



About you

- First name: Devon Stone Federation
- Surname: J Penny - Chairman of DSF Planning sub committee
- Address: 
- I am completing this form as: An organisation
- If other, please specify: •
- Job title: •
- Organisation: •
- On behalf of: •
- Email address: 
- Did you submit comments on the Regulation 18 (First Draft) Local Plan?: Yes
- Local Plan Consultee List: I would like to be added to the Local Plan consultee list

Share your comments

- Does your comment relate to a paragraph, policy or policies map?: Paragraph
- Please tell us which paragraph/policy your comment relates to: 6.1.10
- Do you consider the Local Plan to be legally compliant?: Yes
- Do you consider the Local Plan to be sound?: No

- Do you consider the Local Plan to be compliant with the duty to co-operate? Yes
- Please tell us why you have answered yes and/or no to the questions above: Plan needs to be consistent with national policy
- What modifications do you consider necessary to make the Local Plan legally compliant and/or sound?: supporting text needs to refer to the "agent of change" approach introduced in the NPPF at paragraph 182. Insert an additional sentence referring to the need for the planning system to ensure that existing businesses do not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business could have a significant adverse effect on new development in its vicinity then it is for the applicant of the proposed new development who is required to provide suitable mitigation. the reference in the supporting text to "where development may prejudice future minerals extraction" should be expanded to refer to associated transport and processing facilities so it is consistent with the policy wording
- Do you wish to participate in hearing session(s)?: Yes, I wish to participate in hearing session(s)
- If you answered yes to the hearing session(s), please tell us why you consider this to be necessary: to ensure national policy is followed on this important matter

Share your comments

- Does your comment relate to a paragraph, policy or policies map?: Policy
- Please tell us which paragraph/policy your comment relates to: policy 6.1
- Do you consider the Local Plan to be legally compliant?: Yes
- Do you consider the Local Plan to be sound?: No
- Do you consider the Local Plan to be compliant with the duty to co-operate?: Yes
- Please tell us why you have answered yes and/or no to the questions above: plan should be consistent with national policy
- What modifications do you consider necessary to make the Local Plan legally compliant and/or sound?:

The changes to policy 6.1 are not consistent with national policy. The introduction of different policy tests for small and large scale mineral development do not define the boundaries for large and small and move away from the approach established in national policy of the tests for major development in National Parks. In addition the tests in section 1 of the policy are not consistent with the tests in national policy or even the Local Plan at strategic policy 1.5. The wording of section 1 should revert to major minerals development and the subsequent tests should reflect national guidance and for sections 2 and 3 the use of the small scale should be replaced by "For mineral development that is not considered to be major development"
- Do you wish to participate in hearing session(s)?: Yes, I wish to participate in hearing session(s)
- If you answered yes to the hearing session(s), please tell us why you consider this to be necessary: Yes, to ensure the policy is consistent with national policy

Share your comments

- Does your comment relate to a paragraph, policy or policies map?: Paragraph
- Please tell us which paragraph/policy your comment relates to: 6.1.4
- Do you consider the Local Plan to be legally compliant?: Yes
- Do you consider the Local Plan to be sound?: Yes
- Do you consider the Local Plan to be compliant with the duty to co-operate?: Yes
- Please tell us why you have answered yes and/or no to the questions above: the second sentence of the paragraph correctly highlights the advantages of being able to extend existing operations and the improving environmental performance of the minerals industry.
- What modifications do you consider necessary to make the Local Plan legally compliant and/or sound?: N/A
- Do you wish to participate in hearing session(s)?: No, I do not wish to participate in hearing session(s)
- If you answered yes to the hearing session(s), please tell us why you consider this to be necessary: •

Share your comments

- Does your comment relate to a paragraph, policy or policies map?: Paragraph
- Please tell us which paragraph/policy your comment relates to: Strategy box paragraph 2, second bullet point
- Do you consider the Local Plan to be legally compliant?: Yes
- Do you consider the Local Plan to be sound?: No
- Do you consider the Local Plan to be compliant with the duty to co-operate?: Yes
- Please tell us why you have answered yes and/or no to the questions above: Plan needs to be consistent with national policy
- What modifications do you consider necessary to make the Local Plan legally compliant and/or sound?:
The second bullet point states Minerals development should: • maximise the use of recycled materials and secondary aggregates, in preference to primary minerals extraction It is not clear how this will be achieved. Recycled or secondary aggregates are technically unsuitable for many construction applications. The wording of this bullet point should be revised to reflect the advice in NPPF para 204 b), by including the words ‘as far as possible...’ or equivalent.
- Do you wish to participate in hearing session(s)?: No, I do not wish to participate in hearing session(s)
- If you answered yes to the hearing session(s), please tell us why you consider this to be necessary: •

Share your comments

- Does your comment relate to a paragraph, policy or policies map?: Policy
- Please tell us which paragraph/policy your comment relates to: 1.1
- Do you consider the Local Plan to be legally compliant?: Yes
- Do you consider the Local Plan to be sound?: No
- Do you consider the Local Plan to be compliant with the duty to co-operate?: Yes
- Please tell us why you have answered yes and/or no to the questions above: plan needs to be consistent with national policy
- What modifications do you consider necessary to make the Local Plan legally compliant and/or sound?: section 1 of the policy links the two purposes with "and" which requires compliance with both. However section 2 of the policy refers to when there is a conflict between the two purposes, which section 1, as currently worded does not allow. Suggest replacing "and" with "and/or"
- Do you wish to participate in hearing session(s)?: No, I do not wish to participate in hearing session(s)
- If you answered yes to the hearing session(s), please tell us why you consider this to be necessary: •

