerows, pasture and turf fields would result in severance of commuting routes and loss of foraging habitat. The applicant's mitigation is woodland planting and new and translocated hedgerows in appropriate locations to help maintain connectivity. The applicant's assessment identifies that, because of the staged approach and long duration of the proposed quarry extension, new foraging habitats and strengthened flight corridors within retained areas could be created in advance of losses. The applicant's assessment also states that the habitats being proposed as mitigation are designed to be of greater foraging value for bats than those being lost.

12.20.7 The introduction of increased night-time lighting from vehicle headlights along the Waye Lane link has the potential to cause degradation to bat foraging areas and damage to commuting routes, although vehicle numbers are predicted to be very low. Road traffic also has the potential to result in injury or mortality from bat

collisions with vehicles. The applicant is proposing the creation of around 7.2ha of suitable bat foraging habitat on the re-profiled quarry benches through progressive restoration and the hedge-banks that would line both sides of the new road would screen adjacent areas for vehicle headlights and reduced lighting within the quarry.

12.20.8 With the mitigation measures in place, the applicant's assessment predicts no significant effects on foraging bats and in the medium to long term, there would be a significant beneficial effect due to the habitats created during progressive restoration.

12.21 Reptiles and Invertebrates

12.21.1 The applicant's assessment identifies that the habitats in the extension area were assessed as being of negligible importance to reptiles, with small areas of habitat along the route of the Waye Lane link considered to have potential to support individual / low numbers of common and widespread species of reptile. These areas would be lost as a result of the proposed development and there is therefore a low risk of mortality/injury. The applicant's assessment identifies that the proposed development would result in the loss of hedgerow and grassland habitats used by important invertebrate assemblages, but no impacts would occur to the key areas identified around Alston farmyard.

12.21.2 Through FEI#1 (July 2017) and FEI#3 (February 2019), the applicant provided an assessment of subterranean fauna. This identified that the application site is of ecological importance at the Local (District) scale for its subterranean fauna due to the presence of the British cave shrimp (*Niphargus glennii*). The proposed development would result in the removal of around 4% (which the applicant considers as a precautionary estimate) of the locally occurring limestone formation. The applicant's assessment considers that there would be a direct adverse effect of slight significance at the Local scale.

12.21.3 In terms of mitigation, the applicant would undertake any construction activity within suitable reptile habitat at appropriate times of year and would displace reptiles into adjacent suitable retained habitat under an ecological watching brief. The translocation of hedgerows and the habitat creation and enhancement proposals for broadleaved woodlands and grasslands, which have been designed to include a number of features of particular value to invertebrates, would provide suitable mitigation for invertebrates. The applicant's assessment also identifies that the progressive restoration of the quarry would deliver a 7.2ha mosaic of habitat types of potential value to the more common species of reptile and invertebrates. The applicant would fund and undertake studies to further the understanding of the regional distribution of the cave shrimp and a long-term study of subterranean fauna throughout the quarry extension process.

12.21.4 The applicant's assessment concludes that, while there may be some localised temporary adverse effects as a result of habitat loss and displacement, the scale of suitable habitat creation and enhancement is considered to outweigh this, and in the long term has potential to support larger populations of a more diverse assemblage of the more common reptile species and an invertebrate assemblage of at least equivalent ecological importance to that existing within the extension area. In terms of subterranean fauna, the applicant's assessment concludes that although the proposed mitigation is considered to compensate to an extent for the adverse

effects of habitat loss, on a precautionary basis, the residual overall effect of Slight adverse significance is retained.

12.22 Breeding Birds

12.22.1 Based in the surveys undertaken, the applicant's assessment considers that the overall assemblage of bird species present during the breeding season was considered typical of woodland, farmland and hedgerow communities in this part of Devon and reflects the presence of mature woodland (off-site), semi-improved fields, farm buildings, a well-managed network of hedgerows, and a high degree of habitat connectivity. A total of 35 bird species were recorded within or adjacent to the extension area, and of these, 27 were either confirmed or considered likely to be breeding. A total of nine species of conservation concern were recorded including peregrine, house sparrow and song thrush.

12.22.2 The applicant's assessment identifies that potential impacts to breeding birds would arise from damage or destruction of active birds' nests during vegetation clearance works and reprofiling of quarry faces during progressive restoration; habitat loss leading to population decline or displacement; disturbance (noise and visual disturbance) from construction activities to adjacent habitats; noise, vibration and general disturbance from quarry operations including to the identified peregrine nest site, noise form traffic on the Waye Lane link.

12.22.3 The applicant would undertake hedgerow translocations outside of the bird breeding season to avoid direct impacts to active nests. The applicant's assessment considers that the translocated hedgerows, new hedgerows and creation of broad-leaved woodland would result in a substantial net increase in nesting and foraging habitats for woodland, woodland edge and hedgerow bird species, which would benefit the species of particular conservation note.

12.22.4 The applicant's assessment concludes that for the construction phase, overall, whilst there would be potential for localised short-term adverse effects on breeding birds arising from habitat loss associated construction disturbance, the habitat creation and enhancement has been designed such that during all stages the scale of accrued valued habitat creation and enhancement would always be greater than the loss. Overall the proposed development is predicted in the long term to result in a significant beneficial effect.

12.22.5 In terms of mitigation for operational impacts, the applicant's assessment identifies that noise could be controlled through noise limits imposed through planning conditions and the implementation of noise mitigation measures such as acoustic barriers and good working practices to reduce noise from plant and machinery. The hedgerows along the Waye Lane link would reduce the effects of visual disturbance and noise. The progressive restoration of the quarry would deliver habitat types suitable for breeding birds. Re-profiling of the quarry faces would be modified through measures such as timing or retention of features, to avoid adverse impacts if surveys indicate that cliff-nesting birds are present. If update surveys indicate a continued presence of peregrine within the existing quarry, works to Balland Pit during Stages 2 and 4 would be undertaken outside of the nesting season. Specific provision would be made in the re-profiling of the quarry benches during restoration to create rock outcrops and ledges suitable for nesting raptors, in particular for peregrine falcon.

12.22.6 The applicant's assessment considers that the proposed development would not result in an overall increase in noise and vibration as the intensity of quarrying operations would not increase. While there may be localised adverse effects in the medium term as extraction progresses across the extension area, this would be balanced by localised beneficial effects as quarrying activities cease in other areas. The very infrequent noise from blasting is considered extremely unlikely to result in measurable changes to bird populations.

12.22.7 The applicant's assessment concludes that there would be potential for localised short-term adverse effects on breeding birds arising from habitat loss within the footprint of each stage and associated construction disturbance, and no significant effects during the operational stage. Overall, the proposed development is predicted in the long term to result in a beneficial effect of moderate significance.

12.23 Assessment

12.23.1 The applicant's assessment concludes that there may be short term adverse impacts on certain species due to the removal of their existing habitats. However, replacement habitats of at least comparable value, will be provided in advance of each stage of habitats loss for these species to move into, and in the longer term as habitats mature there will be an overall net benefit provided. These benefits would be significant at the County scale for dormice, on account of the area and connectivity of woodland and hedgerow habitat creation proposed.

12.23.2 Impacts on the subterranean fauna, the British cave shrimp, would be in the region of a 4% loss of its habitat in the local area, due to the removal of limestone from the extraction operations proposed. This is considered by the applicant to be an adverse effect, but not significant, at the local level. The Dartmoor National Park Ecologist notes that this species is now considered to be more widespread throughout the South West than previously thought. With the proposed hydrogeological mitigation, which could be controlled via the recommended conditions, officers agree with the applicant's conclusions.

12.24 Conclusions

12.24.1 The applicant has satisfactory demonstrated that there would be no adverse effects on any European, national or locally designated sites. No objections have been received from Natural England or the Dartmoor National Park's Ecologist about potential effects on statutory or non-statutory designated sites. The proposed development would therefore accord with Policies COR1 and DMD14 and the NPPF in this regard.

12.24.2 The proposed extension area is of up to county value in its own right and of county value for numerous protected species. The hedgerows within the application site are important as they are exceedingly species-rich, support connectivity through the application site and represent a highly intact ancient boundary system. The proposed development would remove habitat and foraging areas and displace the species which use them. On site management and the early mitigation works in advance of their removals would offset impacts during the operational phase. The mitigation measures proposed would eventually lead to a net gain in biodiversity for the application site.

12.24.3 The mitigation measures can be managed by conditions, and the recommended condition wordings allow of the review of ecological matters over the operational period and for changes to be made to proposals, if needed, in response to the findings of these reviews.

12.24.4 The proposed development is therefore considered to accord with NPPF Paragraph 172, to which great weight can be given in the determination process, NPPF Paragraph 170 and Development Plan Policies COR1, COR7, DMD1b, DMD14 and M4. Whilst the proposals will lead to disruption to ecological interest, the net gain proposed is considered not to lead to a derogation of the National Park's special qualities int his regard.

13 Heritage Assets

13.1 Due regard has been made to the requirements of the Planning (Listed Building and Conservation Areas) Act 1990 (specifically sections 66 and 72) in order to consider the impact of the proposal on the settings of the designated heritage assets.

13.2 Section 66 requires local planning authorities, when considering proposals for works to listed buildings, to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses. Case law has made it clear that Section 66 places a requirement on decision makers to give 'considerable importance and weight' to the desirability of preserving the setting of listed buildings' and not simply to give this careful consideration when granting planning permission for development which would cause harm to the settings of listed buildings.

13.3 The NPPF includes a specific chapter on conserving and enhancing the historic environment (chapter 16). When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. The NPPF outlines that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or that certain criteria are met. The NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

13.4 Policy COR3 seeks to conserve and enhance the characteristic landscapes and features that contribute to Dartmoor's special environmental qualities. The policy states that particular regard should be paid to historic and archaeological landscapes, features and artefacts; and vernacular and other historic buildings and traditional man-made features. Policy COR5 states that the character, appearance, historic plan forms, settlement patterns, integrity, local distinctiveness and cultural associations that contribute to the special qualities and settings of the historic built environment and historic parks and gardens should be conserved and enhanced. Policy COR6 seeks to protect the integrity or setting of a Scheduled Ancient Monument or other sites or remains considered to be of national archaeological

importance from adverse effects, and that locally important archaeological sites are also protected.

13.5 Policy DMD7 requires development to have particular regard to the quality, integrity, character and settings of heritage assets. Policy DMD13 requires applications which may have the potential to affect designated or non-designated heritage assets with archaeological interests, to be accompanied by an appropriate method statement (a written scheme of investigation).

13.6 Policy M4 of the Minerals Local Plan specifies the effects of the proposal on Ancient Monuments and other archaeological remains and their settings as a factor to be taken into account when assessing proposals for minerals applications.

13.7 The following special qualities are relevant to the proposed development in regard to heritage:

- one of the most important archaeological landscapes in western Europe revealing a chronology of human activity stretching back over 8,000 years, from ancient field systems to the legacy of tin mining;
- a wealth of historic buildings, structures and townscapes, including a strong medieval settlement pattern of scattered farmsteads, hamlets, villages and towns, set within enclosed farmland surrounding the open moor and linked by an intimate pattern of sunken lanes.

13.8 The applicant states that no substantial harm will result from the proposed development. The proposed development would secure substantial public benefit which is considered sufficient to outweigh the identified impacts on the settings of the listed buildings and other archaeological assets. The removal of the hedgerow field pattern is an irreversible adverse effect, however, the proposed mitigation undertaken during the construction phase would allow for a record of the archaeological resource to be created.

13.9 A number of the letters of objection have raised concern about the loss of Alston Lane which it is stated is part of an ancient droveway, and request that evidence is provided so that the historical importance of Alston Lane can be assessed. A number of letters of objection express concern that not enough regard has been given to the archaeological potential of the site and its importance in the wider historic landscape, in particular the loss of ancient field patterns.

13.10 The Environmental Statement includes an assessment of the effects on heritage assets within a study area of 1km distance from both the centre of the proposed quarry extension and the centre of the new replacement roads. This includes an archaeological evaluation to assess the origin of the hedgerows within the extension area.

13.11 <u>Designated Heritage Assets</u>

13.11.1 There are no designated heritage assets within the application site. There would therefore be no direct impacts on any designated heritage assets. The applicant's assessment identified a total of 13 designated heritage assets within the 1km study area, all of which are Grade II listed buildings. The proposed development could indirectly impact on the setting of designated heritage assets within the 1km study area through visual intrusion and changes to the levels of noise, vibration and dust.

13.11.2 The Dartmoor National Park Building Conservation Officer has specifically identified the following designated heritage assets as being indirectly affected:

- Alston Farmhouse, a Grade II listed building located approximately 320m to the north of the proposed extension; and
- Place House, a Grade II listed building located adjacent to the west end of the proposed new Waye Lane.

13.12 *Alston Farmhouse*

13.12.1 Alston Farmhouse includes the Grade II listed farmhouse, with associated, separately listed barn 70m to the south, and barn, water wheel and courtyard 15m to the north. There are also farm buildings immediately east of the farmhouse that are of historic interest and are curtilage listed.

13.12.2 The applicant's assessment is that during the construction phase, the proposed extension would isolate the farm buildings both physically and visually from the setting of the surrounding farmland to the south and this would affect the way that these heritage assets can be appreciated within their landscape setting. The assessment goes on to state that, whilst the proposed development would have some impact on the setting of the farmhouse and associated outbuildings, the setting of these farm buildings forms only a small part of their significance; the main significance stems from their architectural and historical values, which are best appreciated when viewed from close proximity from within the farmyard and tracks immediately surrounding the farm, both of which would be retained. The applicant's assessment concludes that there would be a potential minor adverse degree of change. The significance of this impact is predicted to be slight adverse.

13.13 *Place House*

13.13.1 Place House is a 19th century house located adjacent to the west end of the proposed new Waye Lane. It is currently the Sixth Form Block for South Dartmoor Community College.

13.13.2 The applicant's assessment is that the setting of the building in the landscape has changed significantly during the 20th century, from a house in a rural landscape to a building within a busy school, and this is the setting in which the building is currently experienced. Place House may be subject to impact from increased noise during the construction phase and through the proximity of the new Waye Lane during the operational phase, but this is likely to be insignificant due to the existing noise generated by the nearby quarry and the A38, and will not affect the significance of Place House, which primarily derives from its architectural value. The applicant's assessment concludes that there may therefore be a potential minor adverse impact on the heritage asset, with the significance of this impact predicted to be slight adverse.

13.14 Non-designated Heritage Assets

13.14.1 *Known assets*

Within the wider area, the applicant's assessment identified a total of 60 non-designated heritage assets within the 1km study area. These include the following:

- the very slight remains of a prehistoric circular camp to the north of the application site;
- the possible site of a Roman building within the far northern part of the 1km study;

- the findspot of an early medieval/Anglo Saxon horse harness mount area;
- a number of medieval features including settlements at Caton and Lower Waye, a tinworks, quarries and a medieval routeway at Alston Lane;
- post medieval farmsteads, aqueducts, lime kilns and quarries.

13.14.2 *Unknown assets*

The applicant' s assessment has considered the potential for unknown archaeological assets to be present within the application site, concluding that there is a low potential for significant remains.

