

## **COMMENT FORM**

### **Final Draft Local Plan Consultation: 16 September - 1 November 2019**

Your comments will help us and the Inspector to identify any issues with the Plan relating to soundness, legal compliance and compliance with the Duty to Cooperate, and any changes to the Plan which may therefore be needed prior to adoption. Please carefully read the [accompanying guidance](#) before answering the following questions.

Responses must be received by 5pm on Friday 1<sup>st</sup> November 2019 for your comments to be taken into account. View the Dartmoor Local Plan (2018-2036) Final Draft at [www.dartmoor.gov.uk/localplanreview](http://www.dartmoor.gov.uk/localplanreview).

### **PART A - About You**

Personal details

First name *	E&JW Glendinning Ltd								
Surname *	Barry Wilson								
Address									
Post code									
Email address *									
I am completing this form as (choose one)	A resident	<input type="checkbox"/>	An agent	<input type="checkbox"/>	A Town / Parish Council	<input type="checkbox"/>	An organisation	<input type="checkbox"/>	
	A business	<input checked="" type="checkbox"/>	A visitor	<input type="checkbox"/>	A statutory agency	<input type="checkbox"/>	Other (specify below)	<input type="checkbox"/>	
Other									
Job title (where relevant)	Managing Director								
Organisation (where relevant)	E&JW Glendinning Ltd								
On behalf of (where relevant)	Submitted via Atkins Ltd (agent)								
Did you submit comments on the Regulation 18 (First Draft) Local Plan?						Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

\* Required field

### **Data Protection Act 2018**

Your personal data will be securely held by Dartmoor National Park Authority for the purpose of assisting with the Local Plan Review process. To ensure an effective and fair examination, it is important that the Inspector and all other participants in the examination process are able to know who has commented on the plan. For the purposes of the examination, we will share your personal details and representation with the Inspector appointed, and publish your name and representations as part of a report on our website. For more information please refer to our [Forward Planning Privacy Notice](#).

Tick the box below if you would like to be added to our Local Plan consultee database and kept up to date with the Local Plan Review process and other planning policy matters. **NB. Cross inserted to indicate yes please.**

☒ I would like to be added to the Local Plan consultee list

## PART B - Your Comment

Please carefully read the [accompanying guidance](#) before answering the following questions.

Your comments should relate to specific areas of the plan, so please tell us the policy or paragraph number that your comment relates to. If there are areas which you believe not to be sound or legally compliant, please tell us why, and what changes you deem necessary, sharing any evidence you have to support your proposed changes.

If this is a report or any other document which cannot be shared via this form then you can email it to us at [forwardplanning@dartmoor.gov.uk](mailto:forwardplanning@dartmoor.gov.uk).

1. Please tell us which paragraph or policy your comment relates to

Paragraph (enter number, e.g. 4.5.1)	Preface on page 2
Policy (enter number, e.g. 4.5)	
Policies Map	

2. Please carefully read the accompanying guidance and tell us if you consider the Local Plan to be:

	<b>Yes</b>	<b>No</b>
i) Legally compliant		
ii) Sound		<b>X</b>
iii) Compliant with the Duty to co-operate		

3. Please tell us why you have answered **yes** and / or **no** to the question above.

Fully explain your reasoning and try to be as precise as possible.

The second paragraph omits any reference to the National Park Authority'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."*

This Statutory duty is included with the purposes in the Environment Act 1995, therefore a reference to it should be included in this important opening passage of the plan.

[Additional space on final page]

4. If you do not consider the Local Plan to be legally compliant or sound, please tell us what change(s) (or 'modifications') you consider necessary to make the Local Plan legally compliant and/or sound, and **why** these changes will make the Local Plan legally compliant and / or sound.

Suggested wording is set out in red and underlined below

*'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 so doing 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. '*

**See box above for reasons why this change will make the plan sound.**

[Additional space on final page]



**Please note:** where changes to the Local Plan are proposed, your comments should provide concisely all the evidence and supporting information necessary to support your suggested changes. You may not have a further opportunity to submit this evidence.

