

DARTMOOR NATIONAL PARK AUTHORITY  
DEVELOPMENT MANAGEMENT COMMITTEE

04 December 2020

**APPLICATIONS FOR DETERMINATION BY THE COMMITTEE**

Report of the Head of Development Management

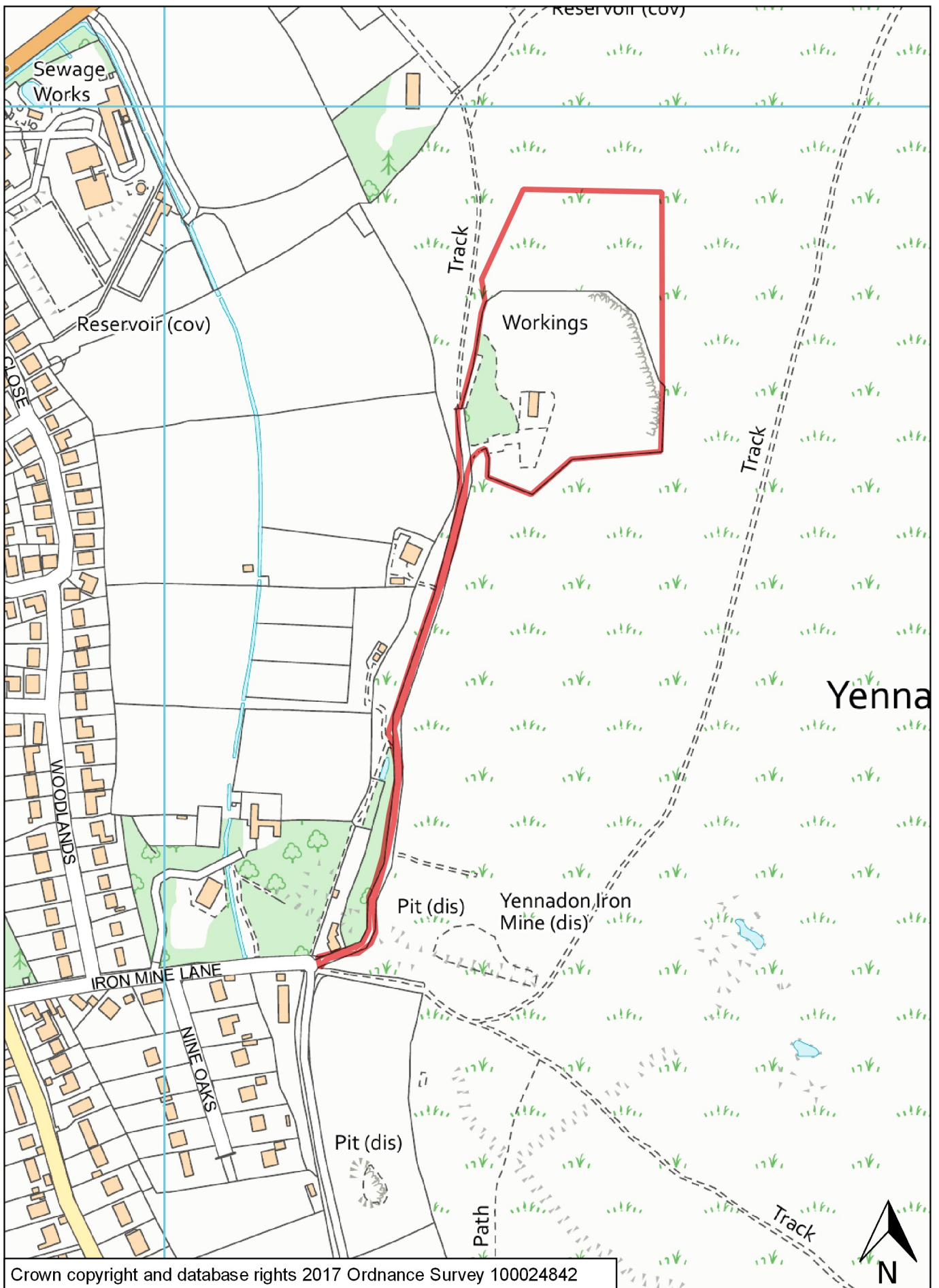
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# 0348/15 - Yennadon Quarry, Dousland



Scale 1:4,000



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1. Application No: **0348/15** District/Borough: **West Devon**  
Application Type: **Full Planning Permission** Parish: **Burrator**  
Grid Ref: **SX542686** Officer: **James Aven**  
Proposal: **Extension of the working plan area of the existing active quarry**  
Location: **Yennadon Quarry, Iron Mine Lane, Dousland**  
Applicant: **Yennadon Stone 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.**

## **1 Introduction**

- 1.1 This report is a revised and updated version of the report that went before Members at the Development Management Committee meeting on 6 October 2017, when Members resolved that the proposed development constituted Major Development, that there are exceptional circumstances justifying the need for the development, that the extension to Yennadon Quarry would be in the public interest and that the permission should be granted subject to the recommended planning conditions and S106 planning agreement.
- 1.2 Draft 'Heads of Terms' for the agreement were exchanged with the applicants shortly after the Committee resolution but was not progressed further until fairly recently as the applicants had to secure the lease on the land beforehand. As such, no formal decision has yet been made on this application.
- 1.3 The lease is now understood to have been signed, but given the time that has lapsed since the original resolution in 2017, during which the National Planning Policy Framework (NPPF) has been revised and the National Park's policies reviewed, it is considered appropriate to present this application to Members again for determination.
- 1.4 This revised report reflects current legal advice, includes some additional information, and presents the officer conclusions and recommendation afresh. It is not a supplemental report and should be read as superseding and replacing all previous officer reports on this application.
- 1.5 Yennadon Quarry is located in the south west of the National Park, 300m to the east of Dousland on the moorland fringe of Yennadon Down. The site is on land owned by the Walkhampton Trust and administered by Lord Roborough's Maristow Estate and leased to the operator. The site produces dimensional building stone (stone with sawn and natural faces to make a block suitable for construction) and stone used in walling and landscaping.
- 1.6 The application is to extend the existing stone quarry laterally to the north, increasing its size by roughly a third from 2.2ha to 3.2ha. This is an increase of 1ha (roughly equivalent to 1.4 full sized football pitches). Within the proposed 1ha extension to the quarry, the proposed extraction area amounts to around 50% (0.53ha) with the balance being used for landscaping.

1.7 Members may recall dealing with an application to extend this quarry at a meeting of the Development Management Committee in July 2014 (ref.0667/13). That application was refused, and this revised application subsequently submitted in 2015.

1.8 The red line delineating the application site boundary on the current application has been drawn to include the existing quarry and access road. As such, the red line covers the same area of land as the previous application. However, the stone working area has been reduced by roughly a third from that proposed in 2014, and the current application also makes a new proposal to reduce the existing bund in scale.

## 2 Appendices

2.1 To aid comprehension and for ease of reference, a number of appendices have been attached at the end of this report (click on each to open hyperlink):

**Appendix 1** Orientation plan

**Appendix 2** Consultation Responses

**Appendix 3** Site Inspection Notes

**Appendix 4** Case Studies – Small and ‘Major’ stone (and other) quarry permissions / refusals post 2012 – comparison with Yennadon

**Appendix 5** Summary of The British Geological Survey (BGS) Directory of Mines and Quarries (2014 and 2020) for operational slate quarries in Devon and Cornwall

**Appendix 6** Proposed planning conditions

**Appendix 7** Proposed s106 legal agreement (Draft)

3 **Consultation Responses** - Please See Appendix 2.