13.15 Consultation

13.15.1 The Dartmoor National Park Building Conservation Officer advises that the proposal would harm the setting of the listed features at Alston Farm and that the repair of listed buildings at the farm should be considered within mitigation measures. Officers consider that the listed building at Place House has previously had its setting compromised by the existing quarry and that the proposals will have less of an impact here. Other buildings in the vicinity are not listed buildings, but do have some local heritage importance. However, the features that provide the historical importance on these other buildings would not be affected by the proposal or have already had their settings affected previously.

13.15.2 The Dartmoor National Park Archaeologist considers that the landscape contains a number of features, including settlements, field systems and routeways and is considered to be of medium historical significance. Conditions were recommended to ensure that archaeological watching briefs are undertaken as earthworks for the various elements of the proposed development occur.

13.15.3 CPRE raised objections regarding the harm to the listed buildings at Alston Farm and Place House and from the risk of sinkhole occurrence.

13.15.4 The Dartmoor Society requested that recording of the quarry workings over the life of the proposed development be undertaken for historical records.

13.16 *Historic landscape*

13.16.1 The applicant's assessment has considered the historic landscape of the application site and wider area, and the effect of the proposed development on this. The applicant's assessment includes a review of historic map evidence which establishes that the proposed extension area lies within land which comprises medieval enclosures. Many of these consist of hedgerow boundaries which are considered to be 'important' under the Hedgerow Regulations 1997. The FEI#1 submitted by the applicant includes an additional assessment of the potential, residual and significance of effects on the Historic Landscape Character of the extension area and its situation within the surrounding landscape.

13.16.2 In addition, the extension site and immediate surrounding area exhibit several other historic landscape characteristics, including the basic pattern of settlements such as Caton hamlet (HER Reference; MDV107697) linked by the network of sunken lanes. The applicant's assessment judges the sensitivity of the existing Historic Landscape Character aspects within the application area as being of 'High' sensitivity to change.

13.16.3 The applicant's assessment considers that individually, the hedgebanks within this area are of low significance, although when seen in the context of the wider landscape of Dartmoor National Park, including their relationship with nearby

contemporary features such as the droveway at Alston Lane and nearby medieval settlements (Caton and Lower Waye), they form part of a remnant medieval landscape, considered to be of medium significance. As only a small part of this remnant medieval landscape falls within the area of the proposed quarry extension the sensitivity of this receptor to the proposed development is considered to be low-medium.

13.16.4 The applicant's assessment acknowledges that the proposed development would result in the progressive removal of existing landscape elements (land cover, vegetation and hedgebanks) ultimately resulting in the permanent loss of the characteristic features associated with the medieval field pattern in the extension site, resulting in the gradual but long term negative effect on the historic landscape character of the extension site.

13.16.5 The applicant is proposing to offset the permanent loss of the hedgebanks within the extension site by recreating field boundaries within land in their ownership, through the creation of new hedgebanks and the translocation of the hedgebank material from within the extension area as the quarrying operations proceed. In Stage 1, hedgerows would be translocated along the new access to Alston Farm and along the outer edge of the Stage 1b bunding area, closest to Caton. In Stage 2 relocated hedgerows would be placed around the Stage 2 bunding area, alongside the hedgerow along the north eastern edge of the extension area and around the north eastern side of Alston Farm buildings. Further hedgerows from Stage 2 and some relocated in Stages 3 and 4 would be placed on the existing tip north of Linhay Hill to recreate the historic field pattern. The field boundaries created within land to the north west of Waye Lane and on land of the former tip site would reinforce the ''rare'' field pattern referred to within the Devon Historic Landscape Character Assessment.

13.16.6 The applicant is also proposing an archaeological watching brief during the construction phase which would require the presence of an archaeologist during works involving physical impact to hedgebanks, to record sample sections through the features. The applicant considers that this would have the benefit of enhancing the knowledge of the archaeology of the enclosed land of the Dartmoor fringe farmland.

13.16.7 The applicant has assessed the significance of effects during the proposed operations, taking account of the mitigation proposed in terms of translocating hedgerows and creating new hedgerows to recreate field patterns. The effects are judged to range from an adverse effect of Slight/Moderate significance to Moderate/Large significance during construction and operation. On restoration, there would be a beneficial effect of Slight/Moderate significance, due to the restored landscape – an open water body surrounded by extensive areas of mature native broadleaved woodland, translocated hedgebanks and new hedgebanks – serving to partially offset the loss of the historic field pattern within the extension site.

13.16.8 In terms of the special qualities of the National Park, the applicant's assessment considers that, during the construction phase, there would be a major adverse localised impact to one of the National Park's Special Qualities, which is related to the agricultural landscape of the Dartmoor fringe farmland. This is due to the removal of the fields associated with Alston Farm along with Alston Lane, and the resulting effect on the pattern of enclosed land and scattered farmsteads. Outside of the application area there would be no change on the agricultural and urban landscapes of south-east Dartmoor.

13.17 Assessment

13.17.1 Designated Assets

13.17.2 The impact on the significance of the two designated heritage assets that may be affected by the proposed development has been assessed as less than substantial. For Alston Farm, there will be no direct effects on the buildings themselves with he only changes being to the setting. Whilst the proposals will remove the agricultural land to the south of the farm, which provide context to the farm's use, the farm buildings themselves are separated from this agricultural by mature trees. These trees provide a defined enclosure around the farm itself and also physically and visually separate the two areas. Also, the farm would still have agricultural land to the north providing context to its use.

13.17.3 It has been requested by Dartmoor National Park's Building Conservation Officer whether improvements could be undertaken to listed buildings at Alston Farm (the barn complex to the north) to compensate for the effects on the setting. However for the reasons outlined above, Officers do not consider that this proportionate to the harm being caused.

13.17.4 Place House has previously had its setting changed through the existing quarrying operations and the development of South Dartmoor Community College. The proposed extension works are therefore considered to have an acceptable impact on Place House's setting.

13.18. Undesignated Assets

13.18.1 It is considered that, although the proximity of Lower Waye farm to the proposed extension would impact on its setting, this has already been compromised to a high degree by the existing quarry. The historic value of the settings of the properties in Caton is considered to relate strongly to their relationship with Caton Lane, rather than to the application land to the west. There would be no harm to the other known non-designated heritage assets identified. It is therefore considered that there would be no harm to these identified non designated heritage assets located within the vicinity of the proposed development.

13.18.2 Within the application site itself, the applicant's assessment identifies that there are two recorded heritage assets which would be directly impacted on by the proposed development. These are the sites of two former quarries located in the area of the proposed bund adjacent to the A38. The proposed development would result in the loss of these two heritage assets. However, these are considered to be of low historical significance and would not preclude the proposed development.

13.18.3 The impacts on the archaeological features identified within the application site could be mitigated through a programme of archaeological works in accordance with a written scheme of investigation that would be agreed with the NPA. This would include further fieldwork such as evaluation and mitigation excavation. This programme of works could be secured through a planning condition.

13.19 Unknown Assets

13.19.1 It is considered that there is potential within the application site for buried heritage assets which are currently unrecognised, including tin workings recorded and the potential for karstic voids within the bedrock, which could contain palaeoenvironmental and/or archaeological deposits which may have accumulated during their formation. Whilst the likelihood of such occurrences is probably low, their archaeological significance, if present, would be considerable due to their potential for shedding light on remote periods such as the Palaeolithic or Mesolithic.

13.19.2 Should planning permission be granted, the impacts on the archaeological resource that may be present within the application site could be mitigated by the implementation of a programme of archaeological watching briefs at each stage of the proposed development to identify, investigate and record any archaeological features encountered. This mitigation could be secured through a planning condition.

13.20 Historic Landscape

13.20.1 It is acknowledged that individually, the hedgebanks comprising the fieldscape are of low significance, but they should also be considered as part of a wider historical landscape. This includes, in the immediate vicinity, the medieval settlements of Lower Waye and Caton and Alston Lane, a droveway which possibly forms part of a route linking the south coast with detached grazing on the moor. These features form a coherent fragment of surviving medieval landscape which in turn forms part of a wider historic landscape, the Alston Lane droveway emphasising its links with a much wider area outside the National Park. As such, it is agreed that the historic landscape in the vicinity of the proposed extension should be considered high sensitivity. It also possesses evidential value with respect to the Alston Lane droveway and its potential to shed light on the process of enclosure. The extensive surviving medieval landscapes within the National Park are also a major component of this aspect of Dartmoor's special environmental qualities.

13.20.2 The proposed removal or concealment of 32ha of the historic landscape and its associated features, would result in significant adverse impact. The mitigation measures would offset this to some degree, but not fully balance the loss that is created.

13.21 Conclusions

13.21.1 In terms of designated heritage assets, there would be a less than substantial harm to the significance of Alston Farmhouse and Place House, both Grade II listed buildings. In accordance with section 66 of the Listed Buildings and Conservation Areas Act 1990, considerable weight needs to be attributed to this harm. It is necessary to consider whether the less than substantial harm is outweighed by the public benefits of the proposed development. It is considered that the harm to these heritage assets would not be sufficient to outbalance the potential economic benefits of the proposed development, which paragraph 205 of the NPPF states should be given great weight. The balancing exercise required by paragraph 196 of the NPPF is therefore favourable to the proposed development. The proposed development would therefore accord with Policies COR5 and DMD7 of the Development Plan and chapter 16 of the NPPF in this regard. This conclusion has had regard to the duties imposed by section 66 of the Listed Buildings and Conservation Areas Act 1990.

13.21.2 There would be some direct impacts on non-designated archaeology, and the effects would be permanent and irreversible. Paragraph 197 of the NPPF advises that, in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. It is considered that, based on the information submitted, there is no justification for the preservation in-situ of any archaeological remains. A programme of archaeological work involving recording and dissemination of the results would provide mitigation and could be secured through a planning condition. Subject to this being put in place, it is considered that the proposed development would not have an unacceptable effect on non-designated heritage assets. The proposed development would

therefore accord with Policies COR6 and DMD7 and chapter 16 of the NPPF in this regard.

13.21.3 It is considered that the proposed development would cause harm to the historic landscape and special qualities of the National Park despite the mitigation measure proposed by the applicant. The proposed development would therefore be contrary to Policies COR3 and COR5.

14 Highways and Traffic

14.1 NPPF 2019 Paragraph 108 states that when assessing applications for development, local planning authorities should ensure that:

- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users; and
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

14.2 The NPPF (paragraph 109) states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts of development are severe.

14.3 Policy COR21 requires that development does not conflict with the standard, capacity and function of local roads as defined in the Dartmoor Route Network and does not have a detrimental impact on road safety or the existing capacity of the highway network such that congestion is created or increased. The policy also requires development to provide sufficient car parking; and wherever possible provide links to existing and proposed networks of footpaths and cycleways.

14.4 Access to the existing quarry is via two priority junctions with Balland Lane to the south of the site, which provide access to the B3352 and the A38. There would be no change to the volume of traffic entering or leaving the quarry as a result of the proposed development. The access arrangements would not change as a result of the proposed development and the two site access points would continue to be used.

14.5 The applicant prepared a Transport Assessment to accompany the planning application. The Transport Assessment notes that the rate of extraction of minerals at the quarry would remain unchanged and no increase in vehicular traffic is anticipated as a result of the proposed development. There would be no change to the current access arrangements, and employee numbers are expected to remain broadly consistent. Additional traffic related to construction activities 9e.g the construction of the Waye Lane link) would be limited to the additional staff involved (approximately 10 number) and one delivery and one removal for each piece of construction equipment. Construction equipment will then be stored within the quarry during the works. The potential transport and access implications of the proposed development therefore relate to highway alterations that are proposed as part of the scheme. These highway alterations are:

- The closure of the eastern part of Alston Lane and the junction with the A38 (Alston Cross), including:

- The provision of passing places on Balland Lane (as mitigation);
- A signage strategy for Caton Lane (as mitigation);

- Construction of a replacement road (the 'Waye Lane' link) that links Alston Lane to the north of Fine Turf Ltd with Balland Lane in Ashburton (this would also include the diversion of an existing Public Footpath (Ashburton 16)).

14.6 The applicant considers that the proposed development would not have any significant adverse environmental impacts in highway terms and should be considered acceptable in terms of highway planning policy.

14.7 Alston Lane Closure

14.7.1 The proposed development would involve the closure of the eastern part of Alston Lane up to and including the junction with the A38 (Alston Cross). The applicant has produced a detailed design of the proposed closure which has been subject to a Stage 1/2 Road Safety Audit (RSA).

14.8 Traffic Impacts

14.8.1 The applicant's Transport Assessment anticipates that the closure of the eastern part of Alston Lane would lead to a redistribution of existing traffic, with a reduction in traffic on Alston Lane and a potential increase in the traffic flow on Stormsdown Lane, Balland Lane and Caton Lane.

14.8.2 The applicant's Transport Assessment estimated that there would be an increase in traffic on Stormsdown Lane of 73 vehicles on an average day and 78 on an average weekday (18hr), equating to approximately four vehicles per hour. The Transport Assessment states that Stormsdown Lane is generally of a good standard and does not suffer from any existing capacity problems. The conclusion is that the additional traffic would not be expected to give rise to any highway issues.

14.8.3 The predicted traffic diversions that would result from the scheme show a slight increase in traffic using the two-way western part of Balland Lane (past the school) to access Alston Lane (via Waye Lane) and a slight increase in traffic using the eastern part of Balland Lane to egress from Alston Lane (via Waye Lane). The predicted increase in traffic on Balland Lane as a result of the proposed development was initially expected to exacerbate an existing congestion issue associated with the two way movement of school buses on the western part of Balland Lane and a lack of passing places on the eastern part. Mitigation is proposed to provide two passing places along the eastern part of Balland Lane and allow buses to exit to the east removing the need to turn around. This mitigation is predicted to result in a moderate benefit.

14.8.4 The applicant's Transport Assessment predicts the potential increase in vehicles on Caton Lane to be low, equating to less than two additional vehicles per hour. This would represent an increase in the total level of traffic on this route of approximately 35%. In response to concerns raised by local residents, the applicant is proposing a signage strategy to reduce/prevent vehicles diverting on to Caton Lane. A Traffic Regulation Order (TRO) would be introduced prohibiting motor vehicles from entering Caton Lane at either end accompanied by an 'Except for access' plate. This would mean that only motorists travelling to and from properties accessed off Caton Lane would be permitted to use the route. The applicant considers that this would result in an increase in traffic on Caton Lane of less than 30%, and this would be a negligible effect.

14.8.5 Highways England expressed concern that there is the potential for traffic on Caton Lane to increase and thence onto the A38 via Caton Cross, which would add to safety concerns arising from the current layout of the Caton junction. In response to this concern, the applicant proposed, through FEI#2 an alternative highways scheme for Caton Lane. This is to modify the Caton Lane/A38 junction by widening the existing west bound slip road to create a second parallel deceleration lane serving Caton Lane. The land required for these alterations falls outside the red line application boundary. The proposals for the Caton Lane junction have therefore been the subject of a separate planning application (which has been approved by Teignbridge District Council.

14.9 Driver delay and effects on pedestrians and other road users

14.9.1 The Institute of Environmental Management & Assessment (IEMA) has produced guidelines to help assess off-site traffic impacts associated with major new developments. The environmental effects identified and covered in the guidelines are driver delay, pedestrian delay, pedestrian amenity, fear and intimidation, accidents and safety and severance.