5. If your representation seeks a change to the plan, do you consider it necessary to participate in examination hearing session(s)?

<input type="checkbox"/>	<b>No</b> , I do not wish to participate in hearing session(s)	<input checked="" type="checkbox"/>	<b>Yes</b> , I wish to participate in hearing session(s)
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6. If you answered **yes** to the hearing session(s), please tell us why you consider this to be necessary.

This representation was also made at the Reg 18 stage, and was noted in the Summary of Responses to the Regulation 18 consultation, as '*There was some concern ...that the Authority's socio-economic duty was not given sufficient prominence*'.

However no change has been made at the Reg 19 Stage. Hence we are repeating the representation and wish to ensure that the National Park Authority clearly recognises this important point in the opening passage of the Plan.

**Thank you for sharing your comments on the final draft Local Plan for Dartmoor. If you have more comments to share, please complete parts C-F below.**

Following this consultation, the final draft Plan along with all comments made will be submitted for examination by a Planning Inspector. The Inspector will consider whether the plan complies with the relevant legal requirements and whether it is sound (see guidance). Keep up to date on our progress by [signing up to our Local Plan consultee list](#), and following us on Twitter [@DartmoorPlan](#) and Facebook [/DartmoorPlan](#)

## **PART C - Additional Comment (1)**

1. Please tell us which paragraph or policy your comment relates to

Paragraph (enter number, e.g. 4.5.1)	The text in the box entitled 'Planning Policies' under the heading 'Using the Local Plan' on Page 10.
Policy (enter number, e.g. 4.5)	
Policies Map	

2. Please carefully read the accompanying guidance and tell us if you consider the Local Plan to be:

	<b>Yes</b>	<b>No</b>
<b>i)</b> Legally compliant		
<b>ii)</b> Sound		<b>X</b>
<b>iii)</b> Compliant with the Duty to co-operate		

3. Please tell us why you have answered **yes** and / or **no** to the question above. Fully explain your reasoning and try to be as precise as possible.

The commentary in the box on page 10 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 highlighted text 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'.

[Additional space on final page]

4. If you do not consider the Local Plan to be legally compliant or sound, please tell us what change(s) (or 'modifications') you consider necessary to make the Local Plan legally compliant and/or sound, and **why** these changes will make the Local Plan legally compliant and / or sound.

Omit the words '*all development in the National Park should comply with them*' from the box entitled 'Planning policies' on page 10.

Note: the text on page 11 'Reading the Plan' states "*The Local Plan should be read as a whole. No single policy can be used in isolation, and all relevant policies, together with National Policy, Neighbourhood Plans, Supplementary Planning Documents and any other material planning considerations may be relevant in making a planning decision*".

This covers the issue more accurately and therefore the text on page 10 is not necessary.

See box above for reasons why this change will make the plan sound.

[Additional space on final page]

**Please note:** where changes to the Local Plan are proposed, your comments should provide concisely all the evidence and supporting information necessary to support your suggested changes. You may not have a further opportunity to submit this evidence.

5. If your representation seeks a change to the plan, do you consider it necessary to participate in examination hearing session(s)?

<input type="checkbox"/>	<b>No</b> , I do not wish to participate in hearing session(s)	<input checked="" type="checkbox"/>	<b>Yes</b> , I wish to participate in hearing session(s)
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6. If you answered **yes** to the hearing session(s), please tell us why you consider this to be necessary.

This representation was also made at the Reg 18 stage, but was not noted in the Summary of Responses to the Regulation 18 consultation.

Hence we are repeating the representation and wish to ensure that the National Park Authority clarifies this important point in the opening part of the Plan.

