

## **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 *	Christopher						
Surname *	Tofts						
Address	[REDACTED]						
Post code	[REDACTED]						
Email address *	[REDACTED]						
I am completing this form as (choose one)	<input type="checkbox"/> A resident	<input type="checkbox"/>	<input type="checkbox"/> An agent	<input checked="" type="checkbox"/> x	<input type="checkbox"/> A Town / Parish Council	<input type="checkbox"/>	<input type="checkbox"/> An organisation
	<input type="checkbox"/> A business	<input type="checkbox"/>	<input type="checkbox"/> A visitor	<input type="checkbox"/>	<input type="checkbox"/> A statutory agency	<input type="checkbox"/>	<input type="checkbox"/> Other (specify below)
Other							
Job title (where relevant)							
Organisation (where relevant)	Stephens Scown LLP						
On behalf of (where relevant)	Imerys Minerals Limited						
Did you submit comments on the Regulation 18 (First Draft) Local Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<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.

X - 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)	6.1.4
Policy (enter number, e.g. 4.5)	6.1(1)(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		<b>x</b>
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 policy and supporting text amendments from the first draft (Reg 18) introduce a new threshold of "large scale", which is inconsistent with the approach taken elsewhere in the plan, the first draft plan, and the NPPF. To the extent the Policy means 'major development' then that term should be used. To the extent the Policy means a lower threshold, that is inconsistent with the NPPF. It is unclear why this has changed from first draft (Reg 18).

The Policy introduces different tests to those found in Policy 1.5(2) and the NPPF and is therefore unsound. (Para 6.1.3 correctly identifies that Strategic Policy 1.5 is relevant). We are not aware of any assessment having been made to support this change.

The supporting text "*The environmental impact of minerals operations has improved significantly in recent years*" adds nothing to the local plan and indicates a predisposition that minerals operations are bad.

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.

Policy 6.1(1)(1) should be deleted in its entirety, Policy 1.5(2) is sufficient to address 'major' development. See also Additional Comment 2.

**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.

So as to ensure that the Local Plan's policies (and supporting text) on minerals development is appropriate.

**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.**

**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)	(also p123 and para 6.1.6)
Policy (enter number, e.g. 4.5)	Policy 6.1(1)(4) (also 6.2(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.

Policy 6.1(1)(4)(a) requires that environmental and socioeconomic impacts be minimised. However, minerals operations can result in environmental and socioeconomic improvements – these positive impacts of minerals development should not be minimised. The text appears to indicate a predisposition towards a position that minerals operations are always negative to the NPA.

(Also relevant to p123 “*minimise the impact*”. Also see para 6.1.6 and heading of Policy 6.2(2)).

Policy 6.1(1)(4)(b) appears as an attempt to restate s38(6) PCPA 2004, however, it served to confuse rather than assist. Consideration must be given to the development plan as a whole, i.e. an application which does not meet each and every policy, or even which is contrary to some specific policies, may still be ‘in accordance with the development plan’ as a whole.

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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.

Amend Policy 6.1(1)(4)(a) to insert “any negative” after “minimise”. Replace “and” with “or”.

Delete Policy 6.1(1)(4)(b).

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**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)?

<b>No</b> , I do not wish to participate in hearing session(s)	x	<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.

So as to ensure that the Local Plan’s policies (and supporting text) on minerals development is appropriate.



**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)	Glossary
Policy (enter number, e.g. 4.5)	6.1(1)(2) (also relevant to
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>x</b>
<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 comment should be read together with the comment in Part B – it is assumed that something which is not small-scale will be considered large-scale).

The Glossary definition of ‘small scale’ is ill-suited to minerals operations. The doubling in size of an existing smaller quarry may still constitute being ‘small scale’ under the Glossary definition, but could have significantly worse impacts for the NPA than a modest expansion to one of the existing larger quarries.

Determining whether something is ‘small scale’ on the basis of the prevailing scale of prevailing development in the surrounding area as a benchmark is fundamentally flawed approach to minerals development. We are not aware of any proper assessment of this approach. On this basis, it is anticipated that a small extension to an existing large quarry could never be considered to be ‘small-scale’ and would therefore “*not be allowed*” unless the exception applied.

It is submitted that the proper approach to ‘small -scale’ is to consider the *effect* on the NPA of the proposed development, not to only consider the existing size of the quarry. In that context, Policies M1 and M4 of the 2004 plan were an appropriate approach. Again, the drafting of the emerging plan appears to start on the basis that minerals operations are bad, whereas the previous policies adopted a qualitative approach. The 2004 plan policies refer to proposals which are damaging to natural beauty (etc), therefore, existing quarries which did not cause such damage would be prevented from developing under the emerging plan policies (unless they can show the exceptional circumstances etc) when that is not appropriate or necessary.

6.1(1)(3) has no qualitative consideration whatsoever! (Unlike M3 in the 2004 plan).

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.

Replace the definition of small-scale so as to introduce a qualitative approach in para 6.1 such that it would allow expansion of a larger existing quarry where the effects were acceptable.

**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)?

<b>No</b> , I do not wish to participate in hearing session(s)	x	<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.

So as to ensure that the Local Plan’s policies (and supporting text) on minerals development is appropriate.

**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)	2.2.6
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:

	Yes	No
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 "Examples of development close to the National Park which can have an adverse impact on its setting" ... are not helpful. Each case should be considered on its own merits rather than applying a broad brush approach at this stage. Not only the development itself, but the location of the development and the existing state of the land all contribute to a determination as to whether there is an adverse impact on setting.

The Glossary definition of 'small-scale' (and by implication the definition of large-scale does not make any reference to the effect on the NPA, but only on size. (Please read together with Additional Comment (2))

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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.

Delete the final sentence and the bullet points in para 2.2.6 - or replace with a qualitative approach.

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**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)?

<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.

So as to ensure that the Local Plan's policies (and supporting text) relating to minerals development is appropriate.

**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)	6.1.11
Policy (enter number, e.g. 4.5)	6.3(2)
Policies Map	Lee Moor safeguarded areas

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 text in para 6.1.11 omits reference to the safeguarded area shown on the Policies Map at Lee Moor (etc).

[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.

Add bullet point to 6.1.11:-

- Lee Moor China Clay pits and infrastructure

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**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)?

<b>No</b> , I do not wish to participate in hearing session(s)	x	<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.

So as to ensure that the Local Plan's policies (and supporting text) relating to minerals development is appropriate.

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

**Additional Comment (5)**

Section 6.1 - Whilst reference is made to building stone (6.1.5), no reference is made to the clay industry, which is an internationally significant mineral (other than in passing (6.1.1)).

<https://www.bgs.ac.uk/downloads/start.cfm?id=1362>

***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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Parke, Bovey Tracey, Devon, TQ13 9JQ

Tel: 01626 832093  
Email: [forwardplanning@dartmoor.gov.uk](mailto:forwardplanning@dartmoor.gov.uk)  
Website: [dartmoor.gov.uk/localplanreview](http://dartmoor.gov.uk/localplanreview)