14.9.2 The applicant's Transport Assessment has considered the effects of the proposed Alston Lane closure on these matters, plus on cyclists and equestrian impacts and impacts on public transport.

14.9.3 In terms of driver delay, the applicant's Transport Assessment states that the highway proposals would have a mixed impact on existing drivers depending on the origin and destination of each journey. There would be a reduction in delays associated with travel between Alston Lane and Ashburton, whilst there would be increases for local and through traffic that currently uses Alston Lane heading for the A38 east. Overall, the effects are predicted to be negligible or a slight disbenefit.

14.9.4 The guidelines provide broad thresholds for pedestrian delay, pedestrian amenity and community severance. For pedestrian delay, the IEMA guidelines present a lower threshold of 1,400 vehicles per hour at which a 10 second delay for pedestrians is predicted. For pedestrian amenity, the IEMA guidelines present broad thresholds for the level of fear and intimidation that result from road traffic; the lowest threshold provided is moderate, which is set at 600 –1200 vehicles per hour. In terms of severance, the IEMA guidelines for community severance note that the measurement and prediction of severance is extremely difficult and, in general, marginal changes in traffic flow are, by themselves, unlikely to create or remove severance.

14.9.5 The applicant's assessment indicates that the level of traffic diversion anticipated as a result of the closure of the eastern section of Alston Lane would be a maximum of five vehicles per hour on any alternative route. As a consequence, the impact on pedestrian delay, amenity and community severance would be negligible.

14.9.6 The closure of the eastern part of Alston Lane would remove a route that can be used by cyclists and equestrians, although the applicant's assessment indicates that use of this route by such users is low. A replacement route would be provided to Ashburton and access to the Plymouth – Exeter cycleway, a well-used route in the area, would be achievable relatively easily to the east and west.

14.9.7 The applicant's assessment considers that the closure of Alston Lane would not impact on operational bus routes and the low level of traffic diversion would be unlikely to have a discernible impact on bus services in the wider area.

14.10 Waye Lane Link

14.10.1 The applicant is proposing the provision of a replacement road for the stretch of Alston Lane that would be closed. This is known as the Waye Lane link. The proposed Waye Lane link would provide a connection between Balland Lane and Alston Lane. To the south west it would connect with Balland Lane as the minor arm of a priority junction. At the north eastern end the route would lead onto Alston Lane and continue southwards to Lower Waye. The existing northern part of Alston Lane would form the minor arm of a priority junction at this location.

14.10.2 The applicant proposes to construct the Waye Lane link to be in character with lanes in the locality with hedgerows on both sides where practical, either existing hedgerows or relocated form the proposed extension area. The width of hedgerows would vary along its length.

14.10.3 The road surface width will be as a standard 3.25m, with a 0.5m margin either side to define a 4.25m corridor. Passing bays which extend the road width to 6.25m would be provided at suitable intervals.

14.10.4 The applicant's Transport assessment predicts that the level of traffic that would use the Waye Lane link is 143 two-way vehicular movements (including 19 HGVs) on an average day (Annual Average Daily Traffic flow or AADT). The predicted figure on an average weekday (18-hour AAWT) is 150 vehicular movements (including 25 HGVs). This equates to an average of just over eight vehicular movements per hour, or less than one vehicle every 7 minutes. Guidance on the acceptable vehicular flow for a single lane with passing places states that a two-way flow of up to 300 vehicles per hour would be acceptable. Based on this, the applicant's Transport Assessment concludes that the level of traffic that is predicted to use the new link road would be well within the acceptable capacity threshold figure set out by the Department for Transport (DfT).

14.10.5 The applicant's Transport Assessment used the Design Manual for Roads and Bridges (DMRB) Volume 11 Environmental Assessment guidance to assess the Waye Lane link in terms of pedestrian, cycling and equestrian users of the road including community severance, as well as vehicular travellers.

14.10.6 In terms of pedestrian amenity, the Ashburton 16 footpath would be diverted to run alongside the Waye Lane link. The diverted route would be of the same standard and would be separated from the road by a hedgerow therefore pedestrian amenity would not be changed. The amenity of cyclists and equestrian users would be maintained. The anticipated traffic volumes on the new Waye Lane link are low and the route would not bisect community facilities and residents, and so there would be no community severance. The Waye Lane link would be a rural route of similar character to the existing section of Alston Lane that would be closed and therefore drivers view from the road and driver stress would effectively remain unchanged in comparison to the existing route.

14.11 Highways Safety

14.11.1 As part of the applicant's Transport Assessment, the applicant has considered accident data for the local area. Within the study area, there were 30 accidents during the study period, two of these were serious and 28 slight. No fatal injury collisions occurred. Of the serious incidents, one was recorded on the A38 in the vicinity of Alston Cross and one on the A38 in the vicinity of Caton Cross. No common causation factors or accidents clusters were identified nor any inherent safety concerns.

14.12 Sustainable Transport

14.12.1 The nearest bus stops to the quarry are located in Ashburton, between 650m and 1km away. They are served by a variety of operators covering a variety of routes. There is a bus stop with associated lay-by, timetable and flagpole located on the eastbound side of the A38 approximately 400m east of the Alston Cross junction. There is also a westbound stop providing the same level of facilities located approximately 300m to the west of Alston Cross on the opposite side of the A38. These are the main public transport connections serving the area to the east of the quarry. There are no scheduled bus services that travel via Alston Lane.

14.13 Consultation

14.13.1 Highways England initially raised concerns about the proposals due to the possible increase in traffic using Caton Lane to access the A38. This issue was subsequently successfully dealt with by a planning permission granted by Teignbridge District Council for improvements to the junction. The Highways Agency have also requested conditions be imposed concerning the set-back distance of screening bunds from the A38 and geotechnical reports on the bunds construction. With these conditions, they do not raise any objections.

14.13.2 Devon County Council (Highways) raises no objections to the proposals, and note that the proposals would continue the existing traffic movements generated by the quarry rather than create any overall increases. The note that the creation of Waye Lane and the stopping up of Alston Lane will need to be successfully completed prior to the removal of Alston Lane.

14.13.3 Other representations made by third parties include objections based on the increase in traffic on Caton Lane, the closure of Alston Lane leading to increased journey times and adversely affecting how emergency vehicles access some properties, that the proposals will lead to increased traffic on roads in the area and there will be an added danger to walkers and cyclists.

14.14 Assessment

14.14.1 Devon County Council, as Highways Authority, broadly accepts the content of the Transport Assessment and its conclusions with respect to the numbers of vehicles involved and the impact.

14.14.2 It is considered that the additional traffic that may result on Stormsdown Lane would not be unacceptable. The proposed mitigation for Balland Lane is considered to adequately mitigate the potential for additional congestion such that any highways impacts on this road would be acceptable.

14.14.3 Highways England initially raised concern about a possible increase in traffic using Caton Lane as a direct result of the closure of the A38 Alston junction and the implications this could have for the safety of the Caton Lane junction with the A38. Highways England recommended that further consideration be given to an engineering solution to address this concern. Mitigation works at the A38 junction with Caton Lane was subsequently discussed with the applicant and a separate planning application was submitted to Teignbridge District Council for the improvement works. Planning permission was granted on 23 August 2019. Highways England are no longer raising a concern this regard.

14.14.4 Objectors to the proposed development have raised concern that the works to the A38/Caton Lane junction are to enable further future development by the applicant and/or enable access to the quarry from Caton. The improvements works have been considered necessary mitigation for the traffic flows generated as a result of

the Alston Lane closure. Any future development that may be proposed by the applicant would be considered on their own merits and would have to be shown to be acceptable in their own right; it is not a material consideration for this current application. The applicant is proposing to use the existing site accesses, and this can be controlled through the imposition of a planning condition.

14.14.5 It is considered that the closure of Alston Lane would result in some increases to traffic on other minor roads in the area. However, it would not result in an unacceptable impact on the capacity of the highway network or its safety, subject to the proposed mitigation measures relating to Balland Lane, the engineering solution for the A38 junction with Caton Lane/Caton Cross and the applicant's proposed signage strategy. It is also considered that the closure of Alston Lane would not unacceptably affect other road users or the operation of public transport.

14.14.6 It is considered that the proposed specification for the Waye Lane link is appropriate for the number of vehicles predicted to use it. It would be of a similar character to that part of Alston Lane that would be closed and so the amenity of pedestrians, cyclists or equestrians or the experience of drivers using the road would not be substantially different. Devon County Council as Highways Authority has not raised any concerns about the proposed road or its access point onto Balland Lane. The Highways Authority would require the applicant to enter into an appropriate agreement to provide the Waye Lane link before the commencement of any development.

14.14.7 It is considered that at an average of 6 incidents per year, there is not an existing road safety issue in the area which would need to be addressed, nor would there be an unacceptable impact on highway safety as a result of the proposed development. Neither Devon County Council nor Highways England has raised any concerns about road safety as a result of the proposed development.

14.14.8 Minerals can only be worked where they occur and so there is not the same flexibility or choice of location as there is with other development types to locate development close to public transport. However, given the site's location in relation to Ashburton, there are a number of bus stops in proximity to the site that could be used by employees as an alternative to the private car. A condition is also recommended should planning permission be granted requiring the preparation of a travel plan to encourage car sharing and other forms of sustainable travel.

14.15 Conclusions

14.15.1 The proposed extension would utilise the existing accesses, which are considered appropriate for their continued use, and there are no proposed increases in traffic from the quarry operations. Traffic generated by the proposed development can be accommodated safely and conveniently on the highway network and planning conditions can be imposed to ensure traffic impacts are minimised, including the provision and maintenance of wheel cleaning facilities, measures to ensure that the highway is kept clear of mud or debris and the sheeting of vehicles.

14.15.2 Traffic flows generated as a result of the closure of Alston Lane, with the proposed mitigation, could be accommodated safely and conveniently on the highway network without adverse impacts on capacity, safety or on local and recreational amenity.

14.15.3 Therefore the application is considered to be in accordance with NPPF Paragraphs 108 and 109, and Policy COR21 of the Development Plan.

15 Climate Change

15.1 There are a number of international and national legislation and strategies in place to address climate change. This includes the Paris Agreement, the Climate Change Act 2008, carbon budgets and the 2050 net zero emissions reduction target adopted through the Climate Change Act 2008 (2050 Target Amendment) Order (2019).

15.2 The NPPF 2019 identifies mitigating and adapting to climate change, including moving to a low carbon economy as factors to help with achieving sustainable development. Chapter 14 of the NPPF is specific to meeting the challenge of climate change. Paragraph 148 requires the planning system to support the transition to a low carbon future, and, amongst other factors, it should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions.

15.3 Policy COR8 in the Core Strategy seeks to ensure that development uses natural resources in efficient and sustainable ways, including through energy efficiency and providing on site renewable energy generation for projects where practicable.

15.4 The applicant's Environmental Statement addresses climate change in two ways:

- The likely effect of the proposed development on climate change
- The likely effect of climate change on the proposed development.

15.5 In terms of the effect of the proposed development on climate change, the applicant considers that the quarry is well placed to supply materials to the locations where the bulk of future development in Devon is focussed (south and central Devon) so the proposed extension offers a means to continue this supply. Alternative sources of supply are expected to require haulage from greater distances, as scope to import by rail or sea are very limited.

15.6 The applicant has provided calculations to compare greenhouse gas emissions from road haulage journeys from alternative quarries outside of Devon, to a destination in Exeter. These quarries were selected as they are the most likely sources of supplementary limestone for the supply of stone into Devon, should Linhay Hill Quarry close. These other quarries are between 50 and 70 miles away from Exeter, compared to Linhay Hill Quarry at 20 miles away. Using information from 2015 (the latest available when the application was submitted) these calculations showed that carbon emissions from the transport of limestone from these other quarries could be 2.5 to over 4 times higher than from Linhay Hill Quarry, depending on the type of HGV's used and distance travelled.

15.7 The proposed development is not anticipated to have a significant impact on climate change either because of its contribution to global emissions or in comparative terms compared to alternatives. In addition, in terms of the local environment i.e. compared to movements on the A38, the quarry's emissions are negligible. The quarry would continue to operate in compliance with all relevant vehicle emission standards, as well as following good practice in relation to other energy efficiencies and good resource management.

15.8 The applicant states that the likely effect of climate change on the proposed development has been taken account of in its design. The applicant identifies that landscape planting and ecological mitigation measures would be implemented in the early stages of the development, and hence will not need to be adjusted to take account of future climate change. Given the prolonged nature of the proposed scheme (60+ years duration) the assessment does not take into account potential future pressures on the landscape caused by climate change trends and impacts

notably the possible influence on vegetation composition and land cover which may themselves have a resultant effect on the landscape character of the area.

15.9 Consultation

15.9.1 Comments were received from third party respondents that DNPA's policy to declare a Climate and Ecological Emergency should be taken into account in all planning decisions if Government targets are to be achieved, and also that the processing plant and vehicles consume fossil fuels and emit CO_2 and there are no plans to offset the carbon footprint.

15.10 Assessment

15.10.1 The applicant has considered the issue of climate change where appropriate within the application, such as within the flood risk assessment work. The application provides a comparison of how greenhouse gas emissions would be lower from Linhay Hill Quarry, when considered against alternative scenarios of transporting limestone from quarries outside of Devon. This is provided on the basis that the demand for limestone would still exist if Linhay Hill Quarry closes and it would simply take place elsewhere. The application infers that the extraction of limestone in any location would raise similar levels of greenhouse gas emissions, and the key difference is therefore through transportation of the limestone products.

15.10.2 This assumption is considered by Officers to be reasonable, with most major quarries utilising similar processes and plant. However, the lack of detail regarding greenhouse gas emissions from the operations on site does mean that certain claims in the planning application cannot be verified. In particular that the impact of operations at the quarry are negligible on the local environment, when compared to the greenhouse gas emissions arising from the A38.

15.10.3 The transport comparison provided in the application has been updated by Officers to use figures emission rates for HGV's from 2020. This shows that for the supply of limestone to a location in Exeter, which is a key market for limestone in Devon, each 20 mile journey from Linhay Hill Quarry would raise between 53kg and 61kg (carbon dioxide equivalent or CO_2e) depending on the type of HGV used. The other quarries identified outside of Devon are an additional 50-70 miles away. Each journey from these quarries would raise between 127kg and 212kg CO_2e depending on the distance and type of HGV used. These figures present a worst-case scenario, as the three limestone quarries in Devon are likely to be able to take up some of the supply needed to cover a closure of Linhay Hill Quarry. However in this scenario, savings of between (approximately) 50% to 75% could be realised.

15.10.4 The application confirms that the operational activities at the quarry use modern, efficient plant and machinery and that EJ&W Glendinning progressively replaces a proportion of its transport fleet each year. Both of these actions mean that modern equipment is used, which produce lower greenhouse gas emissions than old equipment.