## 4 Representations

4.1 98 letters of objection; 52 letters of support; 1 other letter

## 5 Burrator Parish Council Comments

5.1 *“The Parish Council has considered the additional details sent on 1st November 2016 and continues to OBJECT to the proposed extension as it will enlarge an already intrusive operation in the proximity of a residential area and which may be incompatible for the National Park in the current day. The proposal does not change the DNPA Refusal Notice dated 14 July 2014 (ref. 0667/13), Reason no.2 The proposed extension would perpetuate the quarry and the related impacts in the long term”.*

## 6 Observations

6.1 This report is set out in the following sections:

Planning History

The Proposal

The Major Development Test

Landscape

Noise

Tranquillity  
 Dust and surface water  
 Ecology  
 Need and Alternatives  
 Employment  
 Common Land  
 Archaeology  
 Highways & Traffic  
 Site Inspection  
 Exceptional circumstances and public interest tests  
 Conclusion  
 Appendices

## 7 Planning History

0667/13	Full Planning Permission	Extension to working plan area of existing quarry	<b>Refused</b> 14 July 2014
0418/08	Full Planning Permission	Installation of four exploratory boreholes to investigate potential site for extension of existing quarry	<b>Grant Conditionally</b> 15 September 2008
0979/04	Full Planning Permission	Construction of replacement single storey stone-processing shed	<b>Grant Conditionally</b> 26 January 2005
03/43/10 75/90	Full Planning Permission	Winning and working of minerals & continued use of existing buildings	<b>Grant Conditionally</b> 10 April 1991

7.1 The site is currently operated under a planning permission granted in 1991. As with all mineral consents, this is a time-limited (temporary) permission and is due to expire in 2026. The current planning permission contains the following conditional limits:

- Maximum tonnage removed from the site of 14,000 tonnes per annum;
- Operating hours of 07:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturday (essential maintenance may be carried out outside these times);
- No more than 35 loaded lorry trips per week (tractors and trailers are excluded from this total);
- Lorry movements can only take place between 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 Saturday;
- A minimum of 75% of the total tonnage of stone leaving the site each year shall be building and walling stone;
- Restoration conditions.

7.2 In 2008 planning permission was granted for exploratory boreholes. These were drilled in 2010.

7.3 An application for Full Planning Permission (ref 0667/13) was submitted in 2013 and a site visit held in June 2014. The application proposed a larger working area than that proposed in the current application. It also proposed the creation of new bunds on the application site. It was considered that the Environmental Statement submitted with the application failed to deal adequately with the potential environment impacts of the scheme as then proposed.

7.4 Application 0667/13 was refused for the following reasons:

1. *Failure of the Environmental Statement to assess the likely impacts of the development at the proposed upper limits of 10,000 tonnes per annum.*
2. *The proposed extension would perpetuate the quarry and the related impacts in the long term until 2025. The development is major and there is no overriding need for the development.*
3. *Acceptable alternative sources of stone exist to meet the demand currently met by the quarry. The alternative option for the quarry itself would be its restoration on exhaustion of the permitted reserves, thus reducing the current landscape impact, and enhancing the landscape.*
4. *The proposed development would have an unacceptable impact on the special qualities of the National Park, particularly in terms of amenity use, landscape and tranquillity.*

## **8 The Proposal**

8.1 Although the application site is unchanged from application 0667/13, there have been significant changes to the proposal. The area specified for extraction has been reduced in size by approximately 35%, the screening bund configuration has changed substantially, as have the proposed landscape mitigation measures. It is also proposed to reduce the amount of stone capable of being extracted each year from the current permission limit of 14,000 tonnes per annum. The quarry operators have stated throughout that their intention is to use the new permission to enable production to continue at the same rate as over the period 2012 – 2017 (5,500 tonnes per annum) until the current planning permission expires in 2026.

8.2 The existing quarry is very close to its permitted boundaries. The depth of working in a quarry is restricted by the properties of the material extracted and how that material allows the height and angle of the quarry faces to be developed safely. The proximity of faces to the permitted boundaries limits the depth to which the quarry can continue to be worked. In order to extend Yennadon Quarry, it is necessary to extend the quarry laterally rather than continue with deeper working.

8.3 The site predominantly produces dimensional building stone (which is stone sawn on several faces to make a rectangular block suitable for construction) and stone used in walling and landscaping. The application proposes a reduction of annual tonnage of that currently approved (14,000 tonnes) to a lower limit of 10,000 tonnes per annum. However, the applicant has stated consistently since 2013 that the intention is not to increase production, but to use the new permission to enable production to continue at the same rate as over the past five years, until the current planning permission expires in 2026. A reduction of lorry trips from 35 to 30 (60 movements in total) in any week is also proposed and can be controlled by condition.

8.4 Over the past five years, the quarry has produced on average 5,500 tonnes per annum. Based on the current production method, it is considered that 10,000 tonnes

per annum is unrealistic without substantially increasing the employee numbers or securing a new permission with longer working hours. In addition, there is understood to be an insufficient water supply at the quarry to enable processing of 10,000 tonnes of material per annum. Given that the applicant's stated intention is not to increase production, but to use the new permission to enable production to continue at the same rate as over the past five years, until the current planning permission expires in 2026, and given the overriding importance of controlling the impacts of the development as tightly as reasonably possible, Officers are of the opinion that a condition limiting extraction to just 7,500 tonnes per annum is justified, reasonable and defensible.

8.5 Stone is extracted using a 360-degree excavator, with a pecker attachment to break the rock. The rock is then hand sorted at the base of the rock face by two operatives who fill an excavator bucket. Once full, the bucket is connected to the excavator and deposited in a dumper truck. Once full the dumper truck transports the stone to the existing processing area on site. The stone is sorted by size and the larger stone is used as dimension stone, the smaller stone used for walling. Unusable rock would be left for progressive restoration in each phase. In addition to the quarrying activities, stone cutting operations are carried out on site in the existing sheds.

8.6 The application site 'red line' incorporates the existing quarry and access track. A new grant of planning permission will allow one set of planning conditions to apply to all parts of the site. A Section 106 Planning Obligation Agreement is proposed to revoke the existing planning permission and ensure that there can be no argument that both permissions can be implemented concurrently.

8.7 The proposal includes the progressive backfilling and restoration of those areas of the site that are worked out, as extraction moves forward. This is an appropriate way to dispose of waste material and will ensure that the restoration works are not left to the end of the scheme. The site will be restored to a lower level than its original profile, in a bowl running north/south. It is proposed to leave some quarry faces on the western side to attract nesting raptors to the site. The land will be allowed to naturally re-vegetate (with seeding if necessary) to return the land to grassland consistent with the surrounding common land.

## 8.8 Screening Bunds

8.8.1 The application recognises that the existing bund located along the quarry's western boundary is visually intrusive within the local landscape. It is proposed to reduce this bund in height by 3m to a height of 252m AOD and re-grade, soil and seed with an appropriate grass seed mix as part of the measures to mitigate the landscape and visual impacts of the existing quarry operations and the proposed extension. In a marked change from the previous application, no new screening bunds are now proposed along the western or northern boundary of the extension area.

## 8.9 Restoration

8.9.1 The application recognises that the sheer quarry faces along the eastern side of the existing quarry present the greatest visual impact to views from the west. Early restoration will concentrate on backfilling and landscaping the existing eastern and south-eastern faces. There is considered to be no need to backfill and landscape the entire quarry face however and as such, it is not proposed to import soil for restoration purposes (this is also a change from the previous scheme). It is proposed

to fence the quarry in its entirety at the point of closure to allow the site to naturally re-vegetate over time and protect from grazing.

- 8.9.2 As all mineral working is treated as a temporary use of the land, every minerals permission must be expressly time limited. In this case it is proposed that the working and restoration would be concluded by 2026, consistent with the expiry date of the existing planning permission.
- 8.9.3 The application is EIA development as defined by the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended). Although the EIA regulations have been updated in 2017, this proposal still falls to be considered under the 2011 Regulations as it was submitted prior to the 2017 changes. The proposal is accompanied by an Environmental Statement which assesses the effects of the proposed development on the environment and proposes measures to mitigate the impacts of the development.

## 9 Major Development

- 9.1 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.
- 9.2 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. Unfortunately for Members faced with making this planning judgement, there is no single test, set of criteria or statutory definition to inform the decision-making process.
- 9.3 Policy Tests
- 9.3.1 There is a strong presumption against major development in the National Park.
- 9.3.2 The National Planning Policy Framework (NPPF) 2019 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.”*

9.3.3 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".

9.3.4 Policy COR22 of the Local 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.

9.3.5 Policy DMD2 of the Local 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.

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

#### 9.4 What is “Major Development”?

9.4.1 There is no statutory definition of “*Major Development*” in the NPPF paragraph 172 context. 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 DMPO 2015. 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. 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 or defined. James Maurici QC produced the “Maurici Opinions” on the major development issue, albeit in the context of the former PPS7 and an earlier version of the NPPF. His point that the DMPO 2015 definition (or its predecessor) is not the definition to apply is still valid. Likewise 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.

#### 9.5 Background Information

9.5.1 The application site is approximately 3.3ha. The extension area accounts for almost one third of this at 1ha, with the extraction area proposed covering 0.53ha. The remaining extension area will comprise a landscaped buffer, where previously a

screening bund was proposed. In the context of minerals extraction this is a relatively small application site.