## PART D - Additional Comment (2)

1. Please tell us which paragraph or policy your comment relates to

Paragraph (enter number, e.g. 4.5.1)	1.1.4
Policy (enter number, e.g. 4.5)	
Policies Map	

2. Please carefully read the accompanying guidance and tell us if you consider the Local Plan to be:

	<b>Yes</b>	<b>No</b>
i) Legally compliant		



ii) Sound		X
iii) Compliant with the Duty to co-operate		

3. Please tell us why you have answered **yes** and / or **no** to the question above.  
Fully explain your reasoning and try to be as precise as possible.

It is not appropriate to state that the statutory duty is described as 'secondary' to the National Park purposes. The statutory duty stands alongside the purposes.  
No other National Park Authority has stated that the duty is secondary to the national park purposes, and Dartmoor National Park Authority should not do so either.  
[Additional space on final page]

4. If you do not consider the Local Plan to be legally compliant or sound, please tell us what change(s) (or 'modifications') you consider necessary to make the Local Plan legally compliant and/or sound, and **why** these changes will make the Local Plan legally compliant and / or sound.

Para 1.1.4 should be omitted in its entirety.

This will remove the incorrect and confusing reference to a hierarchy of purposes v statutory duty. The wording of the 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*" is a clarification of the way in which the purposes should be pursued, not a secondary action for the Dartmoor National Park Authority to consider separately or after it has applied the National Park purposes.

See box above for reasons why this change will make the plan sound.

[Additional space on final page]

**Please note:** where changes to the Local Plan are proposed, your comments should provide concisely all the evidence and supporting information necessary to support your suggested changes. You may not have a further opportunity to submit this evidence.

5. If your representation seeks a change to the plan, do you consider it necessary to participate in examination hearing session(s)?

<input type="checkbox"/>	<b>No</b> , I do not wish to participate in hearing session(s)	<b>X</b>	<b>Yes</b> , I wish to participate in hearing session(s)
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6. If you answered **yes** to the hearing session(s), please tell us why you consider this to be necessary.

This is an important point and should be carefully considered by the National Park Authority before the Examination, and if no change is made then we wish that it is carefully considered by the Inspector at the Examination.

## PART E - Additional Comment (3)

1. Please tell us which paragraph or policy your comment relates to

Paragraph (enter number, e.g. 4.5.1)	
Policy (enter number, e.g. 4.5)	Strategic Policy 1.1 (1), Strategic Policy 1.2 (1)
Policies Map	

2. Please carefully read the accompanying guidance and tell us if you consider the Local Plan to be:

	Yes	No
i) Legally compliant		
ii) Sound		
iii) Compliant with the Duty to co-operate		

3. Please tell us why you have answered **yes** and / or **no** to the question above. Fully explain your reasoning and try to be as precise as possible.

**We are pleased to see that these policies have been reworded from the version in the Reg 18 version of the plan.**

[Additional space on final page]

4. If you do not consider the Local Plan to be legally compliant or sound, please tell us what change(s) (or 'modifications') you consider necessary to make the Local Plan legally compliant and/or sound, and **why** these changes will make the Local Plan legally compliant and / or sound.

[Additional space on final page]

**Please note:** where changes to the Local Plan are proposed, your comments should provide concisely all the evidence and supporting information necessary to support your suggested changes. You may not have a further opportunity to submit this evidence.

5. If your representation seeks a change to the plan, do you consider it necessary to participate in examination hearing session(s)?

<input type="checkbox"/>	<b>No</b> , I do not wish to participate in hearing session(s)	<input type="checkbox"/>	<b>Yes</b> , I wish to participate in hearing session(s)
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6. If you answered **yes** to the hearing session(s), please tell us why you consider this to be necessary.

## **PART F - Additional Comment (4)**

1. Please tell us which paragraph or policy your comment relates to

Paragraph (enter number, e.g. 4.5.1)	
Policy (enter number, e.g. 4.5)	Policy 1.5.(2)
Policies Map	

2. Please carefully read the accompanying guidance and tell us if you consider the Local Plan to be:

	<b>Yes</b>	<b>No</b>
<b>i)</b> Legally compliant		
<b>ii)</b> Sound		<b>X</b>
<b>iii)</b> Compliant with the Duty to co-operate		

3. Please tell us why you have answered **yes** and / or **no** to the question above. Fully explain your reasoning and try to be as precise as possible.