15.10.5 As no information is provided on overall levels of greenhouse emissions that would occur from the operations as a whole, it is not possible to determine what level of renewable energy generation would be required on site to off-set 20% of the energy requirements as required by Policy COR8. However, if the greenhouse gas emissions for a journey to Exeter from Linhay Hill Quarry is used on its own, a solar farm of 4.7ha, a wind turbine of over 100m high, or multiple smaller turbines would be needed to off-set the greenhouse gas emissions if all stone from Linhay Hill Quarry went to this location. Officers consider that it would be impractical to provide renewable energy of this size and scale in or around Linhay Hill Quarry and if the

total energy use from the quarry is then taken into account, a larger scheme of renewable energy would be needed.

15.11 Conclusions

15.11.1 The production of greenhouse gas emissions is an unavoidable consequence of minerals extraction activities. The nature and quantity of such emissions is dependent on working practices, but the type of working is very much the same when considering limestone extraction at the scale proposed in this application. It is therefore a reasonable assumption that greenhouse gas emissions from the extraction and processing works will be similar no matter where limestone is extracted from. That being the case then the transport of products provides the greatest opportunity to reduce greenhouse gas emissions. With no opportunity to utilise rail or other transportation, road transport by HGV is the only viable option. In that respect, Linhay Hill Quarry's location in the central position to the main Devon markets and the distances involved to supplement supply from outside of Devon if Linhay Hill Quarry was to close, will provide substantial savings on greenhouse gas arisings.

15.11.2 Although a full audit of the proposed development's greenhouse gas emissions is not possible, a consideration of the possible transport emissions shows the scale of renewable energy generation required to off-set 20% of those emissions. Development of this scale is not considered practical within this particular location and is therefore not required under Policy COR8.

15.11.3 The proposals are therefore considered to accord with the NPPF and Policy COR8 in regard to energy efficiency and greenhouse gas reduction.

16 Recreation

16.1 Ashburton Footpath 16 would need to be diverted to allow the construction of the Waye Lane link. The length of footpath to be diverted is about 830m from the Balland Lane end. The remaining 540m to reach Alston Lane will remain on the farm track and then tarmacked drive past Waye Farm and Waye House.

16.2 Policy DMD31 states that the establishment of footpaths, community paths or other recreational routes across the countryside will be granted subject to environmental features being conserved or enhanced.

16.3 Policy DMD42 states that development that would increase vehicular traffic on public rights of way to the detriment of walkers and riders will not be permitted unless there are overriding social, economic or environmental benefits.

16.4 Policy M4 requires regard to be given to the effects on recreational use in the locality.

16.5 The following special quality of the National Park is relevant to the proposed development in regard of recreation: unrivalled opportunities to roam at will over the extensive open moorland, and an exceptional rights of way network for walking, riding and cycling.

16.6 The applicant states that replacement route seeks to maintain as much as possible the present informal feel to the route. For about a third of its length the footpath would be separated from the Waye Lane link by a hedgerow and would pass along the edge of fields. The remaining length would be separated from Waye Lane by a fence. The applicant considers that the impact on pedestrian delay and amenity (fear and intimidation) due to traffic movements at the point where the diverted

footpath would cross Waye Lane would be negligible, because of the low level of traffic movements; this would also be the case for the recreation experience.

16.7 The applicant identifies that a range of public access opportunities would also be provided including two additional new footpaths to be provided to the north east of Alston Lane offering an extension to Ashburton footpath 16, which would be opened in stages 1 and 3 to fit in with the progress of the quarry extension. The first of these footpaths would run from Alston Lane (opposite Lower Waye), run north of Alston Farm and join Caton Lane close to Samaster. The second would form a junction with the first footpath near Alston Farm, and run in a south east direction to join with the footpath that runs alongside the A38.

16.8 The final Restoration Strategy provides a major new opportunity for public access and informal recreation in a position that is highly accessible to Ashburton residents and to the wider public.

16.9 Consultation

16.9.1 No objections have been received to the proposed rights of way diversion or new footpaths to be created by either Devon County Council's Rights of Way team or the Dartmoor National Park's Access and Rights of Way officers. It is recommended by both that the new footpaths to be created during the operational stage should be dedicated as formal public rights of way rather than just as permissive paths.

16.9.2 Concerns have also been raised in representations for third parties that the proposed recreation and amenity use proposed in the restoration stage would result in significant numbers of visitors which would put pressure on residents of Ashburton and a strain on car parking and other services, and lead to additional traffic passing through Caton.

16.10 Assessment

16.10.1 The proposed diversion of Footpath 16 and provision of two new footpaths during the operational stages are consider by Officers to be an appropriate response to the closure of Alston Lane and creation of the Waye Lane link. The diversion of Footpath 16 closely follows the route of the existing footpath and there is considered to be no substantial change as a result. An existing loop walk running along the present Footpath 16, along Alston Road and then back to Ashburton along the A38 footpath would be removed by the proposed development. An alternative loop would become available via the new footpath to Caton Lane, and the additional distance (approx. 1.5km or 1 mile) is not considered to be unreasonable for local recreational users. By Stage 3, the second proposed new footpath would be available which would reduce this additional distance to 1.1km or 0.7 miles.

16.10.2 The proposed recreational use of the restored site, included informal public amenity areas, footpaths around the lake and nature conservation areas would be able to be serviced by its own car park and potentially café or services (depending on the details of the final Restoration Scheme). It is not however expected that the proposals would lead to substantial visitor numbers. There are no proposed tourism attractions or features that would be expected to lead to significant numbers of visitors. There would be no vehicle access to the restored site from the Caton side of the development with all access via Balland Lane.

16.11 Conclusion

16.11.1 The proposed diversion of footpath 16 will ensure that additional vehicular traffic does not impede on users of the footpath, and the diversion route and two other

footpaths proposed are considered to be appropriately routed and designed. The routes will provide appropriate access for the public in this area. The recreational activities proposed under restoration scheme are considered to be of a nature and scale suitable for this location. The proposals are therefore considered to accord with policies DMD31, DMD42 and M4 and to reflect the special qualities of the National Park.

17 Agricultural Land

17.1 Chapter 11 of the NPPF seeks to ensure the effective use of land. Paragraph 170 requires planning decisions to take account of the economic and other benefits of the best and most versatile land. Paragraph 205 requires planning authorities to ensure that restoration and aftercare of sites are provided for at the earliest opportunity and to high environmental standards.

17.2 Policy M4 requires regard to be given to the method of working, and for restoration to agriculture, forestry or other appropriate use (to include details for the aftercare necessary to ensure proper establishment to a condition suitable for that use)

17.3 The applicant considers that there would be no significant adverse impacts on the farm enterprise and existing turf business, as there is sufficient land elsewhere for these businesses to utilise in the future. Impacts on soil would be mitigated by the application of good practice.

17.4 Consultation

17.4.1 Natural England advised that the original submission did not contain sufficient information to confirm that the grading of land had been undertaken appropriately to confirm the Grade 3b classification.

17.5 Assessment

17.5.1 The agricultural land classification information was updated by the applicant in response to Natural England's comments. Officers consider that the revised information is appropriate to confirm the Grade 3b classification. Natural England has provided no further objections to the information.

17.5.2 The Alston Farm business will lose around 28 ha of land, from an agricultural holding that currently covers around 160 ha of land. The Fine Turf business would lose around 7ha of land, but has other land agreements in the area which will allow the business to continue. Officers consider that sufficient land will remain available to allow both businesses to continue.

17.5.3 Land will not be returned to agricultural use upon restoration. This would not be possible with the size of the quarry void to be created. The proposed restoration use is however considered to be appropriate for the proposed development in this location.

17.6 Conclusions

17.6.1 The proposals would be located on land which is classed as Grade 3b agricultural land and is therefore not classed as the best and most versatile land. The proposals would lead to some loss of land for existing agricultural and turf supply businesses, but not to an extent that it would damage the two businesses. It is therefore considered that the proposals accord with NPPF Paragraphs 170 and 205 and Policy M4.

18 Need for the Development

18.1 Paragraph 172 of the NPPF 2019 and Policies COR22, DMD2 and M4 of the Development Plan bring into decision making the consideration of need for the development.

18.2 Paragraph 172 of the NPPF requires the need for the development to be taken into account, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy. In addition, paragraph 203 of the NPPF sets out that 'it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs'. The glossary of the NPPF defines aggregate minerals as minerals resources of local and national importance which are necessary to meet society's needs. Paragraph 207 requires minerals planning authorities to plan for a steady and adequate supply of aggregates.

18.3 Policy COR22 sets out that major mineral development will not be allowed unless it can be demonstrated that there is a national need which cannot be reasonably met in any other way and which is sufficient to override the potential damage to the natural beauty, wildlife, cultural heritage or quiet enjoyment of the National Park.

18.4 Policy DMD2 advises that planning permission will not be granted for major development unless it can be demonstrated that there is an overriding public interest which outweighs National Park purposes and the development cannot reasonably be accommodated in any other way. Paragraph 2.3.2 states that consideration of such applications should include an assessment of the need for the development including in terms of any national considerations, and the impact of permitting it, or refusing it on the local economy.

18.5 Policy M4 advises that for applications for the extension of existing workings will be determined having regard to the local, regional or national need for the particular mineral, and alternative ways of meeting that need.

18.6 When considering the issue of need, the two key questions are therefore:

- Is there a need for minerals from Linhay Hill Quarry; and
- could this demand be met from alternative sources / providers.

18.7 The applicant has advised that viable reserves at Linhay Hill Quarry are sufficient (as at end of 2015) for a further 10 years at current rates of extraction. A continuation of the existing operation would see extraction cease at the end of 2025.

18.8 The applicant considers that there is a strong need for the proposed development based on the following:

18.9 <u>Supply of Aggregates and Minerals</u>

- Linhay Hill makes a valuable contribution to the local and wider aggregate market through a range of products – aggregates, ready mixed concretes, asphalt, blocks, paving, sand and lime. The quarry also imports and recycles demolition

material to sell as recycled aggregate.

- The products support (directly and indirectly) – the production of food (through the supply of agricultural lime) and tourism (keeping roads, railways and airports supplied and contributing to the construction of hotels and guesthouses).
- The quarry will supply material for new house building and refurbishment. Supplying the priority house building areas within Plymouth and East Devon will be a major element of the company's strategy. Typically, each dwelling requires 50t of aggregate, which increases to 400t per dwelling when including all roads and associated infrastructure.
- Since 2005, Linhay Hill Quarry's contribution to all land won-aggregates quarried in Devon increased from 11.6% to 19.6%. In 2011 its contribution was 21.3% and in 2016 it was 20.6%.
- Over the same period the contribution to sales of crushed rock increased from 14.2% to 23.3%.
- Paragraph 5.3.3 of the Devon Minerals Plan states '*of the 2.998 million tonnes of crushed rock sold in wider Devon in 2015, 88% was limestone, derived from four quarries in the M5 / A38 corridor of which two are in Devon (Westleigh and Stoneycombe), one in Plymouth (Moorcroft) and one in Dartmoor National Park (Linhay Hill)*.'
- The Dartmoor National Park Design Guide recognises that limestone is amongst the local materials that features in the vernacular architecture of the area particularly around Ashburton and Buckfastleigh.

18.10 Competition in the Local Aggregate Market

- Linhay Hill is one of four strategic limestone quarries in Devon, the other three are operated by the same global international company.
- The fourth Devon Local Aggregates Assessment reports that as at the end of 2018, the remaining reserves across the four quarries was 106mt. The closure of Linhay Hill would seriously threaten competition in the market and could result in increased costs to the construction industry and other customers. It could also jeopardise the County Highways Authority aim to achieve best value in the procurement of limestone aggregate for road construction.
- Within further information, the applicant provides examples of considerations by Somerset and Cheshire County Councils where competition was considered.

18.11 The Landbank

- At the end of 2018 the landbank position for limestone was 43.9 years.
- There are limitations on the accuracy of landbanks as a true indicator of supply:
  - The assumed rate of extraction is the ten-year average of past sales which is dominated by depressed sales due to the recession;
  - The ten-year average does not reflect the need for increased output to support higher levels of house building and infrastructure investment;
  - A long landbank does not mean there is capacity to respond to higher levels of demand;
  - There is limited scope to increase Devon's limestone production capacity or imports;
  - The landbank is being depleted more rapidly than the passage of time might suggest. In the three years to 2018, crushed rock sales were higher than the 10 year average up to 2018.
- There are several reasons why applications may be brought forward where an

adequate landbank exists:

- National and regional rates of development are anticipated to increase, Devon County's population is likely to increase by 16% over the period to 2031, with sites allocated for housing in nearby settlements in the relevant Local Plans;
- The proposed development has a high level of accessibility to the main market areas compared to the other three quarry operations in Devon;
- The nature, type and quality of the limestone aggregate is for a particular use within a distinct and separate market;
- There are known constraints on the availability of consented reserves. All of the other three quarries in the Devon area are in the same position as Linhay hill with extraction focused on the lower levels of the reserve. Unless further reserves are permitted, Devon is facing the prospect that all or most of its limestone is sourced from one site in the extreme south of the County.
- A long lead in time to the submission of an application for an extension is required due to the complexities of investment as well as practicalities of submitting such an application. Planning applications need to be submitted when the operators deem necessary not when the landbank is exhausted.

18.12 Supporters of the proposed development make similar points, stating that there is a national shortfall of minerals; the quarry provides a much needed local source of minerals house building and infrastructure; and without minerals from Linhay Quarry, competitiveness would be removed as the other limestone quarries in Devon are owned by the same company.

18.13 Objectors to the proposed development consider that there is no overriding national need, that the need can be met from alternative sites, it should not be assumed that the same level of demand will be maintained and a decrease in reserves would be outweighed by the preservation of the special qualities of the National Park.

18.14 Need for the Mineral

18.14.1 Paragraph 207 of the NPPF 2019 states that Mineral Planning Authorities (MPAs) should plan for a steady and adequate supply of aggregates by maintaining landbanks of at least 10 years for crushed rock, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised. The footnote to this criterion states that longer periods may be appropriate to take account of the need to supply a range of types of aggregates, locations of permitted reserves relative to markets, and productive capacity of permitted sites. Paragraph 207(g) requires MPAs to ensure that large landbanks bound up in very few sites do not stifle competition.

18.14.2 The National Planning Practice Guidance advises that there are a number of reasons why an application for aggregate minerals development is brought forward in an area where there exists an adequate landbank. These could include:

- significant future increases in demand that can be forecast with reasonable certainty;
- the location of the consented reserve is inappropriately located relative to the main market areas;
- the nature, type and qualities of the aggregate such as its suitability for a particular use within a distinct and separate market; and

- known constraints on the availability of consented reserves that might limit output over the plan period.

18.14.3 The NPPF requires MPAs, either individually or jointly, to prepare an annual Local Aggregate Assessment (LAA) to facilitate planning for the supply of aggregates. Within Devon, Devon County Council prepares the LAA in discussion with the other MPAs within the county, which includes the National Park Authority. The latest version was published in May 2020 and covers the period 2009-2018.

18.14.4 The LAA states that over the past ten years, limestone has formed the significant proportion of crushed rock aggregates sold in Devon, since 2012 accounting consistently over 80% (ranging between 84% and 88%). This reflects the lower levels of waste and ease of working in comparison with other rock types, together with the location of the limestone quarries in relation to the main settlements and transport routes.