- 9.5.2 The site has the benefit of an extant planning permission to extract up to 14,000 tonnes of stone per annum. The application proposes reducing this to a maximum of 10,000 tonnes per annum. However, for the reasons set out in section 2 above it is proposed to impose a condition limiting extraction to 7,500 tonnes per annum. This represents a decrease of nearly 50% in the amount of material which it will be possible to export from the site each year.
- 9.5.3 The Authority has secured expert advice from a minerals planning consultancy firm. It has advised:
- i. The quarry is not large compared to other quarries using the metric of quarry size locally and nationally. It is not large compared to other stone quarries – local and national.
  - ii. An inevitable consequence of ongoing quarry operations is the expansion of the quarry footprint; this does not in and of itself result in the particular development proposed being '*major*'.
  - iii. The size of mineral reserve is not determinative and a quarry with substantial mineral reserves could still reasonably be classed small scale if it is producing low annual tonnage.
  - iv. There are benefits from extending existing quarries rather than opening new ones and this is arguably more space efficient and causes less environmental impact than the alternative of creating a new stone quarry which will require a significant footprint due to land take requirements for access, landscaping, spoil disposal, cutting shed, plant storage, safe working margins etc.
  - v. Staffing levels are compatible with definition of a '*small and medium-sized enterprise*' (SME) and are due to the added value process that goes on in the quarry.
  - vi. The fact that the extension is on common land does not affect the judgement whether the scheme is or is not *Major Development*.
  - vii. There is DNPA and NPPF policy support for 'small stone quarries'. This application site is a stone quarry and it is small.

## 9.6 Assessing Scale

- 9.6.1 The most appropriate measure of the scale of a quarry operation is probably the volume of material it produces. There is an extant planning permission at Yennadon which allows for 14,000 tonnes of stone to be exported each year until 2026 (theoretical maximum 84,000 tonnes).
- 9.6.2 However, for the past five years exports have averaged 5,500 tonnes per annum (although due to Covid-19, output during 2020 has been lower). If extraction continues at this same rate this would amount to approximately 33,000 tonnes to 2026.
- 9.6.3 In making an assessment of scale, these outputs may be contrasted with the comparison minerals sites listed in Appendix 4. From this, it can be seen that a large aggregate or ball clay site may export anything from 35,000 to 200,000 tonnes per annum.
- 9.6.4 Quarries producing dimension stone are generally categorised as 'small'. This may be in part because local and NPPF policies have associated the word "small" with

“stone quarries”. In those sites classified as “small”, there is a significant range between the smallest and the largest quarry / extension in terms of consented area of quarry and also in terms of proposed rates of production. However, it is still possible for a “small scale” quarry with low annual output to be considered major development. This can clearly be seen from the following recent minerals permissions in protected landscapes, all of which were considered to be Major Development:

Name	Area	Proposal	Annual throughput	Decision
Bretton Moor	Peak District NPA	Extension 0.82 ha	4,000 tonnes	Major development Approved 12/06/2015
Home Field	Dorset AONB	New quarry (replacement)	1,000 tonnes	Major development Approved 06/12/2012
Leeming	Forest of Bowland AONB	Extension 0.7 ha	5,000 tonnes	Major development Approved 08/12/2012

## 9.7 Officer Assessment

- 9.7.1 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.
- 9.7.2 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.
- 9.7.3 Officers consider that even though the quarry operation is relatively small, any minerals extraction involving heavy machinery in a National Park is highly likely to be Major Development. The existing planning permission and the long-established nature of the quarry operation do not outweigh the adverse impacts of the proposed development in deciding if it is major development.
- 9.7.4 This Officer view is that the proposal is “major development” within the meaning of NPPF paragraph 172, and the development plan policies.

## 10 Landscape

- 10.1 NPPF Paragraph 172 requires all decision-makers to give **great weight** to conserving and enhancing landscape and scenic beauty in National Parks.
- 10.2 Development Plan policy COR22 requires “other mineral development” (that is not considered to be major development) to be **carefully assessed**, with great weight being given in decisions to the conservation of the landscape and countryside, the conservation of wildlife and cultural heritage and the need to avoid adverse impacts on recreational opportunities.
- 10.3 Development Plan policy DMD5 requires development proposals to **conserve and/or enhance** the character and special qualities of the Dartmoor landscape.
- 10.4 A revised and detailed landscape report has been submitted with the application, including an assessment of visual impact and impact on landscape character, which has been assessed by the Authority’s Landscape Officer. The landscape and visual impact of the proposal is a very important consideration given the location of the quarry in the National Park, a landscape with the highest level of landscape designation and protection.
- 10.5 Fundamental in the assessment of the landscape and visual impacts is the comparison of the short and long-term impacts of the quarry under its existing permission against the potential short and long-term impacts under the proposed extension scheme.
- 10.6 The site lies on the edge of open moorland. The land to the west is enclosed pasture with a strong equestrian use. The land to the south and east is grazed moorland. The land to the north is undulating agricultural land comprising small to medium sized fields enclosed by Devon hedge banks. Isolated and linear groups of trees are growing on these hedge banks. Large conifer woodlands are a dominant feature of this landscape. The linear settlement of Dousland lies to the west on lower ground. This settlement is mostly individual dwellings with small to medium sized gardens.
- 10.7 The report submitted by the applicant identifies the land as highly sensitive, but states that the development will lead to a moderate change and that the revised proposal will result in a significant benefit to the landform within the site. It is accepted that there will be an impact on 1ha of grassland, although it is suggested that this will only be significant at a local level. The main thrust of the argument in the landscape report is that there is no requirement to restore the existing quarry until it stops working and that by giving permission to extend the quarry a landscape scheme can be part of the permission and these benefits will outweigh any landscape impacts caused by the quarry extension.
- 10.8 Officers accept that the current (extant) permission will not secure high quality restoration of the site. A new permission with restoration and aftercare secured by conditions and a s106 Agreement should deliver a far better long-term landscape outcome. Extending the quarry will inevitably have an impact on the character of the local landscape. However, the quarry extension will not introduce a new form of harm into the landscape. Members will be aware that while there are no other active quarries currently on the Dartmoor Commons, former quarries are found scattered

across Dartmoor, including within this landscape type and quarries are a strong feature of Dartmoor's historical landscape.

10.9 It is not proposed to restore the quarry back to its previous landform and the feature that it is proposed to create will contrast with the adjoining moorland landscape. For this reason, the quarried land cannot be said to conserve the surrounding open moorland, even once fully restored. However, the Authority's Landscape Officer advises that the current scheme offers an enhancement opportunity through the proposed phasing and restoration strategy.

#### 10.10 Progressive Restoration

10.10.1 In an earlier officer report, dated December 2015 (which was subsequently withdrawn) it was stated that with the coming into force of the Growth & Infrastructure Act 2013 (which amended the Review of Old Minerals Permissions (ROMP) provisions in the Environment Act 1995) the Authority can request or require a ROMP review of the existing permission and conditions. It was further advised that the Authority could therefore apply amended restoration and aftercare conditions to the extant permission, without fear of paying compensation to the operator. The report concluded that the "benefit" of securing improved restoration is in fact of little benefit, as that restoration could feasibly be achieved through a ROMP review.

10.10.2 Since the date of that report, Officers have taken detailed advice from a minerals planning consultancy firm and now consider that this previous advice should not be relied upon.

10.10.3 Para 178 of the Planning Practice Guidance advises that a *periodic review* of the conditions attached to a minerals planning permission can help ensure that the site operates to continuously high working and environmental standards. Para 192 further advises that a Mineral Planning Authority should usually only seek a review of planning conditions when monitoring visits have revealed an issue that is not adequately regulated by planning conditions, which the operator has been made aware of and has not been able to address.

10.10.4 The current planning permission for Yennadon has comprehensive conditions including conditions requiring the restoration of the site on completion of operations. Restoration plans must be submitted at least 2 years in advance of cessation or working and the site must be restored by 2026. There is, however, no requirement in the current permission for progressive restoration of the site. Indeed, the small quarry area, limited surface area and the type of activities which take place on the site (extraction, screening, processing & cutting) would make it impossible to implement progressive restoration.

10.10.5 The new application proposes a lateral extension to the quarry with an increase in footprint. This increase would create scope for the operators to change their working practices across parts of the site and commence a scheme of progressive restoration. While the end date for the completion of restoration remains 2026, progressive restoration will enable some parts of the site to be restored at an earlier date and before the completion of quarry operations. This would reduce some of the existing impacts from the quarry operations, particularly as regards the sensitive views from the west.