This policy has been expanded from the version in the Reg 18 version of the plan. It now incorporates more content from NPPF para 172. However, criterion a) refers to a 'national need' rather than a need 'in terms of any national considerations'. Meeting a national need is a significantly higher requirement than a need 'in terms of any national considerations'.

Also criterion a) includes a reference to the development's contribution to the national economy. This goes beyond the scope of NPPF para 172, which refers to 'the impact .... upon the local economy'.

These higher requirements are not consistent with national policy or guidance and therefore should be removed.

[Additional space on final page]



4. If you do not consider the Local Plan to be legally compliant or sound, please tell us what change(s) (or 'modifications') you consider necessary to make the Local Plan legally compliant and/or sound, and **why** these changes will make the Local Plan legally compliant and / or sound.

The wording of criterion a) should be changed and merged with criterion b) to read:  
*a) the need for the development, including in terms of national considerations and the impact of permitting it, or refusing it, upon the local economy;*

The other criteria should be relabelled accordingly.

See box above for reasons why this change will make the plan sound.

[Additional space on final page]

**Please note:** where changes to the Local Plan are proposed, your comments should provide concisely all the evidence and supporting information necessary to support your suggested changes. You may not have a further opportunity to submit this evidence.

5. If your representation seeks a change to the plan, do you consider it necessary to participate in examination hearing session(s)?

<input type="checkbox"/>	<b>No</b> , I do not wish to participate in hearing session(s)	<input checked="" type="checkbox"/>	<b>Yes</b> , I wish to participate in hearing session(s)
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6. If you answered **yes** to the hearing session(s), please tell us why you consider this to be necessary.

***These points are important and should be carefully considered by the National Park Authority before the Examination, and if no change is made then we wish that it is carefully considered by the Inspector at the Examination.***

## **PART G - Additional Comment (5)**

7. Please tell us which paragraph or policy your comment relates to

Paragraph (enter number, e.g. 4.5.1)	Para 1.5.4
Policy (enter number, e.g. 4.5)	
Policies Map	

8. Please carefully read the accompanying guidance and tell us if you consider the Local Plan to be:

	<b>Yes</b>	<b>No</b>
<b>iv)</b> Legally compliant		
<b>v)</b> Sound		<b>X</b>
<b>vi)</b> Compliant with the Duty to co-operate		

9. Please tell us why you have answered **yes** and / or **no** to the question above. Fully explain your reasoning and try to be as precise as possible.

Para 1.5.4 concludes with the sentence;

***'If an alternative location is technically and financially viable, applicants will be expected to pursue that option, even if the location within the National Park is more financially advantageous'.***

This requirement is contrary to the NPPF para 172 which refers to ***'the cost of and scope for developing outside the designated area, or meeting the need for it in some other way'.***

This wording in the NPPF has a clear implication that if the alternative outside the designated area is more costly, then this is a material consideration in favour of the option inside the designated area. The wording in the Reg 19 version of the plan does not comply with national policy and guidance in this regard.

[Additional space on final page]

10. If you do not consider the Local Plan to be legally compliant or sound, please tell us what change(s) (or 'modifications') you consider necessary to make the Local Plan legally compliant and/or sound, and **why** these changes will make the Local Plan legally compliant and / or sound.

The last sentence of para 1.5.4 should be deleted from the plan.

See box above for reasons why this change will make the plan sound.

[Additional space on final page]

**Please note:** where changes to the Local Plan are proposed, your comments should provide concisely all the evidence and supporting information necessary to support your suggested changes. You may not have a further opportunity to submit this evidence.

11. If your representation seeks a change to the plan, do you consider it necessary to participate in examination hearing session(s)?