18.14.5 The LAA identifies that crushed rock as a whole has a landbank of 43 years, with limestone specifically, having a landbank of 34.7 years. Both are significantly above the landbank indicator of at least 10 years set out in paragraph 207(f) of the NPPF. However, as noted above, the size of the landbank is not the only factor to be taken into account.

18.14.6 The LAA identifies that, while the crushed rock landbank as a whole comprises quarries managed by a range of major and smaller operators, the limestone landbank has a more concentrated pattern of management, with three of Devon's four limestone quarries operated by one company. If the life of Linhay Hill Quarry were not to be extended through the current application, then Devon would face a position whereby the remaining limestone supply from within Devon would be controlled by one company. This would significantly constrain competition within the aggregates sector in Devon. Such a situation would be contrary to the requirement of paragraph 207(g) of the NPPF.

18.14.7 A reduction in the number of limestone quarries from four to three would constrain Devon's ability to meet market demand and to provide flexibility in supply to meet changing circumstances in the future. Exact figures for production from the other three limestone quarries are not available due to confidentiality reasons. From information which is available publicly, it is estimated that the other three quarries would need to increase their output by around 30% to match Linhay Hill Quarry's output. Whilst this may be technically possible at each quarry, it is considered unlikely to be achievable across all three quarries at the same time. In contrast, retention of four limestone quarries with long-term reserves would enhance flexibility to meet market demand, including for planned increases in development, and react to any changing circumstances in the future.

18.14.8 Linhay Hill Quarry benefits from an integrated range of facilities that utilise the limestone quarried at the site, including an asphalt plant, ready-mix concrete plant, agricultural lime plant and concrete blockworks. Cessation of the quarrying operations would either necessitate the transportation of limestone from elsewhere to maintain a feedstock or result in the closure of these operations.

18.14.9 Linhay Hill Quarry is well located in relation to its markets, with good access to the A38, mid-way between Plymouth and Exeter, and with good access to the

Torbay/Teignmouth area as well. The applicant also maintains processing facilities at Plymouth and Exeter that make use of its limestone. While outside of the area covered by the Devon Minerals Plan (2017), the consultation response from Devon County Council notes that quarry's location accords with the Plan's spatial strategy set out in Policy M1 which is to focus crushed rock aggregates from existing quarries within the M5/A38 Corridor. Of the other limestone quarries in Devon, Moorcroft Quarry is located within Plymouth and Westleigh Quarry near Tiverton, and neither of these has good access to all of the main Devon markets. Stoneycombe Quarry is located in a more comparable location between the three markets (between Newton Abbott and Torquay) although it doesn't have as good an access onto main roads/dual carriageways as Linhay Hill Quarry.

18.14.10 Linhay Hill Quarry also produces building stone that assists in the maintenance of the local built environment. The quarry is the only operational source of limestone from the Chercombe Bridge Formation, which has distinct qualities from limestone extracted from the from East Ogwell Formation stone, which is the other limestone quarried in the Teignbridge area. Chercombe Bridge Limestone is identified in the Strategic Stone Study for Devon (English Heritage, 2012) and is listed as a 'key building stone' in the Devon Minerals Plan.

18.14.11 The results from the National Aggregate Minerals Survey undertaken for 2014 indicate that Linhay Hill was the only limestone quarry in Devon that sold agricultural lime. A chalk quarry in East Devon produces lime on a much smaller scale for use in the local East Devon/West Dorset area, but this is not capable of substituting for the scale and market area of Linhay Hill Quarry.

18.14.12 In terms of a national need it is acknowledged that the proposed development would not serve a national market directly. However, there are comparatively few extraction sites, for any minerals, in the UK that operate national supply lines. It is considered that the provision of minerals at a local or regional level contributes to the national requirement for minerals supply as required by the NPPF (para 203).

18.15 The cost of and scope for developing outside the National Park

18.15.1 Considering whether there are alternatives to the proposed development in locations outside of the National Park is part of the Major Development Test. If there are, then the justification for granting planning permission for the proposed development in the National Park would be reduced.

18.15.2 The options for meeting the need in some other way would be to supply the minerals from a site outside of the National Park, either locally within Devon, from within the South West or importing from further away.

18.16 Alternatives within Devon

18.16.1 The applicant identified land at Greenawell Park Farm to the west of East Ogwell and north of Denbury and which is in their ownership, as a potential alternative site outside of the National Park. This site overlies the same Chercombe Bridge limestone that is quarried at Linhay Hill. This site has not been the subject of any planning applications for mineral development, and any such application would fall to Devon County Council to determine.

18.16.2 The applicant's assessment identifies a number of constraints associated with this site, notably the lack of suitable roads with capacity to accommodate the traffic that would be generated, the costs involved in upgrading existing roads or constructing a new road (over land that the applicant does not own), the capital costs involved in setting up a new quarry.

18.16.3 Devon County Council, in their consultation response to the planning application also highlighted the environmental impacts associated with constructing a new access road, the potential impacts on heritage assets within the site, the potential for significant adverse landscape and visual impacts and the fact that the Devon Minerals Local Plan has a preference for extending existing sites over establishing a new quarry. Devon County Council considers that Greenawell Park Farm should not be regarded as a deliverable alternative to the extension of Linhay Hill Quarry.

18.16.4 Devon County Council identifies that, whilst there are substantial areas where limestone outcrops in Teignbridge that may offer scope for development of a new quarry, these areas are subject to a range of constraints that severely limit this scope:

- the large area of limestone to the north east of Kingsteignton is designated as a groundwater Source Protection Zone, as is a large part of the block to the east of Denbury;
- outcrops in the Chudleigh area fall within the sustenance zone associated with the South Hams SAC, while most other blocks are bisected by its strategic flyways;
- proximity of some areas to settlements including Denbury, East Ogwell, Ipplepen and Abbotskerswell limit the developable area for a new quarry;
- many of these areas of limestone have similar road access constraints to Greenawell Park Farm; and
- there is no evidence available to Devon County Council that (with the exception of Greenawell Park Farm) indicates that there is any interest (including mineral and/or freehold ownership) on the part of a mineral operator that would indicate that these areas of limestone can be considered as a deliverable option.

18.16.5 Limestone is not the only mineral extracted in Devon for aggregate uses. Crushed rock aggregates are also produced from sandstone and igneous rock quarries, albeit in much lower quantities than limestone. While these other resources can be used for similar purposes as limestone, they are less economic to quarry due to the higher proportion of wastage and greater processing costs. The consultation response of Devon County Council identifies that there is only one operational sandstone quarry capable of producing in excess of 200,000 tonnes/year. This therefore limits the ability of these other resources to produce minerals on a scale sufficient to substitute for the output of Linhay Hill Quarry. In addition, the characteristics of many of the sandstones in Devon would limit their use to lower end aggregate uses. Other sandstones have a high polished stone value (PSV) which makes them suitable as an anti-skid measure in road surfacing. Minerals with a high PSV are more limited in their availability and the most sustainable use for them would not be for general aggregate use. It is also the case that a large proportion of Devon's sandstone and igneous rock resources are less well located in relation to the main markets compared to the limestone resources. This would increase transport distances and therefore carbon emissions.

18.16.6 In terms of agricultural lime, it is understood that the only other quarry in Devon producing limestone for this use is Moorcroft Quarry near Plymouth. Information provided by the applicant in FEI#1 (July 2017) indicates that the amount of agricultural lime produced by this site has been small in comparison to the output from Linhay Hill quarry.

18.17 Alternatives from Outside of Devon

18.17.1 The nearest alternative source of limestone outside of Devon is the Mendip area of Somerset. This includes rail linked quarries which supply aggregate minerals to London and the South East. The Mendip quarries are located in excess of 50 miles from Exeter, making it doubtful as to whether transporting the minerals by road would be economic. It would also generate additional carbon emissions – the applicant's calculations show that emissions associated with transport of limestone could treble if limestone had to be brought in from outside the county. The use of rail would be constrained by the limited unloading infrastructure within Devon. The ports within Devon have received some aggregate minerals imported by sea but there are queries as to whether they would have the existing capacity to accommodate the quantity of minerals that would be comparable to the output from Linhay Hill quarry.

18.17.2 Limestone is also produced in Dorset but it is generally only suitable for lower grade aggregate uses.

18.17.3 The nearest source for agricultural lime outside of Devon is in North Somerset. Information provided by the applicant in FEI#1 (July 2017) indicates that the amount of agricultural lime produced by this site has been small in comparison to the output from Linhay Hill quarry and there would have to be substantial investment to increase capacity to replace the output from Linhay Hill Quarry.

18.18 Meeting the need in some other way

18.18.1 If the need can be met in some other way, this will reduce the justification for granting planning permission for the proposed development in the National Park.

18.18.2 The major source of secondary aggregates in Devon is the by-products derived from the extraction and processing of china clay. In addition, some of the by-products from the extraction of slate at Mill Hill Quarry is used for secondary aggregate purposes. The information in the Devon LAA 2009-2018 shows that the 10 year average sales of secondary aggregates was 449,000 tonnes, and the three years average was 543,000 tonnes. The LAA identifies that the use of waste arising from construction, demolition and excavation activity is recycled for use as aggregates, with average sales over the 7 year period 2012 – 2018 being 419,000 tonnes and over the three year period being 430,000 tonnes. The LAA identifies other potential sources that may be available in the future are the recycling of incinerator bottom ash derived from waste incineration in Devon, with a facility for the processing of this material being approved near Exeter in 2019; and secondary aggregates from the processing of waste from tungsten and tin extraction at Drakelands Mine, near Plymouth.

18.18.2 Devon has sources of material that can and are used as secondary and recycled aggregates. However, although these are capable of meeting some of the uses to

which limestone is put, much of the china clay and ball clay products comprise sand fractions and are therefore not considered capable of providing an alternative for limestone in terms of quality of the product. Furthermore, there are doubts as to whether production of secondary and recycled materials could increase sufficiently to provide an alternative to production from Linhay Hill Quarry.

18.18.3 In terms of timber, there considered to be little or no potential scope for use of timber instead of aggregate in either road or railway construction given that the particular uses that aggregates are put to requires certain properties which cannot be secured from timber. Construction methods for commercial buildings generally means that aggregates are mainly used in the foundations and scope to substitute timber for this purpose is considered to be limited.

18.18.4 In terms of agricultural lime, it was suggested to the applicant that gypsum might be a possible alternative product. Gypsum is an industrial mineral predominantly used in the manufacture of plaster, plasterboard and cement. The applicant considers that it would not be suitable as an alternative to agricultural lime from Linhay Hill quarry as it is not produced in sufficient quantities, sources of supply are a considerable distance from Devon (according to the BGS factsheet, the East Midlands has been the most important area), its main uses are of a higher value than agricultural lime and it can be re-used in the same or similar applications. According to the BGS factsheet, synthetic gypsum has been produced as a result of the process of removing sulphur dioxide from the flue gases at coal-fired power stations. However, this source has reduced in recent years due to the greater use of low sulphur coals and the reduction in the number of coal fired power stations. With the phasing out of unabated coal fired power generation by October 2025, this source will no longer be available.

18.19 Economic Considerations

18.19.1 As well as the statutory purposes for National Parks in England and Wales, the Authority also has a duty to seek to foster the economic and social wellbeing of local communities within the National Parks.

18.19.2 In deciding whether a major development in a National Park represents an exceptional circumstance and is in the public interest, paragraph 172 of the NPPF states that the assessment should 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. Economic considerations would therefore be the contribution of the proposed development to the national economy and the impact of permitting it or refusing it on the local economy.

18.19.3 Paragraph 205 of the NPPF sets out a strong support for the economic benefits of mineral extraction. This states that when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy.

18.19.4 Development Plan policy COR18 sets out the circumstances in which proposals for development bringing employment outside settlements in the National Park will be supported. The policy also sets out the basis of support for the small scale expansion of existing businesses and employment sites. The policy makes specific

reference to support for *"… other rural enterprises with strong links to the cultural heritage of Dartmoor".*

18.19.5 Policy M4 advises that for applications for the extension of existing workings will be determined having regard to the local, regional or national economic benefits of extracting the mineral.

18.19.6 The applicant considers that there is a strong economic justification for the proposed development based on the following:

- Linhay Hill has been in operation since 1958.
- The Company's annual turnover in the financial year ending April 2015 was some £35m.
- The Company have invested in the operation to boost local production.
- Of the £20m or so goods and services purchased in 2014 / 2015, those purchased from suppliers with Devon postcodes are some £6m, over a quarter of the Company's total procurement.
- Key customers for primary aggregates and ready-mix concrete and batching plants and pre cast works include – building firms, general public, local authorities, major contractors, house builders, civil engineering contractors, groundwork firms, national and regional builders merchants, agricultural merchants, farmers and contractors, specialist companies including metals and ceramic tile companies.
- Over the year to April 2015, sales increased by 25% to £35m.
- Linhay Hill supplies around £600,000 worth of stone and derived products to destinations within the National Park each year.
- E&JW Glendinning provides 240 direct jobs, 141 at Linhay Hill Quarry, 25 at the company's headquarters in Ashburton and 74 at its other operational sites. The proposed development will create a further 10 jobs.
- It is estimated that 180 FTE indirect jobs are supported by the applicant's operations, and that over 300 companies in Devon are a part of the company's supply chain.
- E&JW Glendinning represent around 5.8% of the Dartmoor economy and is one of the most significant firms operating in the National Park.
- Without the extension, the Company would need to alter its production and reduce the rate of output. This would involve the loss of jobs.

18.19.7 Objectors to the proposed development consider that the provision of jobs or other economic benefits cited do not outweigh the environmental impacts.

18.19.8 Supporters of the proposed development consider that the quarry and the applicant's business provide a source of well-paid employment, employing 240 people directly and the extension will continue this into the long term; local businesses that supply the quarry will benefit from the continued operations over the long term; the quarry supports the local economy and is a major contributor to it, spending £6 million per year on local goods and services; and if the proposal is not approved there will be a loss of direct employment and a negative impact on associated industries, the local area and the wider county.

18.20 Conclusion

18.20.1 Officers acknowledge that the landbank for crushed rock in Devon is higher than the guideline figure of 10 years, at 43.9 years for all rocks and 34.7 years for limestone in particular. However, the NPPF recognises that there are other factors that require consideration in determining the need for minerals. A high landbank may hide shortfalls in specific products or markets. Linhay Hill Quarry is considered to provide specific products to the market place, including volumes of agricultural lime and unique building stone that would not be able to be sourced elsewhere. It has good access to the A38 and is well located in relation to all of the main Devon markets.

18.20.2 The proposed development will maintain a local supply of limestone and related products, which contributes to the national need for minerals.

18.20.3 Officers are of the opinion that there are no feasible alternatives to supplying the limestone in an alternative way.

18.20.4 Devon County Council's minerals planning team has provided commentary which confirms that Greenaway Park is unlikely to be a viable alternative location and that they are unaware of any of landholdings or mineral operator interest in sites in the Chercombe Bridge Formation. The provision of other limestone from outside of Devon would be subject to increased transport distances (approximately 100 mile round trips from Somerset) with the resulting increase in emissions and costs that would result. Existing rail and port infrastructure in Devon for importing material via rail and port are considered unsuitable for the volumes of material in question.

18.20.5 The use of alternative materials for building or aggregate use, such as secondary or recycled aggregate or other rock types would not be appropriate due to reasons of cost, availability or differing qualities.