10.10.6 This is considered by officers to represent a real improvement, which could not be secured through a ROMP of the existing permission.

10.10.7 Officers do not believe that a ROMP of the current permission could reasonably require or secure progressive restoration of the site. Officers believe that the restoration and aftercare conditions proposed for the whole site in this application, will deliver an enhanced outcome and the delivery of restoration will commence at a much earlier date.

## 10.11 Conclusions

10.11.1 While the scheme proposes a larger working area and the loss of some grazing land, Officers are of the opinion that the following significant benefits will be secured:

- Comprehensive restoration of the site
- Reduction in height of the current screening bund
- A phased programme of restoration for the existing quarry and proposed extension area, starting with the grant of the consent (i.e. not left until the end of the permission)

10.11.2 These are believed to be weighty considerations which outweigh the relatively low level of landscape and visual harm likely to result from the extension. Officers consider that the application is therefore in conformity with NPPF Para 172 in that it conserves and enhances the landscape of the National Park, the landscape provisions of COR22 and policy DMD5.

## 11 **Noise**

11.1 Paragraph 021 of the Planning Practice Guidance (PPG) 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.

11.2 PPG Paragraph 022 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.

11.3 The operator has offered a more restrictive upper noise limit of 50dB(A)LAeq1h be applied (with exceptions for limited periods of works close to the surface, and around the perimeter) to ensure that the amenity of any neighbouring property is protected.

11.4 Minerals Plan policy M4(ix) expressly refers to the effects of the proposal on the amenity of local residents as being a material factor.

11.5 The proposed extension will bring the quarry 90m closer to the nearest residential property (Higher Yennadon). The Environmental Statement includes details of noise monitoring at a number of locations, including at the boundary of this property. The

noise survey shows that the noise levels at the recording points during weekday working hours were 36 – 57 dB LAeq. By contrast, the levels recorded at the same points at a weekend when the quarry was not operating were 40 - 57 dB LAeq. This strongly suggests that the operational noise from the quarry does not have any measurable effect on background noise levels.

- 11.6 Set against this, the Authority has received a large volume of correspondence and letters of objection raising issues of existing noise, and concerns about possible increased levels. The letters of objection identify that at nearby properties, or when using nearby land for open-air recreation, a lower level of noise than the current situation is desirable and an increased level of noise, or an increased period of disturbance is not acceptable. The objections state that there is a strong expectation of tranquillity in this location on an open moorland/moorland fringe setting within the National Park.
- 11.7 In addition to the changes to the noise modelling as a result of removing the requirement for a bund, the Authority requested clarification on the adequacy of the original noise survey, following a query raised in letters of representation. The Authority requested clarification on whether the assessment took into account the potential noise impacts at the maximum permitted production rate of 10,000 tonnes per annum (t/a).
- 11.8 The Applicant's noise consultant, Acoustic Associates South West Ltd., confirmed that the worst case scenario was calculated based on the maximum quarrying activity levels; i.e. all five items of plant running flat out at the same time. The quarry currently extracts between 4,500 t/a and 6,300 t/a. The maximum permitted extraction rate of 10,000 t/a can be achieved with the same working practice and plant, but with more staff. The effect of this will be to increase the working time of the mechanised equipment, which cannot be greater than the 100% assumed in the prediction calculations. The predicted impacts therefore provide an estimate of the maximum noise level likely to be generated by the quarrying activity and this is equally true for the consented extraction rate.
- 11.9 Conclusions
- 11.9.1 Officers have sought expert advice from the West Devon Borough Council environmental health service. The Environmental Health Officer has confirmed that the noise survey methodology is satisfactory and that the results demonstrate that the site does not constitute a statutory nuisance.
- 11.9.2 The Authority is not aware of any complaints having been received regarding noise and dust since the last planning application in 2013 but any update from the Environmental Health Officer in this regard will be given at the meeting.
- 11.9.3 Given the background noise levels recorded in this location, the fact that the noise levels are not currently conditioned and that the proposed working hours are two hours shorter than those referred to in the Planning Practice Guidance, it is considered that the proposed condition limiting noise emissions attributable to the application site to a maximum of 50dB(A)LAeq is acceptable. The information from the noise impact assessment within the ES strongly suggests that 50dB(A)LAeq is reasonable and achievable. This limit is also well below the 55dB(A)LAeq maximum recommended by the PPG.

11.9.4 The proposal is therefore considered to be in conformity with Minerals Plan policy M4(ix) and within the noise levels recommended by the PPG.

## 12 Tranquillity

12.1 Tranquillity is one of the special qualities of Dartmoor National Park and is identified in Development Plan policy DMD5 as a material consideration. 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”*

12.2 Levels of tranquillity are dependent on a number of factors beyond 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.

12.3 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.

12.4 There is already a minerals planning permission which authorises mineral extraction in this location until 2026. This is a weighty material consideration in determining whether the application will have any additional adverse impact upon tranquillity. Conditions are proposed to control matters such as number of lorry movements, working hours, noise levels, external lighting. These conditions address concerns about possible negative impacts on tranquillity.

12.5 The current application presents a very different impact on the tranquillity of the landscape in comparison with the previous scheme. The previous scheme proposed the creation of two substantial bunds. This application not only proposes no new bunds, but also makes provision for the reduction and re-profiling of the existing bund into a more natural landform. The works to re-profile the existing bund and to strip the soil from the extension area are likely to be conspicuous and relatively noisy. They will clearly have an adverse impact upon tranquillity for the duration of the operations. However, these works are likely to be completed within a few months and will not be ongoing throughout the permission. The re-profiling of the existing bund to a more natural landform, together with re-seeding, should bring a long-term gain to the naturalness of the landscape. The revised progressive restoration scheme which forms part of the proposal will reduce visual impacts and make a positive contribution to tranquillity, including improving the naturalness of the landscape and enhancing the openness of landscape.

12.6 On final closure of the quarry and final restoration, the scheme will result in clearly noticeable long-term ecological and landscape improvements. It is considered that the proposed scheme will result in a moderately significant residual benefit to the tranquillity of the area around the site compared to the existing permission. This is



owing to the progressive restoration proposed, and the fact that restoration would commence before the quarry finishes extraction in 2026.

## 12.7 Conclusions

- 12.7.1 On balance, the proposal is likely to have a minor adverse impact upon tranquillity in the short-term. However, it is considered that that this negative impact is balanced by the long-term improvements in tranquillity associated with the progressive restoration scheme and the re-profiling of the existing bund. On this basis, the proposal is believed to be in conformity with policy DMD5 as regards tranquillity.

## 13 **Dust and Surface Water Run Off**

- 13.1 Letters of representation have raised concerns regarding dust from site operations. West Devon Borough Council has previously raised an issue of surface water run-off from the moor/quarry running along the access road and causing problems for neighbours including flooding in the garden and against the property.
- 13.2 The issues both engage Minerals Plan policy M4(iii) dust and (ix) neighbour amenity along with paragraph 205 of the NPPF which states: *“minerals planning authorities should ..... ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source.”*
- 13.3 The access track that extends from Iron Mine Lane to the quarry and continues along the west of the quarry to the north was originally the line of the old Plymouth and Dartmoor Tramway. The track is constructed of compacted stone. The ES acknowledges that during prolonged dry weather, the access track has the potential to generate wind-whipped and traffic / livestock generated dust.
- 13.4 During intense wet weather, significant surface water run-off can be generated from the moor. The modelling indicated that the access track does not significantly alter or impede flow pathways from Yennadon Down. The surface water run-off does however cause erosion of the track resulting in potholes and rutting.
- 13.5 The Environment Agency is satisfied with the methodology proposed for surface water run-off and is raising no objection to the proposals.
- 13.6 In April 2015, Yennadon Quarry implemented a Dust Management Plan, which included maintenance of the access track. The existing Dust Management Plan and future monitoring and maintenance requirements for the access track is incorporated into the new Quarry Management Plan and covered by proposed conditions.
- ## 13.7 Conclusions
- 13.7.1 The Environment Agency has not raised any concerns about the treatment of surface water and it has not been demonstrated that the surface water run-off which occurs on occasions is due to the quarry operation. Concerns about dust can be addressed by appropriate conditions and it is therefore considered that the proposal is in conformity with Local plan policy M4(iii) and (ix) in these respects.