<input type="checkbox"/>	<b>No</b> , I do not wish to participate in hearing session(s)	<input checked="" type="checkbox"/>	<b>Yes</b> , I wish to participate in hearing session(s)
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12. If you answered **yes** to the hearing session(s), please tell us why you consider this to be necessary.

***This is an important point and should be carefully considered by the National Park Authority before the Examination, and if no change is made then we wish that it is carefully considered by the Inspector at the Examination.***

## PART H - Additional Comment (6)

13. Please tell us which paragraph or policy your comment relates to

Paragraph (enter number, e.g. 4.5.1)	Strategy for minerals and waste on page 123
Policy (enter number, e.g. 4.5)	
Policies Map	

14. Please carefully read the accompanying guidance and tell us if you consider the Local Plan to be:

	<b>Yes</b>	<b>No</b>
<b>vii)</b> Legally compliant		
<b>viii)</b> Sound		<b>X</b>
<b>ix)</b> Compliant with the Duty to co-operate		

15. Please tell us why you have answered **yes** and / or **no** to the question above. Fully explain your reasoning and try to be as precise as possible.

The strategy states: '*Minerals development should .... maximise the use of recycled materials and secondary aggregates, in preference to primary minerals extraction*' (second bullet point).

Recycled and secondary aggregates are *produced* by minerals development (and by other aggregate processors) but not *used*. Therefore the requirement to maximise the use of recycled aggregates is not strictly relevant in this context.

Also the wording of the bullet point ignores the point that the scope to use recycled aggregates *in preference* to primary aggregates is constrained because they are technically unsuitable for many construction applications. This last point is acknowledged in para 204 b) of the NPPF which states *b) so far as practicable, take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply*



*of materials, before considering extraction of primary materials, whilst aiming to source minerals supplies indigenously;*

[Additional space on final page]

16. If you do not consider the Local Plan to be legally compliant or sound, please tell us what change(s) (or 'modifications') you consider necessary to make the Local Plan legally compliant and/or sound, and **why** these changes will make the Local Plan legally compliant and / or sound.

The strategy wording should be changed to say

***'Minerals development should ...***

***As far as practical maximise the supply of recycled materials and secondary aggregates, as an alternative to primary minerals extraction'.***

Alternatively omit this bullet point from chapter 6 altogether.

It is notable that policy 1.2 (2) Sustainable development, criterion i) includes the words 'where possible' in relation to the use of sustainable materials.

See box above for reasons why this change will make the plan sound.

[Additional space on final page]

**Please note:** where changes to the Local Plan are proposed, your comments should provide concisely all the evidence and supporting information necessary to support your suggested changes. You may not have a further opportunity to submit this evidence.

17. If your representation seeks a change to the plan, do you consider it necessary to participate in examination hearing session(s)?

<input type="checkbox"/>	<b>No</b> , I do not wish to participate in hearing session(s)	<input checked="" type="checkbox"/>	<b>Yes</b> , I wish to participate in hearing session(s)
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18. If you answered **yes** to the hearing session(s), please tell us why you consider this to be necessary.

***This representation was also made at the Reg 18 stage, but was not noted in the Summary of Responses to the Regulation 18 consultation.***

***It is important that the National Park Authority understands the implications of the wording in the Reg 19 version of the plan and if no change is made then we wish to have an opportunity to explain this at the Examination.***

## **PART I - Additional Comment (7)**

19. Please tell us which paragraph or policy your comment relates to

<b>Paragraph (enter number, e.g. 4.5.1)</b>	<b>6.1.2</b>
<b>Policy (enter number, e.g. 4.5)</b>	
<b>Policies Map</b>	

20. Please carefully read the accompanying guidance and tell us if you consider the Local Plan to be:

	<b>Yes</b>	<b>No</b>
<b>x) Legally compliant</b>		
<b>xi) Sound</b>		<b>X</b>

xii) <b>Compliant with the Duty to co-operate</b>		
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**21. Please tell us why you have answered yes and / or no to the question above. Fully explain your reasoning and try to be as precise as possible.**

The paragraph states

*'Furthermore minerals operations may go on for many years, with potential benefits and impacts seen both during and after the mineral working.'*

Whilst this may be true in some circumstances, it is not the important distinguishing characteristic of mineral working.