18.20.6 In the event that Linhay Hill Quarry was to close, other limestone in quarries in Devon may be able to increase production of certain products currently supplied by Linhay Hill Quarry. Given the level of increases that would be needed, there are concerns whether the three remaining quarries would be able to feasibly be able to achieve this.

18.20.7 The closure of Linhay Hill Quarry would also leave all of Devon's limestone supply in the control of one company, removing competition from the local market.

18.20.8 The proposed development would see 240 jobs secured and an additional 10 jobs created and is likely to see the continuation of strong economic benefits to the National Park and wider Devon area.

18.20.9 It is therefore considered that there is a need for the development and that the proposals accord with NPPF Paragraphs, 203, 205 and 207, with great weight being able to be afforded to Paragraph 205. The proposed development would also accord with Development Plan policies COR18, COR22, DMD2, M2 and M4.

19 Exceptional Circumstances and Public Interest Test

19.1 As described in Section 3 of this report, the proposed development is considered by Officers to constitute major development. The policies around major development are therefore relevant.

19.2 Paragraph 172 of the NPPF 2019 discusses the requirements for the determination of development proposals within National Parks and states that:

"*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 these designated areas should be limited. Planning 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."

19.3 Footnote 55 is new to NPPF 2019 and clarifies that "for the purposes of Para 172, whether the proposed development 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".

19.4 Policy COR22 of the Development Plan provides that 'major mineral development' will not be allowed unless "*after rigorous examination, it can be demonstrated that there is a national need which cannot reasonably be met in any other way, and which is sufficient to override the potential damage to the natural beauty, wildlife, cultural heritage or quiet enjoyment of the National Park".* This also creates a very strong presumption against any such development.

19.5 Policy DMD2 of the Development Plan provides that planning permission *"will not be granted for Major Development unless after the most rigorous examination it can be demonstrated that there is an overriding public interest in permitting the development which outweighs National Park purposes and the development cannot reasonably be accommodated in any other way".* This requirement for an overriding public interest imposes a very severe policy test.

19.6 These policies provide a useful means of summarising all of the other subjects and policies considered in this report, which in turn provides a useful summary of the key elements of the application itself. The two Development Plan policies replicate elements of NPPF paragraph 172, and therefore the key parts of this paragraph are considered below.

19.7 ***Planning permission should be refused for major development other than in exceptional circumstances***

19.7.1 It is considered that the proposed development represents exceptional circumstances:

19.7.2 Linhay Hill Quarry is located midway between the three main markets for aggregates in Devon, with direct access onto the strategic highway network (A38)

19.7.3 Linhay Hill Quarry is the only working quarry within the Chercombe Bridge Formation. It is therefore the only quarry that can supply the specific building stone products from this limestone.

19.7.4 There are no other limestone quarries in Devon that can currently supply agricultural lime at the volumes which Linhay Hill Quarry can.

19.8 ***where it can be demonstrated that the development is in the public interest***

19.8.1 The provision of competition in the Devon limestone market and the quarry's location between all of Devon's key markets, both which are linked to reduced prices for customers, are considered to be in the public interest.

19.9 ***the need for the development, including in terms of any national considerations***

19.9.1 There is considered to be a need for the development due to it's contribution to the local market supply, the provision of certain unique products, the volume of other products it supplies that could not currently be provided from elsewhere within Devon and the provision of competition in the market.

19.9.2 The meeting of local supply requirements also contributes to the national need for minerals.

19.10 ***and the impact of permitting it, or refusing it, upon the local economy***

19.10.1 The proposed development would see the continuation of 141 jobs at quarry and support for another 99 at EJ&W Glendinning's other sites. It would also lead to 10 additional direct jobs being created.

19.10.2 The proposed development would see around £6m enter the local economy each year through payments to suppliers, which supports other local businesses. Between EJ&W Glendinning's sub-contractors and their suppliers it is estimated that well over 300 companies are supported in some capacity by the quarry.

19.11 ***the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way***

19.11.1 There are not considered to be any other feasible ways of meeting the need for the mineral from outside the National Park or in another way. There is only one landholding by a minerals operator that Devon County Council is aware of within the Chercombe Bridge Formation. Greenawell Farm which is owned by EJ&W Glendinning and they have provided information to show that it is not an economically viable site to open. Other limestone quarries in Devon could increase production to meet some of the demand for standard aggregate products currently supplied by Linhay Hill Quarry, but not to the full volumes. Substitute materials are not considered to be appropriate in quality or quantity for the purposes required.

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

19.12.1 Officers consider that the proposed development would lead to localised, significant visual impacts and effects on the landscape and the historic landscape which would not be able to be fully moderated through mitigation measures.

19.12.2 For the other relevant environmental subjects there is considered to either be no significant effects from the proposals or the effects can be mitigated. Conditions are recommended alongside this Committee Report to manage mitigation where it is needed should a decision be taken to grant permission.

19.13 Conclusion

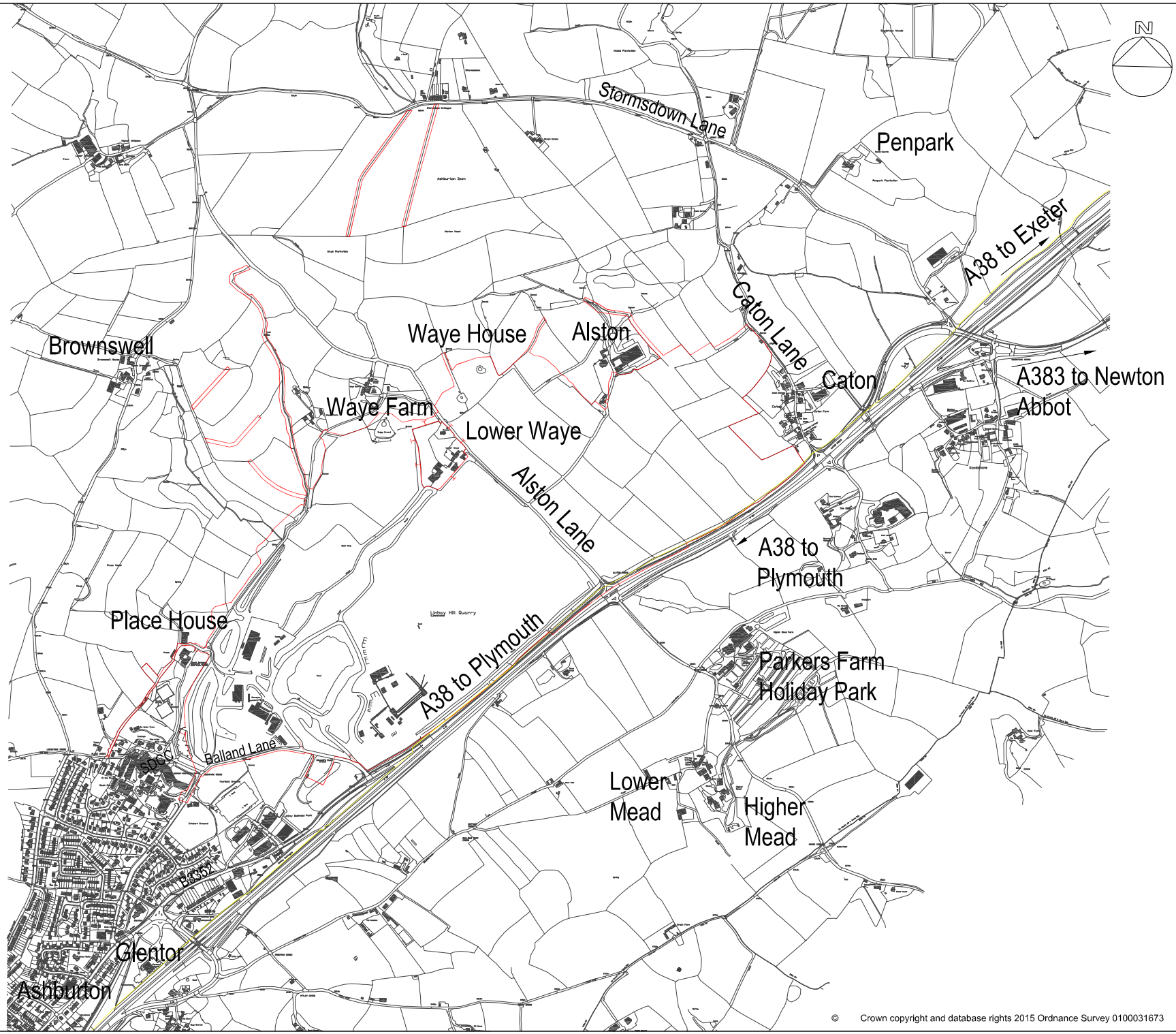
19.13.1 Officers consider that the proposed development would lead to significant environmental effects on landscape and visual impacts which cannot be fully mitigated. These effects are localised and mitigation has been proposed to reduce the level of effect which would result. Officers are of the opinion that there are exceptional circumstances for the proposed development and that it would be in the public interest. There is considered to be a need for the development, that it will contribute to the national need for minerals and that there are no feasible means of meeting the need in another way.

19.13.2 Minerals can only be worked where they are found, and that the nature of minerals extraction will always create some level of environmental disruption to the environment. Officers therefore consider that, on balance, the proposed development accords with NPPF Paragraph 172 and Development Plan policies COR22 and DMD2.

20 Conclusion

20.1 The scheme is considered to be compliant with the Development Plan when it is considered as a whole, and to be in conformity with government advice set out in the NPPF 2019. For all of the above reasons, and having due regard to the purposes of National Park designation and the Authority's duty, under Sections 5 and 11A of the National Parks and Access to the Countryside Act 1949 respectively, it is considered that there is a need for the development, there is strong public interest in permitting the development, that it cannot reasonably be accommodated in any other way and that this benefits of the proposed development override the identified adverse impacts on the landscape and natural beauty of the National Park.

20.2 It is therefore recommended that permission be GRANTED, subject to the conditions set out at Appendix 8 and a Section 106 Planning Obligation Agreement as described at Appendix 9.



NOTES

1. DO NOT SCALE FROM THIS DRAWING.
2. ALL MEASUREMENTS ARE IN METRES UNLESS STATED OTHERWISE
3. BASE PLAN IS OS MASTERMAP WITH MINOR MODIFICATIONS BY ATKINS

KEY:

PLANNING APPLICATION RED LINE

DARTMOOR National PARK BOUNDARY

EXISTING ACCESS TO QUARRY

Rev.	Date	Description	By	Chk'd	Appr'd
P3	21.06.16	AMENDMENTS TO NOTES AND KEY	MV	ATF	AH
P2	13.06.16	PLANNING SUBMISSION	ESG	ATF	AH
P1	27.05.16	FINAL	ESG	ATF	AH

Drawing Status: FOR PLANNING — Suitability: S0

ATKINS
Atkins Limited
The Octagon
Pynes Hill Court
Rydon Lane
Exter
EX2 5AZ
Telephone +44(0)1392 352900
Fax +44(0)1392 352999
www.atkinsglobal.com

Client: Glendinning

Project Title: LINHAY HILL QUARRY PROPOSED EXTENSION

Drawing Title: LOCATION PLAN

Scale	Designed	Drawn	Checked	Authorised
1:5000	AH	ESG	ATF	AH
Original Size	Date	Date	Date	Date
A1	23.11.15	23.11.15	09.11.15	09.11.15

Drawing Number: LINHAY-ATK-GEN-T-PL-0003 — Revision: P3

APPENDIX 1

Appendix 2

Consultation responses

Consultee name:	Consulted:	Responded:	Comments:
Environment Agency		02/08/2016 08/09/2016 13/09/2017 10/04/2019 03/05/2019 26/07/2019 29/09/2020 19/10/2020 12/11/2020	The Environment Agency originally identified that additional information was required to adequately demonstrate the likely impacts of the proposal on ground and surface waters. This included additional site investigation works, baseline monitoring for at least 3 years prior to commencement, a wider assessment incorporating different receptors and further information on water discharges during operations. and also for baseline monitoring. In response to the further information submitted by the applicant, the Environment Agency is generally satisfied that the revised hydrological impact assessment dated July 2020, (prepared in response to a request for information issued by the National Park Authority (NPA) in February 2020) constitutes an appropriate conceptualisation of the groundwater and surface water flow system in the area, although further clarifications were sought and some ongoing queries remain regarding the monitor and mitigations strategy, how this will work and how certain elements of the proposals would be secured via conditions. The Environment Agency has also supported the inclusion of certain issues with regard to the 'making good' of any derogation to an agreed list of

			water supplies by the provision of alternative supplies and the issue of impacts on private water supply , within a planning obligation.
Natural England		22/07/2016 25/09/2017 16/04/2018 04/04/2019 22/08/2019	The application site is in close proximity to three Special Areas of Conservation (SACs). Based on the information submitted by the applicant, Natural England agree that the proposed development can be screened out from further stages of Habitats Regulations assessment, but the implementation of the Ecological Mitigation and Enhancement Strategy should be made a condition of any permission. The Environmental Statement lacks information needed to confirm that the grading of 3b land has been applied in accordance with technical guidance. The phased biodiversity enhancements proposed are welcomed. The NPA should consider securing measures to enhance biodiversity of the site if it is to grant permission.
Highways England		26/07/2016 17/01/2017 11/07/2017 21/08/2017 09/01/2018 20/03/2018 04/07/2018 03/01/2019 08/04/2019 15/10/2020	Concern was initially raised about a possible increase in traffic using Caton Lane as a direct result of the closure of the A38 (Devon Expressway) Alston junction and the implications this could have for the safety of the Caton Lane junction with the A38 Devon Expressway. Highways England recommended that further consideration be given to an engineering solution to address this concern. Mitigation works at the A38 junction with Caton Lane was subsequently discussed with the applicant and a separate planning application was submitted to Teignbridge District Council for the improvement works (note: planning permission was granted on