## 14 Ecology

- 14.1 Paragraph 172 of the NPPF 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.”*
- 14.2 Local Plan policy DMD14 requires development proposals to conserve, enhance and/or restore biodiversity and geodiversity within Dartmoor.
- 14.3 The Authority’s ecologist observes that the application site is designated under s.3 Wildlife and Countryside Act 1981 as moorland of special conservation interest. It is also a priority habitat (unimproved dry acid grassland) for biodiversity. The proposal involves short to medium term adverse impacts to the local flora, as well as ground nesting birds and reptiles within the application site. As such, the proposal appears not to conform to policy DMD14. On this basis, there is a formal ecological objection to the proposal.
- 14.4 Several letters of representation have raised concerns regarding the impact of the proposal on local wildlife.
- 14.5 The Biodiversity Mitigation and Enhancement Plan (BMEP) submitted with the application sets out a summary of the habitat and species surveys undertaken, the findings, and an impact assessment of the development on the ecological features present. It also covers recommendations aimed at avoiding, reducing and mitigating the impacts of the proposal on the habitats and species present, and also provides information on restoration measures, principally for habitats, and finally, an outline monitoring programme.
- 14.6 The Ecological Habitats and Biodiversity Chapter of the ES and the BMEP identify that the development would result in the loss of 1.0 ha of unimproved acid grassland, bracken and scrub mosaic and therefore loss of potential nesting habitat for linnet, skylark, yellowhammer, stonechat and meadow pipit and loss of habitat for common butterfly species and one UK BAP butterfly species.
- 14.7 There is however scope to enhance the habitat as part of the restoration for the longer term, as set out in the ‘Mitigation Strategy and Phasing Plan’ (Section 4) of the BMEP. Conditions are proposed to ensure the integration of the mitigation and monitoring strategy as set out in the BMEP into the scheme, and to ensure it is carried out.
- 14.8 Conclusions
- 14.8.1 The conservation importance of the s.3 moorland habitat is high and the loss of some habitat is an inevitable consequence of the proposed extension. However, the mitigation measures proposed, taken together with the new whole quarry progressive restoration scheme, will result in long-term benefits which will help counter-balance the short-term adverse impacts. It is therefore considered that although the proposal is not fully in conformity with policy DMD14, the degree of harm is relatively small and the non-conformity should not be treated as a weighty material planning consideration in the overall determination of the application.

## 15 Need and Alternatives

- 15.1 Policy M4 of the Minerals Local Plan requires any application for new minerals workings or extension of existing minerals workings to be rigorously examined, having regard in particular to a number of factors, including: *(vi) the local, regional or national need for the particular mineral and alternative ways of meeting that need*. It follows that two key questions are (1) what demand (need) is there for Yennadon stone? (2) could this demand be met from alternative sources / providers?
- 15.2 It is clear that the majority of Yennadon stone is used outside the National Park. The application itself notes that the National Park is largely characterised by granite building stone. The application suggests that there is a significant market for the stone within Cornwall and Devon, outside of Dartmoor and provides the following information:
- Yennadon stone sales (% of sales by area)*  
*Dartmoor and fringes (including Tavistock, Ivybridge, Bovey Tracey and Okehampton) = 10%*  
*South Devon = 45%*  
*North Devon = 5%*  
*East Devon = 5%*  
*East/North Cornwall = 21%*  
*Mid Cornwall = 9%*  
*West Cornwall = 5%*  
*Other = 0.6%.*
- 15.3 There are a variety of different ‘slate’ stone types that have historically been quarried throughout Devon and Cornwall. The term ‘slate’ for building stone is loosely applied to mudstones and siltstones that have undergone various grades of metamorphism. The appearance and physical characteristics (including strength and durability) of these stones varies greatly due to the differences in rock composition, diagenesis and the degree and type of metamorphism the rock has undergone; they can be weak or strong, durable or non-durable, dark or light grey, have green, to yellow, to red hues, and be characterised by brown iron oxide and/ or quartz veining.
- 15.4 There is a very limited number of operational quarries producing ‘Rustic Stone’ within the Southwest; the applicant argues that none of these are comparable to Yennadon’s Dartmoor Rustic Stone (known as ‘Yennadon Stone’) which they state is unique and cannot be sourced elsewhere.
- 15.5 The British Geological Survey (BGS) Directory of Mines and Quarries (2014 and 2020) details the operational slate quarries in Devon and Cornwall; a summary of this can be found at Appendix 5.
- 15.6 The BGS Directory also describes the geological ‘formation’ that each quarry is located within and appears to confirm that Yennadon is the only Hornfelsed / metamorphic stone available in the region, implying that it is a unique product when it comes to the regional slate building stones.
- 15.7 All of the sites in the BGS Directory of Mines and Quarries are based on the same underlying sedimentary rock types that the slates are formed from. They are all

metamorphic rocks but Yennadon has undergone a secondary metamorphosis due to its proximity to Dartmoor, resulting in a hornfels type rock that makes it a stronger and more durable blocky slate building stone compared to the rustic stone from outside the contact metamorphic aureole, and with a variation in colour from mellow yellowy brown through to bluish grey.

- 15.8 The application acknowledges that there are two other sources of a rustic stone, with some similarities in appearance, within a 30 mile radius of Yennadon, namely Lantoom Quarry and Mill Hill Quarry. However, most other existing 'slate' quarries in the region produce a dark grey "blue" slate (which can be used as both traditional roofing slate and dimension stone, etc.) and the application argues that none of these are a match for the high quality Hornfels Slate produced at Yennadon.
- 15.9 Lantoom Ltd. has made representations that the building stone that it produces at Lantoom Quarry, Mill Hill Quarry, and that produced by other quarries in the area (which it does not control), is very similar in appearance to the stone produced by Yennadon Quarry. Evidence has been submitted by Lantoom Ltd to show that their quarry has planning permission until 2042 with considerable mineral reserves. These quarries are located within the main market for stone from Yennadon Quarry and are said to be better placed to meet the demand, in terms of: the sustainability of transport; production of a local stone for a local market, maintenance of the locally distinctiveness of the area of main demand, and production of stone without impact to the National Park. If stone of this nature is required within Dartmoor, Lantoom Ltd. states that its quarries would be well able to meet the demand.
- 15.10 As can be seen from the table at Appendix 5, only Mill Hill Quarry extracts stone from the same geological Formation (i.e. The Tavy Formation - previously known as the Kate Brook Slate). However, Mill Hill Quarry lies outside of the metamorphic aureole, so that whereas Yennadon Quarry is described as "Slate, Hornfelsed. Metamorphic Bedrock", Mill Hill is described as "Slate. Sedimentary Bedrock". The appearance and properties of the slate from Mill Hill Quarry are therefore very different to that from Yennadon Quarry. The BGS Directory describes Lantoom stone as "Slates and Sandstones, Devonian – Carboniferous, Saltash Formation".
- 15.11 As discussed above, not all slates are equal. This is recognised by Historic England in its publication entitled 'Sourcing Stone for Historic Building Repair' (first published by Historic England in 2006). Historic England emphasises the importance of maintaining a supply of local stone in order to conserve the historic environment and maintain local distinctiveness. The report clearly identifies the importance of providing locally sourced stone. It states:

*"Historic England supports the need for strategic and sustainable sources of stone for conservation of historic buildings. It is working with partners to ensure that historic sources of important building stones are identified and protected, and that the environmental impact of their extraction is minimised. Addressing the wider issues arising from sourcing and quarrying stone will contribute to the long-term preservation of our rich and diverse stone-built heritage".*

*"Successful stone replacement requires detailed knowledge of the characteristics of the stone involved and the selection of compatible materials (that is stone that closely replicates the original in terms of its chemical, physical and mineralogical properties)."*