Share your comments

- Does your comment relate to a paragraph, policy or policies map?: Paragraph
- Please tell us which paragraph/policy your comment relates to: Strategy page 10
- Do you consider the Local Plan to be legally compliant?: Yes
- Do you consider the Local Plan to be sound?: No
- Do you consider the Local Plan to be compliant with the duty to co-operate?: Yes
- Please tell us why you have answered yes and/or no to the questions above: plan needs to be consistent with national policy
- What modifications do you consider necessary to make the Local Plan legally compliant and/or sound?:

The paragraph states ... 'Major development will not take place in the National Park other than in exceptional circumstances'. The use of the word 'will' is not appropriate and does not reflect the definition given on page 9 under 'Understanding the Local Plan'. The sentence about Major development is supposed to reflect para 172 of the NPPF 2018. This uses the word 'should', as in 'Planning permission should be refused for major development other than in exceptional circumstances...'. Therefore, the sentence in the Local Plan should be changed to: Major development should not take place in the National Park other than in exceptional circumstances'. We suggest that the use of the word 'will' is reviewed elsewhere in the Draft Local Plan.
- Do you wish to participate in hearing session(s)?: Yes, I wish to participate in hearing session(s)
- If you answered yes to the hearing session(s), please tell us why you consider this to be necessary: to ensure the Plan is consistent with national policy

Share your comments

- Does your comment relate to a paragraph, policy or policies map?: Paragraph
- Please tell us which paragraph/policy your comment relates to: the text in box entitled planning policies
- Do you consider the Local Plan to be legally compliant?: Yes
- Do you consider the Local Plan to be sound?: No
- Do you consider the Local Plan to be compliant with the duty to co-operate?: Yes
- Please tell us why you have answered yes and/or no to the questions above: Plan needs to be consistent with national policy

- What modifications do you consider necessary to make the Local Plan legally compliant and/or sound?:

The commentary in the box states 'The planning policies in the Local Plan are what we use to decide planning applications, all development in the National Park should comply with them. There are 'strategic' policies and 'non-strategic' policies. Strategic policies address Dartmoor's development priorities. All other policies address non-strategic matters.' The text "all development in the National Park should comply with them" is too simplistic and leads to a misunderstanding of how the planning system works. The question of compliance with the Development Plan needs to consider all the policies and proposals contained in the plan in their totality. A number of court judgements have been made on this issue and clarification has been given that a proposal does not have to accord with each and every policy in the Development Plan, and that a breach of any one policy does not necessarily mean that a proposal is not in accord with the Development Plan (reference R (Cummins) v. Camden LBC 2001 E.W.H.C Admin 1116 (Oousley J)). This is also clear from appeal decision letters issued by the Planning Inspectorate, wherein the relative 'weight' to be given to each policy or issue raised by a proposal is considered in turn in the decision making process and a conclusion reached on the basis of

the 'planning balance'. The wording should be changed to explain this, maybe by reference to s38 of the Planning and Compulsory Purchase Act 2004, or the text omitted.

- Do you wish to participate in hearing session(s)?: No, I do not wish to participate in hearing session(s)
- If you answered yes to the hearing session(s), please tell us why you consider this to be necessary:
 -

Share your comments

- Does your comment relate to a paragraph, policy or policies map?: Paragraph
- Please tell us which paragraph/policy your comment relates to: paragraph 2, Page 4
- Do you consider the Local Plan to be legally compliant?: Yes
- Do you consider the Local Plan to be sound?: No
- Do you consider the Local Plan to be compliant with the duty to co-operate?: Yes

- Please tell us why you have answered yes and/or no to the questions above:

To be sound the plan should positively prepared and consistent with national policy. It relates to the second paragraph, which states: ‘Dartmoor National Park Authority (DNPA) was established in 1997 as an independent governmental body to conserve and enhance the National Park’s natural beauty, wildlife, cultural heritage and special qualities, and promote their enjoyment and understanding. DNPA is the Local Planning Authority for the National Park, including the areas of Teignbridge, West Devon, Mid Devon and the South Hams within its boundary.

- What modifications do you consider necessary to make the Local Plan legally compliant and/or sound?:

The paragraph should also refer to the NPA’s Statutory duty • in pursuing the purposes, to seek to foster the economic and social well-being of local communities within the National Park by working closely with the agencies and local authorities responsible for these matters. Suggested wording is ‘Dartmoor National Park Authority (DNPA) was established in 1997 as an independent governmental body to conserve and enhance the National Park’s natural beauty, wildlife, cultural heritage and special qualities, and promote their enjoyment and understanding. In doing so the DNPA has a statutory duty to foster the economic and social well-being of local communities within the National Park. DNPA is the Local Planning Authority for the National Park, including the areas of Teignbridge, West Devon, Mid Devon and the South Hams within its boundary.

- Do you wish to participate in hearing session(s)?: No, I do not wish to participate in hearing session(s)
- If you answered yes to the hearing session(s), please tell us why you consider this to be necessary:
 -