			23/08/2019). Highways England has no objection to the deepening of the existing quarry, on the basis that the quarry operator will not extend the edge of the quarry any closer to the A38 than it is currently, and that appropriate mitigation is secured by condition. Highways England has no objection in principle to the proposed development subject to planning conditions being attached to any consent requiring geotechnical submissions relating to the proposed screening banks between the site boundary and the A38 to be submitted and approved prior to the commencement of development.
Health and Safety Executive		29/09/2016	No areas of potential conflict with health and safety requirements have been identified and the Health & Safety Executive (HSE) has comment to make on the application.
South West Water		11/07/2016 13/08/2019	Planning conditions are requested covering foul sewerage and surface water services to ensure that discharges would not be detrimental to existing infrastructure, the public and the environment.
Teignbridge District Council – Environmental Health		19/07/2016 24/08/2017	The mitigation measures set out in the ES for dust control, noise and vibration are appropriate but other mitigation measures should also be considered. Conditions are recommended to secure the submission of a dust management scheme and a noise and vibration mitigation scheme. The additional information provided by the applicant in July 2017 (FEI#1) on the dust assessment and dust monitoring is based on a sound methodology, provides a clear

			indication of dust levels in the vicinity and will form a reliable baseline.
Teignbridge District Council – Economic Development and Spatial Planning		04/08/2016 11/04/2018	The proposed extension contributes to the strategic aims of the Teignbridge Local Plan to support new jobs. The Council is keen to support the application from an economic development perspective. It will safeguard in the region of 160 well paid jobs. The quarry is a very important component in delivering growth in Teignbridge but more widely in the south west, supplying materials used in local housebuilding and the Council is keen to support proposals that help deliver its housing targets. A large number of other local businesses benefit directly and indirectly from the quarry operations. The Council supports the long term restoration of the site for the proposed uses. Appropriate mitigation should be put in place to ensure no likely significant effects on the integratory of the South Hams Special Area of Conservation.
Devon County Council – Strategic Planning		27/07/2016 04/08/2017	It is recognised that a major extension to a quarry within a National Park requires the National Park Authority to undertake careful consideration of both the need for the development and its impacts, together with the scope for developing elsewhere outside the National Park. To assist in the Authority's consideration, Devon County Council provides the following observations as the adjoining Mineral Planning Authority (MPA): • while the limestone resource quarried at Linhay Hill is not itself of national importance, it does make a very significant contribution to Devon's aggregate

			supply which ensures that the county maintains its contribution to regional and national requirements, while also supplying a key building stone and Devon's main source of agricultural lime; • given Devon's strong reliance on limestone quarries for delivery of its crushed rock aggregate supply, the proposed extension will help to ensure that the county will maintain the necessary reserves, productive capacity and flexibility to accommodate unforeseen constraints on extraction so as to ensure the long term supply of limestone; • enabling the continued operation will maintain competition within the aggregate products sector in Devon, consistent with the National Planning Policy Framework 2019 (the 'NPPF'); • alternative means of supplying limestone from outside the National Park are likely to result in very significant adverse impacts from the development of a new quarry within Devon or, in the case of transportation of limestone from outside the county, to be uneconomic and/or impractical due to infrastructure constraints; • the use of other aggregate resources, including secondary materials, instead of limestone is unviable due to limited productive capacity and/or technical limitations.
Devon County Council – Economy and Enterprise		10/08/2016	The extension would safeguard and future proof supplies of limestone and reduce dependency on supplies from elsewhere, minimising vulnerability to national and global supply and demand fluctuations and to currency

			fluctuations. Transport costs and CO2 emissions are expected to be lower through the provision of a local supply. There are expected to be significant benefits to local suppliers and sub-contractors across Devon. The quarry is well placed close to the strategic road network to ensure easy transportation of supplies. The quarry is currently a significant employer in Ashburton and for the surrounding area, providing relatively well paid employment in an area characterised by low workplace based earnings. Any impacts on Devon Fine Turf should be taken account of in balance with the economic impacts from the extension. There should be sufficient planted screening and noise mitigation around the extension to ensure that the viability of Parkers Farm Holiday Park is not compromised. Provided that any potential planning issues raised in terms of non-economic issues are suitably resolved, the potential longer-term economic benefits from the proposed extension are welcomed. It would be helpful to explore the feasibility of working with telecommunications suppliers to use this as an opportunity to significantly improve broadband connectivity in the locality. Ensuring that any neighbouring local business operations are not significantly impacted by the extension without mitigation would be welcomed.

Devon County Council – Rights of Way		25/07/2016	The proposed alternative path at Waye Farm, should be provided as a permissive path in the first instance as there is an existing public right of way running almost parallel to it. This arrangement could perhaps be reviewed in the future to assess the option of it being formally dedicated as a public right of way, whether as an additional path if it provides sufficient public benefit, or by diversion of the existing route if considered to be a suitable alternative. Devon County Council (DCC) would be supportive of additional linear paths being dedicated as public rights of way as these would appear to form useful links to the existing network. The circular walk around the lake (at restoration) should form part of the proposed amenity area, to be managed by the company (or any Community Trust that the company sets up for this purpose).
Devon County Council – Highways		13/07/2016 12/08/2019	The proposed development will perpetuate the existing levels of traffic from the quarry, rather than intensify it. The closure of Alston Lane and the associated reassignment of vehicle movements elsewhere on the highway network has been assessed and considered in detail in the Transport Assessment. The content of the Transport Assessment, and its conclusions, are broadly accepted and agreed with respect to the numbers of vehicles involved and the impact. Alston Lane will have to be successfully stopped up before any planning permission can be fully implemented. This will need to be done through the completion of an appropriate Order at the applicant's expense.

			The applicant will need to enter into an appropriate agreement with the highway authority to provide, before the commencement of any development, an alternative adopted highway route from Alston Lane to Balland Lane and the improvement to Balland Lane.
Devon County Council – Flood and Coastal Risk Management		16/08/2016	Further information was requested in response to the original application regarding the critical storm duration for each component of the drainage network, the acceptability of exceedance flows and routes and clarification of certain details of the drainage system. The applicant responded directly to DCC on these matters and no further comments have been received from them.
Cornwall County Council		14/07/2016	Cornwall benefits from a significant land bank of permitted primary and secondary aggregate reserves and therefore the permitted life of the quarry is unlikely to impact on the ability of Cornwall to meet its need for aggregates. Cornwall does rely on imports for limestone but has no data on tonnages that may come from Linhay Hill Quarry.
Plymouth City Council		15/07/2016 12/09/2019	The City Council has no objections to Linhay Hill quarry continuing to provide this resource for the City. The 5th Devon Local Aggregate Assessment states while the overall crushed rock landbank is extensive, there are limited available reserves of high-specification aggregates from Devon's operational quarries, and the NPA will no doubt know whether the resource at Linhay Hill Quarry would

			help to meet this need. The A38 adjacent to the application site is regarded as the principal regional highway serving the City. It is an attractive route through the Devon countryside and Plymouth residents' value the special qualities of the protected landscape that is the National Park. The proposed landscaping is essential to mitigate adverse impacts and it is hoped that maintenance and management of landscape planting can be secured for the long term. The NPPF states that bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances. The Authority might consider whether there are exceptional circumstances here to secure, by S106, long term maintenance and management of the planting warranted should quarrying operations pause or cease.
Ashburton Town Council		19/09/2016	The Town Council supports the application in principle, provided that: Highways England is satisfied with the engineering solution to the closure of Alston Lane and with the hydrological report to be supplied; The Environment Agency is content with the information requested prior to determination of the application; Borehole water supplies to Caton residents are maintained and repaired where necessary by the applicant; Minimum noise pollution is produced by the quarry.
Bickington Parish Council		13/07/2016 01/04/2018	The Parish Council objects until the following are addressed: • Concerns over flood water issues • Danger of potential collapse of A38

			(sinkholes) • Increase in traffic • Sink holes to other roads and private land due to altered surface and underground water • Flood implications to agricultural underpass
Buckfastleigh West Parish Council		03/04/2018	The closure of any road would have a dramatic effect on those living in the area as well as general users, especially when the alternatives do not appear appropriate or fit for purpose.
Staverton Parish Council		07/07/2016	The Parish Council supports the planning application. The quarry is a major employer in the area and its need for expansion is clear.
Widecombe Parish Council		07/07/2016	The Parish Council supports this application.
Dartmoor National Park – Historic Buildings		14/07/2016 06/09/2017	The proposal would not result in direct physical harm to any heritage assets. The proposal would harm the significance of the designated heritage assets at Alston Farm which includes the Grade II listed farmhouse, with associated, and separately listed, barn 70m to the south, and barn, water wheel and courtyard 15m to the north. This harm is considerable but should be regarded as less than substantial. The complex of listed farm buildings 15m north of the Alston Farmhouse is neglected and in a poor state of repair and should be regarded as 'at risk'. If this application is approved, then it is suggested that the repair of these buildings is carried out as part of the mitigation for the scheme. Consideration should also be given to repairing other historic farm buildings

			at the farmstead where necessary. Place House (Grade II Listed) has already had its setting compromised by the existing quarry and other development nearby and the proposals will have less of an impact on this building. Other buildings in the area are not designated heritage assets but their settings would be affected to some degree by the proposals. Some of these properties (e.g. Lower Waye Farm) have already had their settings compromised, others derive their setting more from other features than those that would be affected by the proposals (e.g. Caton properties grouping along Caton Lane).
Dartmoor National Park – Access and Rights of Way		22/07/2016	The proposed diversion of footpath 16 is supported in principle subject to the new section of footpath being a minimum of 2m wide and surfaced with an unbound material. It is recommended that the additional paths proposed should be dedicated as public rights of way rather than permissive paths (other than the proposed circular walk around the lake to be provided on restoration).
Dartmoor National Park - Ecology		13/10/2016 25/04/2019	The ecological surveys were undertaken to a high standard and follow best practice guidelines, as does the data interpretation, reporting, valuation and impact assessment, although the timing of the botanical surveys was sub optimal. A proposal to remove 21 hectares of habitat which is of up to county value in its own right and of county value for numerous protected species, and replace it with habitat that is of negligible value, is against policy

			DMD14 and poses various risks to the wildlife, including protected species, found on site as well as a loss of connectivity through the site. In addition, there are other areas of habitat loss associated with the re-routing of Waye Lane, and associated quarry works in the form of bunding and other measures. Against this backdrop, the applicant has prepared a thorough, extensive and well thought through mitigation and enhancement strategy which runs in parallel to the construction and operational phases of the proposed quarry, as well as a restoration strategy. Whilst the mitigation and restoration proposals are comprehensive, there are further measures that could be taken to further increase the amount of habitat creation works. There is a lack of information on the funding and governance for the proposed mitigation and restoration works. There is significant uncertainty about impacts on subterranean ecology, which will need to be addressed. The conclusions presented in the applicant's additional information (FEI#3 dated February 2019) are agreed with – that no adverse effects of the integrity of the South Hams SAC arising from changes to flight lines of greater horseshoe bats are considered likely to occur and there would be no adverse effects on the integrity of the Dartmoor SAC arising from changes to water quality. The overall view is that the measures described would provide an overall biodiversity gain in the medium to long

			term. This is on the basis that the measures can be secured, managed and funded appropriately and the hydrology/hydrogeology of the area, and therefore wider impacts on the environment are as stated in the Environmental Statement. A holding objection is raised on the grounds of: • Uncertainties on hydrological impacts and consequent ecological impacts, and • Uncertainties on whether mitigation and restoration proposals will be achievable or achieved, especially given inadequate information on funding and governance of ecological mitigation, management and restoration plans.
Dartmoor National Park – Trees and Landscape		25/11/2016	The applicant's Landscape & Visual Impact Assessment (LVIA) mostly follows good practice. However, some elements of the assessment do not follow the recommended guidance: defining the study area, identifying a threshold for significance and not including single photo imaging in support of the photo montages. The assessment of landscape character underplays the impact of the development; fails to recognise the importance of features within the site, in particular the historic field system, and the wider landscape and does not give enough weight to National Park designation. The proposed development will have a permanent major adverse impact on the character of this part of the National Park. The development will also introduce permanent adverse visual impacts which will affect a range

			of receptors including local residents, walkers, cyclists and visitors to the National Park. The scale and impact of the development means it does not respect the valued attributes of landscape character types identified in the Dartmoor National Park Landscape Character Assessment, specifically: • The landscape's function as a transition between developed areas and the wild moorland core of the National Park. • Productive farmland with small fields and winding lanes enclosed by thick hedgerows. • The landscape's human scale, evoking a sense of calm and history. The proposed development does not enhance what is special or locally distinctive about this landscape. It will not retain, integrate or enhance the distinctive local farmed landscape with associated fields and hedgerows. It is considered that the development will have a significant adverse impact on the unity, richness and harmony and the very strong sense of place, to the detriment of the National Park. In principle the proposed mitigation and final restoration are acceptable and will ultimately soften the visual impact on the quarry, and the woodland planting will reflect the small native woodlands found in this landscape. Numerous trees across the site will be lost either because they are within the quarry or because of construction of access road, widening Balland Lane, construction of tips and excavation of attenuation ponds. The loss of trees will have some impact on the local

			landscape, but there is opportunity to replace many of the trees. One group of trees is protected by a Tree Preservation Order (TPO).
Dartmoor National Park - Archaeology		01/11/2017	The surviving medieval landscape, including settlements, field system and routeways, within the vicinity proposed quarry extension area, is a heritage asset considered to be of a medium level of significance with historical and probable evidential value. This heritage asset is also part of a wider surviving medieval landscape both within and outside the borders of the National Park as demonstrated by the Alston Lane droveway. There is a danger of cumulative impact on this larger heritage asset which needs to be considered. Should the application be successful, mitigation is recommended, which should consist of an archaeological watching brief undertaken on the construction of the new access route to Alston Farm and archaeological watching briefs at each stage of the development, on removal of topsoil from the area of the quarry extension.
South West Business Council		06/07/2016 04/08/2020	The Devon & Cornwall Business Council regard this proposal as an essential component for the sustainability of local construction activity and to enable prosperity within the local supply chain. The applicants have a strong commitment to supporting the local economy and to delivering this project with minimum disruption to the local environment and amenities generally.
The Ramblers		12/07/2016	The diversion route for footpath 16 is clear and the diverted footpath and additional proposed footpaths linking to Footpath 16 will provide continuity of walking in this location, if the measures

			proposed are implemented. The current way marking is in a generally poor condition and it is trusted that the implementation of the diversion will include new or refurbished way markers.
Caton Residents Group		Numerous representations received throughout the planning application	The Residents Group commissioned Limestone Research & Consultancy Ltd to undertake a review of the hydrological/hydrogeological documents submitted by the applicant. A summary of the findings presented are: • there are deficiencies in the application information that relate to an inadequate understanding of karst geomorphology and hydrogeology and of the extent of the area that could be potentially impacted; • there is a lack of baseline data to enable an assessment of likely impacts on the groundwater catchment and flood risk; • there is a risk from the formation of dropout dolines and land subsidence triggered by dewatering. In view of the risks and uncertainties, the advice in the review is to reject the application, or at the least defer a decision until there has been as least 5 years of data collection and monitoring of dropout doline formation. The Residents Group objects to the application for the following reasons: • It would be contrary to policy; • Landscape and visual impact; • Impact on tranquillity; • Impact on the tourism industry due to the landscape impact and effects

			of dust, noise and vibration; and local employment opportunities due to the risk of flooding; • Environmental effects from noise, dust, vibration, light pollution; • Concern about a lack of overburden material to provide the screening claimed; • Hydrological impacts; • Road safety concerns in particular the use of the access on the eastern boundary and the effects on Caton Lane; • Lack of information on funding for the final restoration and the long term maintenance. The Residents Group commissioned an independent ecology consultant to undertake a review of the ecology documents submitted by the applicant. A summary of the findings presented are: • The baseline survey work has critical failures with many high value features missed or ignored; • The ecological treatment of hydrological matters us substandard and unfit for purpose with important species and habitats overlooked; • The value of adjacent mine adits for hibernating bats is unknown; • The documents have botanical errors, oversights and inconsistencies; • The treatment of veteran trees; invertebrates and reptiles are inadequate; • The impact on the British Cave Shrimp, a priority Species, would be severe;

			• The full impact on a number of European Protected Species is unknown.
Dartmoor Society		22/07/2016	The Dartmoor Society supports the application. The extension will be beneficial in economic and social terms without significant harm to the environment. The restoration after-uses are welcomed. It is recommended that the application should include an opportunity for some recovery of tin from the deposits in the vicinity of the quarry as a means of preserving the continuity of tin working in Ashburton stannary. Possible evidence of historic tin working should be looked for in the further archaeological work that would be required. There should be specific archaeological recording of Alston Lane given its likely status as an ancient drove route for livestock to and from summer pastures on moorland Dartmoor. It is recommended that some means of documenting the history of the quarry and the progressive stages of its development is put in place, including an oral history project and the retention of some buildings or at least their footprint. Account should be taken of the conclusions and recommendations of Professor Smart's report [review of the applicant's hydrological impact assessment] prior to a decision being reached and that any resultant proposals to mitigate the possible hydrogeological impact should be rigorously tested.