- 15.12 The report states that when selecting replacement stone for conservation work “satisfying all these criteria (*colour differences, textural changes and other variations*) in replacement stone can usually be achieved only by using stone from the same quarry as the original stone, or at least a source very close to it.”
- 15.13 The Mineral Products Association in its 2015 publication entitled “Dimension Stone: An essential UK Industry”, reiterates that this variation is an important consideration when considering alternative sources: “*Non-indigenous materials are unlikely to have the same workability or weathering characteristics as the original and extreme care has to be exercised in their use.*” *When considering alternative sources, consideration should be given to both conservation work and to new builds. “Stone for repair and maintenance must be compatible with the original for technical reasons – the wrong stone can hasten future damage - and for aesthetic reasons – the wrong stone may harm the appearance of the structure. Therefore, it is essential to secure stone from either the original source or a closely similar source.”*
- 15.14 The English Stone Forum (ESF) website also presents reasons why local stone should be used based on initial appearance, weathered appearance and local distinctiveness.
- 15.15 In its ‘Minerals UK’ online publication, the British Geological Survey states that:
- “England’s rich architectural heritage owes much to the great variety of stones used in buildings and other structures. Stone buildings commonly reflect the local geology, imparting local distinctiveness to historic towns, villages and rural landscapes. Stone is the major building material in many of the half-a-million listed buildings and 9,500 conservation areas in England. If the character of these buildings and areas is to be maintained, supplies of new matching stone are needed for repair and for new construction. In many cases however, the source of the original stone is not known and even if it is known, it is not unusual to find that the quarry has long-since closed. This makes it difficult to obtain suitable stone for repairs or for new-build projects.”*
- 15.16 Paragraph 203 of the NPPF 2019 states that “it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation”.
- 15.17 A report prepared by Clifton Emery Design in support of the application reiterates the unique properties of Yennadon Stone and explains the importance of the Yennadon quarry in supplying stone that supports the quality of building design and the historic building conservation of the local area. The report states that there are no other alternative (local) sources of like-for-like stone outside of the National Park.
- 15.18 The British Geological Survey (BGS) advises that in its view there are likely to be some uses and applications for Yennadon stone that Lantoom and Mill Hill quarries could not serve. There are also likely to be some markets where Yennadon stone is the stone of choice because of its particular characteristics. However, in the absence of Yennadon stone, other sources of stone could provide an acceptable substitute.

- 15.19 The BGS observes that minerals can only be worked where they are found. The BGS states that there are no other operational hornfels slate quarries in the south west. Deposits of hornfels slate in the region are largely confined to the National Park, so if any alternative local source of hornfels slate was required, it would need to be extracted from a site in the National Park.
- 15.20 There are numerous issues associated with starting a new quarry, or even re-opening a disused quarry. Apart from the obvious landscape, visual and other environmental impacts, the extensive upfront costs associated with set-up and development, including new infrastructure, as well as starting production, could be prohibitive and much more problematic than extending an existing working quarry.
- 15.21 The Applicant has provided extensive evidence that many local buildings and settlements on Dartmoor use Yennadon Stone. The important role that Yennadon Stone plays in maintaining the character and appearance of the local area has been clearly demonstrated. Locally produced stone of the correct characteristics (including durability, strength, weathering, colour etc) are key to providing good quality design. This is recognised in the Dartmoor Design Guide (adopted SPD) and in policies in the adopted Local Plan. The available evidence shows that there is a strong market for Yennadon stone, both within the National Park and in the wider local area.
- 15.22 As regards alternative provision, the evidence submitted falls short of demonstrating that if Yennadon were to close or significantly slow production, output could be increased sufficiently at another quarry to meet demand. It is considered that there is a demonstrable need for and a ready market for the products of Yennadon and Lantoom and Mill Hill quarries. With just three slate stone quarries supplying a large catchment area, in which demand is likely to rise due to increased development, the loss of one of these quarries could impact on the ability to maintain an adequate supply of stone, with adverse consequences on the delivery of both conservation and new-build projects inside and outside the National Park.
- 15.23 While there may be as yet untapped sources of the Hornfels Slate at other locations within the National Park, the Authority's adopted Core Strategy DPD (2008) states that opening a new quarry within the Park, would only be permitted "*in locations where this would not be damaging to the landscape, archaeological, ecological or geological interests, or to the amenity of local residents and where the local road network is adequate to cope with the traffic generated by or associated with the proposed development*".
- 15.24 It is unclear whether any new venture could be established within the National Park without significant environmental damage and landscape impacts, and this is not regarded as a realistic alternative to the extension of a current minerals working site.
- 15.25 Conclusions
- 15.25.1 The BGS presents independently verifiable evidence in their published Directory and geological mapping, which clearly identifies that Yennadon Stone is geologically unique and distinctive in the regional context of building stone. Independently verified scientific testing at a UKAS accredited laboratory demonstrates the difference in the strength and durability between the more durable 'metamorphic' Hornfelsed slate from Yennadon Stone and 'sedimentary' slate from existing "alternative" sources. Historic England, The Mineral Products Association and The English Stone Forum have all published work that advocates the use of stone from

the original quarry, or at least a source very close to it, in conservation work to avoid harm to the original structure. The continued excavation and production of high-quality building stone from Yennadon Quarry appreciably contributes to the local built environment and Local Distinctiveness of the National Park.

- 15.25.2 It is appropriate to assess the development proposal in the National Park having regard to national considerations in the context of NPPF Paragraph 172, and the relevant national policies relating to mineral development at Paragraphs 203, 204 and 205.
- 15.25.3 The Applicant is not required to show that there is a national need for the mineral in terms of a national market or demand. The consideration of "national need" in the context of the development plan requires consideration of the need for the development having regard to national considerations as referred to in the NPPF, and the overarching national policy set out in Paragraph 203 NPPF 2019. The continued excavation and production of high-quality stone from Yennadon Quarry contributes to the national need for natural minerals and resources, which are important to the community and public having regard to the conservational benefits, socio economic factors and the principles of sustainable development. Any harm that may be caused to the landscape and scenic beauty of the National Park can be mitigated and in the long term it can be considered that the development proposal will contribute to the conservation and enhancement of the scenic beauty of the National Park.
- 15.25.4 Yennadon Quarry has been used historically in projects in and adjacent to the National Park and has played a significant role in creating the local built environment and helping to establish its particular sense of place. Today, the main demand for Yennadon Stone from the construction industry is for new builds, extensions, boundary walls and building repairs. As the only regional quarry supplying 'metamorphic' slate, Yennadon Quarry now plays an important role in providing appropriate local building stone available for new builds and conservation projects. Using local building materials to maintain visual harmony and local distinctiveness is in the public interest within the National Park.
- 15.25.5 There is evidence of a strong market for Yennadon stone, both within the National Park and in the wider local area. Local building characteristics indicate that this type of rustic stone will be required for future conservation and building works, if local character is to be conserved. There is stone available from other quarries in the area which is broadly similar in appearance, but that stone cannot be regarded as a direct alternative or suitable replacement in all applications. Nor is it clear that demand could be met if Yennadon was unable to maintain output.
- 15.25.6 It is considered that there is strong evidence of relevant need. No realistic alternative sources of equivalent stone appear to exist. The proposal is therefore considered to be in conformity with policy M4(vi) and the NPPF.

## **16 Employment**

- 16.1 As well as the statutory purposes for National Parks in England and Wales, the National Park Authority also has a duty to seek to foster the economic and social wellbeing of local communities within the National Park in pursuing in relation to the National Park those specified purposes. It is therefore appropriate to consider the likely impacts of the proposal on employment and the local economy.

- 16.2 The NPPF at paragraph 205 states that when determining mineral planning applications, great weight should be given to the benefits of the mineral extraction “*including to the economy*”. This picks up the broader theme in paragraph 8 of the NPPF which refers to the presumption in favour of sustainable development.
- 16.3 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*”.
- 16.4 The applicants states that Yennadon Quarry currently employs 23 people, nine of whom are aged between 18 and 24 with a further ten aged between 25 and 30. The majority of employees reside outside the National Park boundary in West Devon, Plymouth, South Hams and South East Cornwall.
- 16.5 The application claims that economic benefits from Yennadon arise over a wide area. These benefits include local purchasing of materials and supplies for the quarry and the spend of its employees in the areas where they live. The annual payroll has grown from £186,000 in 2009 to £473,000 in 2015. The majority of the people who work at the quarry live within a 15-mile radius of the quarry. Company expenditure has grown from £365,000 in 2008 to £660,000 in 2015; 78% of which was spent with local businesses such as Moorland Fuels and Yelverton Garage (both in excess of £50,000 per annum). It is said that Yennadon Quarry trades with over 40 businesses within 25 miles of the quarry (not including Dousland Post Office and Yelverton Co-Op where the employees’ stop-off most mornings for food and drink).
- 16.6 Information submitted by the Applicant records that Yennadon Quarry, as a local employer and business, also contributes to the local community both directly and indirectly, for example through the sponsorship of a local pre-school and the Walkhampton football team over several years.
- 16.7 Conclusions
- 16.7.1 The economy of the National Park is indivisible from the wider economy of the surrounding area. Whilst it is recognised that the economic benefits and number of employees associated with Yennadon are small in comparison to the economy of the National Park and the surrounding economy, they still make a valuable contribution to the local economy. This economy is made up of many small to medium enterprises and sustaining existing employment is as important as developing new employment opportunities.
- 16.7.2 There is evidence of a clear positive economic benefit in the local area in terms of employment and business expenditure. On this basis, the proposal is considered to be in conformity with Policy COR18 and paragraphs 8 (economic objective) and 205 of the NPPF.