The important characteristic, as advised by Government guidance\* is '*[mineral] working is a temporary use of land, although it often takes place over a long period of time;*'

\* <https://www.gov.uk/guidance/minerals#minerals-overview>

**[Additional space on final page]**

**22. If you do not consider the Local Plan to be legally compliant or sound, please tell us what change(s) (or 'modifications') you consider necessary to make the Local Plan legally compliant and/or sound, and why these changes will make the Local Plan legally compliant and / or sound.**

The wording should be changed to:

*'Whilst mineral extraction is a temporary use of land, it may go on for many years, with potential benefits and impacts seen both during and after the mineral working.'*

See box above for reasons why this change will make the plan sound.

**[Additional space on final page]**

**Please note: where changes to the Local Plan are proposed, your comments should provide concisely all the evidence and supporting information necessary to support your suggested changes. You may not have a further opportunity to submit this evidence.**

**23. If your representation seeks a change to the plan, do you consider it necessary to participate in examination hearing session(s)?**

	<b>No, I do not wish to participate in hearing session(s)</b>	<b>X</b>	<b>Yes, I wish to participate in hearing session(s)</b>
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**24. If you answered yes to the hearing session(s), please tell us why you consider this to be necessary.**

**If no change is made then we wish to have the opportunity to emphasise this point to the Inspector at the Examination.**

## **PART J - Additional Comment (8)**

**25. Please tell us which paragraph or policy your comment relates to**

Paragraph (enter number, e.g. 4.5.1)	6.1.4
Policy (enter number, e.g. 4.5)	



Policies Map	
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26. Please carefully read the accompanying guidance and tell us if you consider the Local Plan to be:

	Yes	No
<b>xiii)</b> Legally compliant		
<b>xiv)</b> Sound		X
<b>xv)</b> Compliant with the Duty to co-operate		

27. Please tell us why you have answered **yes** and / or **no** to the question above.  
Fully explain your reasoning and try to be as precise as possible.

The paragraph refers to 'large scale mineral development' rather than 'major mineral development' as was the case in the Reg 18 version of the plan.

This is confusing and compounds the confusion about the definition of 'major development' that was in the Reg 18 version of the plan; confusion which this version of the plan seeks to clarify in part 1.5 'Major development'.

The wording of the paragraph is also inconsistent with the definition of major development set out in part 1.5.

The effect of using the term 'large scale' rather than 'major' has implications for policy 6.1 (1), which is commented on below.  
[Additional space on final page]

28. If you do not consider the Local Plan to be legally compliant or sound, please tell us what change(s) (or 'modifications') you consider necessary to make the Local Plan legally compliant and/or sound, and **why** these changes will make the Local Plan legally compliant and / or sound.

Change the first line of this policy to 'Major minerals development ....'

Once it is changed, provide a cross reference to the definition of 'Major development' in part 1.5.

Alternatively the definition of Major development could be repeated in part 6.1.

See box above for reasons why this change will make the plan sound.  
[Additional space on final page]

**Please note:** where changes to the Local Plan are proposed, your comments should provide concisely all the evidence and supporting information necessary to support your suggested changes. You may not have a further opportunity to submit this evidence.

29. If your representation seeks a change to the plan, do you consider it necessary to participate in examination hearing session(s)?

<input type="checkbox"/>	<b>No</b> , I do not wish to participate in hearing session(s)	<b>X</b>	<b>Yes</b> , I wish to participate in hearing session(s)
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30. If you answered **yes** to the hearing session(s), please tell us why you consider this to be necessary.