Dartmoor Preservation Association		26/07/2016	The plans for screening the work at the quarry and restoring the landscape afterwards are thorough and appropriate. For these reasons, together with the company's track record in minimising impact on the local community, and the importance of the enterprise for the local economy, the Dartmoor Preservation Association does not object to the application.
Teignbridge Branch of the Devon Campaign to Protect Rural England		27/07/2016 05/03/2018 01/03/2018 11/10/2017	The Devon Campaign for the Protection of Rural England (CPRE) objects to the application on the following grounds: • Inconsistency with local and national policy as there are alternative sources of limestone that can be obtained from less sensitive sites outwith the National Park, there is no overriding national need to extend the quarry whilst there are still considerable reserves that can be extracted, the adverse impacts are not outweighed by the benefits; • Adverse impacts on landscape; • Adverse impacts on the setting of two grade II listed buildings (Alston Farmhouse and Place House) and from a risk of subsidence/drop out sinkholes; • Loss of amenity to nearby homes and tourist accommodation due to increase in noise and dust and a lack of assessment to provide a baseline for monitoring impacts; • Loss of productive agricultural land; • Increased risk of flooding to Ashburton due to the removal of karst limestone, and increased risk of sinkholes; • Light pollution which will reduce

			the ability of people to enjoy the dark sky. The additional mitigation presented in the additional information submitted by the applicant in FEI#1 dated July 2017 is insufficient to protect the landscape, habitats, and minimise light pollution. The loss of so much hedgerow will destroy valuable habitats, degrade the landscape character and new planting will take many years to establish.

Appendix 3

Public Representations

22 letters of objection; 214 letters of support; 10 'other' letters; 1 petition objecting with 24 signatories.

Objection

The following points were raised by objectors:

- The extension would be contrary to the purposes of National Park and will not conserve or enhance its special qualities.
- There is no overriding national need or exceptional circumstances that cannot be met in another way.
- Alternatives to the extension have not been given sufficient consideration.
- There are many factors that can affect demand for the mineral over the next few years so it should not be assumed that the same or greater demand for the mineral will be maintained.
- The extension is not needed as there are other quarries within Devon and/or Somerset that can meet the need, or quarries from further afield if rail is used.
- The proposed mineral is not rare and other sites/sources are available outside of the National Park.
- Other quarries can supply the material needed to continue with the manufacture of quarry products at the quarry without the need for an extension.
- The provision of jobs or other economic benefits cited do not outweigh the environmental impacts.
- A decrease in minerals reserves would be outweighed by the preservation of the special qualities of the National Park.
- Impacts on local residents and visitors from noise, dust, blasting, light pollution, visual intrusion, and effects on health.

- Concern that there will be damage to properties due to blasting.
- Concern about noise levels from wagons and general working.
- The bund in the north east which are identified as a means of mitigating noise and dust to nearby properties including Caton are not being built until years 13-16, after the bund along the A38.
- Concern that the baseline noise and dust levels were established at the quarry floor and so are not reflective of levels whilst building the bunds or other operations at the surface.
- The proposed hours of working are too open ended.
- Working hours should be restricted to a reasonable hour to protect people's quality of life, including no working at weekends or after 17:00/17:30.
- The closure of Alston Lane will result in more traffic using Caton Lane which is not suitable as it is narrow, in a poor state of repair, subject to flooding, has evidence of areas that are sinking and will result in an increase in accident risk at the junction with the A38.
- Alston Lane is the safest and most convenient route from the A38 and should not be closed.
- Closing Alston Lane will adversely affect how emergency vehicles can access properties.
- Alston Lane is a historical asset and has historical significance, being part of an ancient Transhumance route from the coast to the moor, and there is a reasonable probability of archaeological remains beneath its surface.
- The removal of the hedgerows along Alston Lane will have a significant adverse impact on dormice and bats.
- The use of signs/traffic regulation order to restrict use of Caton Lane will not work.
- The proposed new Waye Lane is not a like for like mitigation for the removal of Alston Lane due to flooding and lack of access to the A38 and therefore increased journey time including for emergency vehicles.

- There will be an increase in HGV and light traffic on major and minor roads in the area during operations.
- There will be added danger to walkers and cyclists.
- Hooks Cross crossroad is not suitable for additional traffic.
- The proposals for the Caton Cross slip road widening will only encourage greater speed, will encourage more traffic to use Caton Lane, the construction will result in tailbacks causing delays and accidents.
- Concern that the Caton Cross slip road widening is to enable future development by the applicant and/or enable access to the quarry from Caton.
- Potential increase in flood risk to the surrounding area such as: Ashburton including the Chuley Road area, the development of which is key to employment in Ashburton; the A38/A383 junction; Caton; the Kestor Brook.
- Concern about whether the Balland stream has sufficient capacity to cope with additional water discharge from the quarry.
- The proposal will damage water courses and water quality.
- Concern that the applicant's assessments are not adequate to ensure an understanding of the full karst limestone situation that exists in the area and therefore the impacts of quarrying and how to manage them.
- The hydrological assessment is not comprehensive, is inconclusive and lacks a detailed conclusion, including the risks of sink holes, voids, underground water channels.
- The hydrological assessment is lacking in its consideration of potential risk to the A38 from collapses/sink holes arising from nature of the Karstic limestone.
- Disruption to groundwater flow and dewatering of the Karstic limestone and the effect this could have on private water supplies.
- Risks of increasing the incidence of sink holes dues to changes to groundwater levels.

- Concern about whether the proposed attenuation ponds will have adequate capacity to manage the volumes of water and potential damage to land and property if they do not.
- Concerns about land stability due to an increase in sink holes.
- Should permission be grated the applicant should be made responsible for the repair of all collapses, sink holes and changes in watercourses that occur.
- More information is needed on how the land will be recharged with water.
- There will be a loss of an extensive area of Karstic limestone, an area of geological conservation importance.
- The extension will destroy an area of landscape value.
- It is not possible to screen the quarry from the surrounding area.
- The proposed bunds will be an alien feature in the landscape and will represent a source of visual intrusion in the landscape and from properties in the area.
- The extension will destroy wildlife and habitats including rare species found on Dartmoor and in underground caves.
- Concern about the effect on Greater Horseshoe bats and other bats including from light pollution.
- Concern about the effect on dormice.
- The connection to the Priddamsleigh Cavern SSSI has not been considered.
- Concern about the effect that a potential loss of water supply might have for ecological habitats.
- Evidence should be collected so that the historical importance of Alston Lane, which forms part of an ancient Droveway from the coast to the moor, can be assessed.
- Hedges that will be lost should be dated prior to removal especially those along Alston Lane.
- Concern that not enough regard has been given to the archaeological

potential of the site and its importance in the wider historic landscape.

- Ancient field patterns will be lost and these play a part in the historic landscape character.
- The extension will destroy agricultural land including areas of organic farming.
- DNPA's policy to declare a Climate and Ecological Emergency should be taken into account in all planning decisions if Government targets are to be achieved.
- The processing plant and vehicles consume fossil fuels and emit CO_2 and there are no plans to offset the carbon footprint.
- The proposals for public access need to be clarified.
- Concern that the potential for pollution from an old nearby landfill site has not been considered.
- Concern about the stability of the proposed bunds.
- The proposal will add to the cumulative effects of other developments in the area.
- The lake proposed on restoration is not in keeping with the landscape.
- Concerns about the safety of such a deep lake.
- Concerns about the length of time it will take the lake to fill following completion of extraction, if it fills at all, and therefore when/if its amenity value will be realised.
- There is a risk of polluted water from the A38 getting into the proposed lake and the effect this would have on the potential for aquatic ecology and use of the lake.
- The restoration cannot replace the ancient field system.
- The planting of hedgerows will take many years to be of any value.
- Concern that the lake to be created on restoration will result in a bird strike risk to military aircraft.
- Concern that funding for restoration will not be adequate and there is a lack of detail in who will be responsible for maintenance if the applicant fails to meet their obligations.

- A financial guarantee for restoration is essential.
- Concern that the proposed afteruse as a public amenity area will result in a significant number of visitors travelling through Caton and will have an adverse effect on residents of Ashburton and put a strain on car parking and other services in the town.
- The time remaining at the existing quarry is sufficient to mitigate reductions in staff levels.
- There is a lack of baseline measurements and investigations in the application documents to support the assessment of impacts.
- Mitigation measures are unproven.
- The proposed bunds should not be implemented, and overburden should be backfilled or removed from site.
- Concern that the proposed widening of Balland Lane is not to be taken as a material consideration as it is needed and may affect the Highways view of the proposed development.
- The proposal breaches people's human rights.
- Cornwall County Council should be consulted regarding the applicant's quarry at Pigston and their commitment to maintenance regimes.
- Concern about the effects on the ability to sell houses/businesses in the area.

Support

The following points were raised by supporters:

- The quarry and the applicant's business provide a source of well-paid employment, employing 240 people directly; the extension will continue this into the long term.
- Local businesses that supply the quarry will benefit from the continued operations over the long term.
- The quarry supports the local economy and is a major contributor to it, spending £6 million per year on local goods and services.
- If the proposal is not approved there will be a loss of direct employment and a negative impact on associated industries, the local

area and the wider county.

- The quarry provides a local source of material for the construction of much needed houses and infrastructure.
- There is a shortfall nationally of minerals with planning consent for the construction industry.
- There is a need for the minerals.
- Supplying aggerates that are needed from a local site will reduce transport miles; importing minerals will result in excessive transport, CO_2 emissions and pollution.
- The quarry is well placed to supply the need for aggregates.
- The other limestone quarries in Devon are all owned by a single multinational organisation, and without Linhay Hill Quarry, competitiveness would be removed from the region's market place, which could increase costs and disadvantage local businesses.
- The impacts of the proposed development would be limited.
- The site is well screened from the surrounding area.
- The extension will take working further from Ashburton.
- There will be no damage to protected moorland.
- There will be no increase in HGV traffic as production levels will remain the same.
- The proposed environmental mitigation measures have been well considered.
- The applicant has proposed a programme of works to mitigate against the potential impact of any ground movement.
- There are other factors other than the quarry that may have been responsible for the sinkholes that have been referred to in objection letters.
- Consideration has been given to how the proposal could help alleviate flood risk for Ashburton.
- It is unlikely that the proposed development will cause flooding as the quarry acts as a retention area during extreme weather.

- The restoration scheme is well thought out.
- The restoration scheme will improve the biodiversity of the area which can be enjoyed by the local community and visitors.
- The provision of net gain should be taken into account.
- The applicant has a good track record of being a responsible operator in terms of the environment and safety.
- The applicant is supportive of and invests in local communities.
- The proposed development will enhance local infrastructure.
- The benefits of the proposed development outweigh the impacts.

Other

Other comments made are as follows:

- There should be a suitable condition requiring that a management plan is prepared to ensure that no flooding occurs in the future and sources of private water supply are maintained.
- Sink holes should be minimised.
- Rather than putting the diverted footpath 16 adjacent to the new Waye Lane, it could be routed further west away from the road.
- Consideration should be given by the applicant to enabling the fields to the North of the walled garden to become a managed nature reserve/country park.
- A link between Waye and the proposed new 11kv line to Alston Farm would make electricity supply to affected properties more secure than putting then on a lengthy spur.
- The opportunity could be taken to divert a stretch of public right of way from the drive serving Waye House and Waye Farm on to the proposed diversion of footpath 16.
- The design of the roads to replace Alston Lane should ensure that they are as convenient as possible including interns of width, numbers of passing places, priority junctions.
- Parking restrictions should be put on Balland Lane

Appendix 4

Linhay Hill Quarry

Notes of Pre-Committee Site Inspection – 18 December 2020

Attendees:

Philip Sanders (PS) - Member

James McInnes (JMI) - Member

Pamela Woods (PW) - Member

Mark Renders (MR) - Member

Naomi Oakley (NO) - Member

Gay Hill (GH) - Member

Philip Vogel (PV) – Member

Cllr Jenny Giles - Ashburton Town Council

Cllr Huw Cox - Teignbridge District Council

Christopher Hart (CH) – Head of Development Management

James Aven (JA) – Deputy Head of Development Management

Anthea Hoey (AH) – Applicant's Agent

Ian Glendinning (IG) – Applicant

Barry Wilson (BW) – Quarry Manager

The site inspection panel and other attendees met at the applicants headquarters at Glentor in Ashburton.

This site inspection followed a Members briefing session that took place virtually on 27 November 2020 and was therefore primarily for familiarisation purposes and to view the application site.

PS and JA explained the purpose of the visit and went through some procedural matters before BW showed several samples of the materials and products produced by the company.

Shortly after leaving Glentor, the Panel was shown the location of the proposed junction on Balland Lane where a new, replacement road, Waye Lane, would emerge through the existing hedgebank.

From here the Panel travelled along Balland Lane to the quarry entrance and was shown where the lane is proposed to be widened. Inside the quarry, the Panel was able to view the existing quarry and tip area and had a short tour around the plant area before travelling on to Alston Lane and Lower Waye Farm.

The Panel walked along Alston Lane (that is proposed to be removed) and was shown the other end of the proposed Waye Lane, and also where the proposed replacement access track to Alston Farm would emerge. The Panel took the opportunity to view the existing quarry from Lower Waye before moving on to Alston Farm.

In preparation for the visit, the applicants had erected flags along the boundary of the application site, using different colours to identify the area for future extraction and that for the deposit of waste and bund construction, which the Panel was able to see as it travelled around the site.

While at Alston Farm, the Panel was shown the line at which the proposed quarry extension would end and the proposed overburden bund would begin. The Panel walked around part of the bund area where JA pointed out the location and described the height and profile of the proposed bund. The Panel was also shown a sink hole in a drainage ditch at the edge of one of the fields and BW gave a brief description of how such features are formed.

After leaving Alston Farm, the Panel travelled to the hamlet of Caton, stopping to appreciate the relationship of the various properties to the application site and proposed development. The Panel was also given a summary of the concerns that have been raised by some to of its residents.

From here, the Panel visited a couple of local properties, Penpark and Little Barton Farm, from where it was able to view the application site and consider the potential impacts of the proposed development on the occupiers and visitors to these properties.

Finally, the Panel moved across to the southern side of the A38 Devon Expressway and a vantage point on the road above Parkers Farm Holiday Park from where the whole of the application site could be seen against the backdrop of rising land to the north west and the A38 in the foreground.

The Panel returned to Glentor, where the Town and District Councilors were invited to present the views of their respective Councils.

PS thanked the applicants and their agent for their assistance in facilitating the visit and formally closed the visit.