## 17 Common Land

- 17.1 Both the existing quarry site and the proposed extension are mapped as registered common land. As a general rule, the public enjoys a statutory right of access on foot or on horse for the purposes of open-air recreation (Dartmoor Commons Act 1985). However, a combination of the 1985 Act and the National Parks and Access to the Countryside Act 1949 (as amended) excludes the public right to access any “excepted land”. This includes land which is for the time being used for the getting of minerals by surface working (including quarrying).
- 17.2 If the application is approved, public enjoyment for open-air recreation over this part of the common (1ha of access land & 1% of the common) will be lost until the completion of restoration in approximately 6 years.
- 17.3 It is recognised that a legal right of access to this parcel of common land would normally arise on the cessation of the mineral working. However, the reality of post-restoration access is less clear. Depending on the restoration achieved, it may be necessary to exclude public access during aftercare and possibly to fence the former quarry faces and workings, to ensure public safety. This is a genuine concern for the landowners and for these reasons, officers cannot yet be confident that it would be possible to restore public access across the site.
- 17.4 Exchange of Common Land
- 17.4.1 In view of the above concerns regarding post-restoration access to the site, in August 2020 the Authority was consulted on a revised proposal under Section 16 of the Commons Act 2006 to de-register the land occupied by the existing quarrying operations (1.903ha) and the proposed quarry extension (1.17ha) as common land, and to offer agricultural land to the north east of Yennadon Common as replacement common (3.2ha).
- 17.4.2 In respect of this proposed ‘exchange’ process under s16, the owner of common land can apply to the Secretary of State (SoS) to release the land, but if that land is more than 200m<sup>2</sup> (which it is in this case), the application must include a proposal for replacement land.
- 17.4.3 This prospective application to de-register part of the common will be determined by the SoS.
- 17.4.4 In order to extend Yennadon Quarry and to undertake the proposed restoration it will be necessary to secure both planning permission and consent under the Commons Act 2006. It is understood that an application will be submitted shortly under s16 of the Commons Act 2006 to progress the exchange process that will, if successful, mean the deregistration of Yennadon Quarry, plus the area of the proposed extension, as common land (some 3.073ha), and in exchange, the registration of 3.203ha of agricultural land to the north-east of Yennadon Down as common.
- 17.4.5 The applicants are believed to have received favourable responses to their informal consultation on the proposed common land exchange but, in the event that the proposed s16 application is not approved by the SoS and the land is not therefore deregistered, the applicants would need separate consent from the SoS to carry out works to implement the planning permission.

- 17.4.6 S38 of the Commons Act 2006 sets out a general prohibition on any “restricted works” on common land without the prior consent of the Secretary of State. Restricting public access to the commons by fencing or other means (whether on a temporary or permanent basis) falls within the definition of “restricted works”. This means that the prior consent of the Secretary of State will be required for any extension of the quarry onto the commons, including the erection of bunds or fencing, as these will have the effect of preventing or impeding public access to or over any common land.
- 17.4.7 Any consent granted under s38 by the SoS is only likely to apply during the lifetime of the quarry and as such, post-restoration, the public would regain their statutory right of access to the whole application site. Furthermore, it would be appropriate to secure the improvement of grazing and common land management of the existing Yennadon Common that was previously proposed in order to mitigate for the loss of the extension land for grazing by commoners.

## 17.5 Implications for Commoners of the Exchange of Common Land

17.5.1 During the Members site inspection in September 2020, one Member raised the fact that the parcel of land between common land parcel CL191, in which Yennadon Quarry is located, and the replacement land is a separate parcel of common land called Little Yennadon, registered as CL38, and sought assurance that commoners on CL191 will lawfully have access across CL38 to the replacement land.

17.5.2 This is a complex area of law and the applicants have sought Counsel advice from a Barrister who is understood to have much experience in Common Land and Town and Village Green matters. The applicants have provided the advice below which they hope will give assurance not only to Members and the commoners, but also to the Inspector who will determine the proposed application under the Commons Act 2006, s16.

- As part of the process of providing the replacement land the Walkhampton Trust, owner of CL191, will become the owner of the replacement land. CL38 is owned under a separate title number, but it is within the Maristow Estate. The common land boundaries are contiguous with the land ownership parcels. There is thus absolute ownership control over all relevant land.
- The replacement land will become part of CL191, albeit separated by CL38. The majority of commoners of CL38 enjoy express straying rights over CL191. This will not change with the registration of the replacement land as part of CL191. Commoners of CL38 will enjoy no greater rights in respect of CL191 than they enjoy now, and neither will they suffer any loss of rights.
- CL191 and CL38 are contiguous and unenclosed. The right of common called common pur cause de vicinage exists. The owner of CL38 cannot exclude from CL38 livestock grazing by virtue of rights of common attached to CL191. Equally, the owner of CL191 cannot exclude from CL191 livestock grazing by virtue of rights of common belonging to CL191. The Maristow Estate has confirmed that no livestock has been required to move from either CL191 or CL38 by virtue of having rights of common derived from the other. The right of common called pur cause de vicinage enables livestock to move between commons. This right of common can be terminated unilaterally only by the total enclosure of one of the commons. Further, the authorities suggest that it is not possible for commoners

on one common to decide unilaterally to terminate mutual arrangements, so the commoners of both CL191 and CL38 would need to agree to the termination of the right of common pur cause de vicinage, and could only effect this through total enclosure of one of the commons, which would require an application to be made by the landowner and the consent of the Secretary of State. Ownership of all relevant parcels of land is in the Maristow Estate. Many commoners enjoy their rights of common by virtue of their tenancies in the Maristow Estate. Commoners of CL191 will wish to access the replacement land within CL191 by passing over CL38. An application by the landowner of either CL191 or CL38 to enclose either common at the request of the commoners of both CL191 and CL38 is not a remotely credible scenario.

17.5.3 In any event, this access point relates to the common land issues.

17.5.4 Given all the above, including the separate statutory regime and the unknown outcomes of any section 16 or section 38 applications, Officers would advise that the Common Land issues and the claimed benefits associated with any successful section 16 application should not carry any weight in the balancing exercise as to whether planning permission ought to be granted.

## **18 Archaeology**

18.1 The Authority's archaeologist has been consulted in relation to the application and has confirmed that there is NO OBJECTION provided that a condition is included which ensures:

- A scheme for the protection of the track of the Plymouth and Dartmoor Tramway.
- A scheme for the excavation and recording of the remains of a possible field system on Yennadon Down.
- A watching brief for soil stripping in the whole area.

18.2 These matters are addressed in condition no.33.

## **19 Highways and Traffic**

19.1 Though many letters of objection raise concerns about traffic, there is NO OBJECTION from the highways authority

19.2 The applicant has proposed a reduction in the maximum lorry trips associated with the quarry. Therefore, current levels of transport would, at the most, be maintained at present levels. The proposed restriction to a maximum of 30 vehicles leaving the site per week with loads of stone is considered appropriate. The highways authority does not raise any concerns about the suitability of the road network.

## **20 Site Inspection**

20.1 Pre-Committee site inspections were carried out on 16 June 2017 and again on 18 September 2020 when Members of the respective panels, accompanied by officers and the applicant's agent, viewed the site of the proposed quarry extension and noted the location and extent of the proposed working phases that had been marked out on the ground. The first of these meetings was also attended by a representative of the Parish Council. No debate was held by the panels and no opinions were given at either site inspection. See Appendix 3.

## 21 Exceptional Circumstances and Public Interest Tests

### 21.1 Paragraph 172 of the NPPF states:

*“Great weight should be given to conserving 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 should be given great weight in National Parks and the Broads.”*

### 21.2 Paragraph 172 continues:

*“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 elsewhere 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.”*

21.3 **Policy COR22** of the Local 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.

21.4 **Policy DMD2** of the Local 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 restriction.