***This is an important point and should be carefully considered by the National Park Authority before the Examination, and if no change is made then we wish that it is carefully considered by the Inspector at the Examination.***

## PART K - Additional Comment (9)

31. Please tell us which paragraph or policy your comment relates to

Paragraph (enter number, e.g. 4.5.1)	6.1.4
Policy (enter number, e.g. 4.5)	
Policies Map	

**32.** Please carefully read the accompanying guidance and tell us if you consider the Local Plan to be:

	<b>Yes</b>	<b>No</b>
<b>xvi)</b> Legally compliant		
<b>xvii)</b> Sound	<b>X</b>	
<b>xviii)</b> Compliant with the Duty to co-operate		

**33.** Please tell us why you have answered **yes** and / or **no** to the question above.  
Fully explain your reasoning and try to be as precise as possible.

***We support and welcome the recognition that  
'The environmental impact of minerals operations has improved significantly in recent years, though, and where existing infrastructure and mitigation is in place the extension of existing operations can be the most efficient and reasonable approach to sustaining a source of minerals.'***

[Additional space on final page]

**34.** If you do not consider the Local Plan to be legally compliant or sound, please tell us what change(s) (or 'modifications') you consider necessary to make the Local Plan legally compliant and/or sound, and **why** these changes will make the Local Plan legally compliant and / or sound.

[Additional space on final page]

**Please note:** where changes to the Local Plan are proposed, your comments should provide concisely all the evidence and supporting information necessary to support your suggested changes. You may not have a further opportunity to submit this evidence.

**35.** If your representation seeks a change to the plan, do you consider it necessary to participate in examination hearing session(s)?

<input type="checkbox"/>	<b>No</b> , I do not wish to participate in hearing session(s)	<input type="checkbox"/>	<b>Yes</b> , I wish to participate in hearing session(s)
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**36.** If you answered **yes** to the hearing session(s), please tell us why you consider this to be necessary.

## **PART L - Additional Comment (10)**

**37.** Please tell us which paragraph or policy your comment relates to

Paragraph (enter number, e.g. 4.5.1)	
Policy (enter number, e.g. 4.5)	6.1 (1)
Policies Map	

**38.** Please carefully read the accompanying guidance and tell us if you consider the Local Plan to be:

	<b>Yes</b>	<b>No</b>
<b>xix)</b> Legally compliant		<b>Possibly</b>
<b>xx)</b> Sound		<b>X</b>
<b>xxi)</b> Compliant with the Duty to co-operate		



39. Please tell us why you have answered **yes** and / or **no** to the question above.  
Fully explain your reasoning and try to be as precise as possible.

It is inconsistent to have a different approach to major minerals development from that taken for any other form of major development.

It cannot be assumed (as this version of the policy seems to do) that a 'large scale' mineral operation is necessarily 'major' as defined by the NPPF and set out in part 1.5. The NPPF definition of 'major' involves other considerations apart from just the scale of the operation, ie. Also its '*nature*' and '*setting*' and '*whether it could have a significant adverse impact on the purposes for which the area has been designated or defined*'.

Also, the criteria in this policy are not consistent with the NPPF para 172. It introduces new elements and omits others. I.e.:-

- It does not explicitly refer to national considerations;
- It does not refer to the "*impact of permitting it, or refusing it, upon the local economy*" at all;
- "*the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way*" is replaced by "*an objective assessment of alternatives outside the National Park*";
- The NPPF refers to "*any detrimental effect on the environment, the landscape and recreational opportunities*", but the Reg 19 version of the plan refers to "*impact upon the special qualities of the National Park*" and "*strategic priorities for the National Park*".

Furthermore, there is no definition of the strategic priorities for the National Park. If the implication is that in assessing major mineral proposals the NPA will consider the purposes and not the statutory duty of the National Park, then this is clearly both illegal and unsound.

Compare with policy 1.5 (2) on page 24, where the wording is much closer to the NPPF wording, but please note the representation Part F additional comment 4 above in relation to the need criterion re 'national need' as opposed to 'in terms of any national considerations'.

[Additional space on final page]

40. If you do not consider the Local Plan to be legally compliant or sound, please tell us what change(s) (or 'modifications') you consider necessary to make the Local Plan legally compliant and/or sound, and **why** these changes will make the Local Plan legally compliant and / or sound.

The words 'large scale' should be replaced by 'major' and the criteria in the policy should be changed to match that of policy 1.5 (2), with criteria a) and b) merged to read:

*a) the need for the development, including in terms of national considerations and the impact of permitting it, or refusing it, upon the local economy;*

The other criteria from policy 1.5.(2) should be relabelled accordingly in policy 6.1.(1). There should be no reference to 'strategic priorities for the National Park' in the policy.

Alternatively reword the first part of policy 6.1 (1) to say that major minerals development will be assessed against policy 1.5 (2).

See box above for reasons why this change will make the plan sound.

[Additional space on final page]

**Please note:** where changes to the Local Plan are proposed, your comments should provide concisely all the evidence and supporting information necessary to support your suggested changes. You may not have a further opportunity to submit this evidence.

41. If your representation seeks a change to the plan, do you consider it necessary to participate in examination hearing session(s)?

<input type="checkbox"/>	<b>No</b> , I do not wish to participate in hearing session(s)	<b>X</b>	<b>Yes</b> , I wish to participate in hearing session(s)
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42. If you answered **yes** to the hearing session(s), please tell us why you consider this to be necessary.

***This is a very important point and should be carefully considered by the National Park Authority before the Examination, and if no change is made then we wish that it is carefully considered by the Inspector at the Examination.***

## **PART M - Additional Comment (11)**

43. Please tell us which paragraph or policy your comment relates to

Paragraph (enter number, e.g. 4.5.1)	6.1.1
Policy (enter number, e.g. 4.5)	
Policies Map	

44. Please carefully read the accompanying guidance and tell us if you consider the Local Plan to be:

	<b>Yes</b>	<b>No</b>
<b>iv)</b> Legally compliant		
<b>v)</b> Sound		<b>X</b>
<b>vi)</b> Compliant with the Duty to co-operate		

45. Please tell us why you have answered **yes** and / or **no** to the question above.  
Fully explain your reasoning and try to be as precise as possible.

The supporting text does not make any reference to the employment provided by quarrying. This is an important consideration as quarries typically provide jobs for higher qualified staff who are paid above the local average wage.  
This is ironic as the contribution to employment is mentioned in relation to equestrian development, which is not necessarily noted as providing jobs which have the same important attributes.

[Additional space on final page]

46. If you do not consider the Local Plan to be legally compliant or sound, please tell us what change(s) (or 'modifications') you consider necessary to make the Local Plan legally compliant and/or sound, and **why** these changes will make the Local Plan legally compliant and / or sound.

**Add the following to the end of para 6.1.1 'Quarrying has historically made a notable economic contribution through employment and continues to do so now'.**

**This will make the plan more complete and consistent in its coverage of and approach to the economic role of quarrying.**

[Additional space on final page]

**Please note:** where changes to the Local Plan are proposed, your comments should provide concisely all the evidence and supporting information necessary to support your suggested changes. You may not have a further opportunity to submit this evidence.

47. If your representation seeks a change to the plan, do you consider it necessary to participate in examination hearing session(s)?

<input type="checkbox"/>	<b>No</b> , I do not wish to participate in hearing session(s)	<input type="checkbox"/>	<b>Yes</b> , I wish to participate in hearing session(s)
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48. If you answered **yes** to the hearing session(s), please tell us why you consider this to be necessary.



***We wish to ensure that the National Park Authority includes this important point in the minerals part of the Plan.***

***Additional space*** (please tell us which question you are continuing from):

***If you require help, or would like to receive this form in an alternative format, please contact the Forward Planning team:***

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