21.5 The NPPF has to be read and considered as a whole and paragraph 205 is also relevant, stating that “when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy”.

21.6 It is considered that the proposed quarry extension represents **sustainable development** within the meaning of the NPPF and the Local Plan:

- It meets the **economic** test of sustainability by providing additional quarrying facilities adjacent to an existing site with an identified mineral resource, supporting economic growth.
- It meets the **social** test of sustainability by helping to meet the needs of the present and future generations with a quality product not available elsewhere

- It meets the **environmental** test of sustainability by the use of natural resources prudently through the effective extension of an existing site using existing infrastructure. The development's impact on landscape, noise, tranquillity, dust, surface water, ecology, common land, archaeology, highways and traffic has been considered in the preceding sections of this report, and it is considered that the relatively low level of harm likely to result from the extension to the environment will be balanced by the long-term improvements associated with the progressive restoration scheme and the re-profiling of the existing bund.

- 21.7 The quarry extension will serve a long-standing and active quarry located within the National Park which is unable to expand without impacting upon land in the National Park. Yennadon quarry has the necessary infrastructure in place to continue to work a proven, economical resource. Re-use of existing infrastructure which is already in situ is generally considered more sustainable and preferable than commencing fresh extraction on a greenfield site elsewhere. The quarry currently provides full time employment opportunities for around 27 people with additional indirect employment in haulage, contract services and the supply of goods.
- 21.8 It is clear that Yennadon stone has unique properties, unmatched by other quarries in the area. There are not believed to be any other operational hornfels slate quarries in the south west. Deposits of hornfels slate in the region are largely confined to the National Park, so if an alternative local source of hornfels slate was required, it would almost certainly need to be extracted from a site somewhere in the National Park.
- 21.9 Yennadon Stone is said to be stronger, more durable and less prone to damage (flaking and delamination) as a result of weathering than other similar stone. There are also key differences in colour and tone - Yennadon stone predominantly ranges from mellow yellow to brown hues with some hints of bluish grey. Yennadon stone also produces natural quoins.
- 21.10 The British Geological Survey advises that Yennadon stone will have certain uses where there is no appropriate alternative currently available.
- 21.11 Numerous local buildings and settlements on western Dartmoor and its hinterland use Yennadon stone and it is clear that Yennadon stone plays an important part in maintaining the character and appearance of the local area. Locally produced stone of the correct characteristics (including durability, strength, weathering, colour etc) are key to providing good quality design, as recognised in the Dartmoor Design Guide and by Historic England.
- 21.12 The draft conditions propose a substantial reduction in the amount of material permitted to be exported from the site each year – down from 14,000 tonnes to 7,500 tonnes per annum, and a reduction in lorry movements. The conditions also propose a progressive restoration scheme far more comprehensive and sensitive to the site than the existing planning permission, including the reduction and re-profiling of an unsightly bund.

## 22 Conclusions

- 22.1 The scheme is considered to constitute '**major development**' and as such, the application must satisfy the tests of '**exceptional circumstances**' and '**[overriding] public interest**' applied to major development by the NPPF and the Local Plan.

- 22.2 Officers believe that the applicant has demonstrated that there is clearly a need for Yennadon stone and that this need cannot reasonably be met in any other way. There is a very strong public interest in maintaining the distinctive character and appearance of the built environment on Dartmoor, as well as continuing the tradition of small-scale stone quarrying. The relatively low level of landscape and visual harm likely to result from the extension and the short-term minor adverse impact on tranquillity will be balanced by the long-term improvements associated with the progressive restoration scheme and the re-profiling of the existing bund. The scheme will also bring a clear positive economic benefit in the local area in terms of employment and business expenditure. Together, these matters amount to exceptional circumstances that warrant the grant of planning permission for the scheme and officers consider that the proposal has been demonstrated to be in the public interest. The application has been rigorously examined, and officers are satisfied that the Policy COR22 and DMD2 tests are met.
- 22.3 Yennadon has been part of Dartmoor's cultural heritage for over one hundred years and is the only remaining operational quarry supplying local slate dimension stone within the boundary of the National Park. Yennadon stone has made, and continues to make, a significant contribution to the character and appearance of the built environment and there is a strong public interest in it continuing to do so.
- 22.4 The scheme is considered to be compliant with the relevant Local Plan policies set out in the report, is sustainable development, and is in conformity with government advice set out in the NPPF. For all of the above reasons, and having due regard to the purposes of National Park designation and the Authority's section 11A duty, it is considered that there is a strong public interest in permitting the development, that it cannot reasonably be accommodated in any other way and that this public interest is sufficient to override the identified adverse impacts on the natural beauty, wildlife and quiet enjoyment of the National Park.
- 22.5 It is therefore recommended that permission be **GRANTED**, subject to the conditions set out at Appendix 6 and a S106 Planning Obligation Agreement in respect of interpretation, conservation, restoration and public access, as described at Appendix 7.



**Application No:** 0348/15

**Proposal:** Extension of the working plan area of the existing quarry

**Location:** Yennadon Quarry, Iron Mine Lane, Dousland

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## **Consultation responses**

### **West Devon Borough Council:**

No comments received.

### **County EEC Directorate (July 2015):**

No objection as there is no intensification in activity above the previously consented levels of vehicle movements.

### **County EEC Directorate (Nov 2016):**

No objection in response to additional information submitted.

### **Environment Agency (Sept 2015):**

While the EA has no objections to the proposal, it wishes to make the following comments: We note the conclusions of the hydrogeological assessment (ES Chapter 11) and the apparent absence of groundwater dependent terrestrial ecosystems near the site. In relation to the proposed restoration scheme we note from section 2.2.4 of the ES that the applicant has discussed the principal of the proposals (inert soil infill) with other EA colleagues. This scheme is likely to require a Waste Recovery Plan and also a Restoration Permit.

### **Environment Agency (Nov 2016):**

The EA's position remains as set out in its previous letter dated 2 September 2015. It has no objections to the proposal, which is to increase the working area (laterally) rather than continuing to go deeper.

### **Dartmoor Commoners**

No comments received.

### **British Horse Society:**

No comments received.

### **The Ramblers' Association:**

No comments received.

### **Devon Stone Federation (July 2015):**

The Federation has no objection to these proposals.

### **Yennadon Commoners Association (Sept 2015):**

The Commoners Association position remains the same as per its letter at the time of the previous planning application to extend the quarry. It has particular concerns regarding the casual regard the operators have to the security fencing and the current quarrying which is under mining the safety of the aforementioned fence. This situation is not only potentially



detrimental to the safety of our livestock but could have catastrophic implications for the unwary person on the common.

**Yennadon Commoners Association (Nov 2016):**

Does not wish to change its original comments.

**Environmental Health (Aug 2015):**

No objections to the application. No complaints have been received regarding noise and dust since the last application. Some unsubstantiated dust complaints had been received previously. In the event of permitting the development a dust management scheme should be established and should include the access road. A small number of noise complaints have been received (most recently spring 2011). No noise abatement notices have been served. Recommended that if permitted, conditions be attached to ensure: 4m high bund is constructed; a noise limit of 50dB LAeq 1 hour at the boundary of noise sensitive properties; working hours controlled as they currently are.

**Environmental Health (Nov 2016):**

Due to the age of the application guidance has moved on with regards to dust and air quality therefore conditions may have to be imposed on this basis; in regards to noise the earlier comments still apply, but there may need to be a higher limit for a shorter period of time to create the environmental bund. Therefore, the following conditions are recommended:

Bund creation

- Where the mine operator seeks to undertake works for the construction or removal of baffle mounds, soil storage mounds and spoil heaps, construction of new landforms and aspects of site road construction and maintenance the noise limits shall be increased for a period of time and a noise level as agreed by the mineral planning authority, with an absolute limit of 70 dB LAeq, 1 hour (free field) for a period of 8 weeks in any 12 month period.

Dust monitoring and management

- Within 3 months from the date of this approval the applicant shall provide to the Mineral Planning Authority a screening assessment in accordance with the Institute of Air Quality Management Guidance on the Assessment of Mineral Dust Impacts for Planning. This screening assessment once approved shall then be used to formulate where deemed necessary a monitoring scheme to be used to continually assess the impact by way of dust arising from the mineral operations. This scheme to include details of monitoring locations, monitoring methodology and frequency of reporting to the Mineral Planning Authority. The mineral operator shall nominate independent consultants to undertake the dust monitoring for approval by mineral planning authority. Once approved the scheme shall be implemented for the lifetime of the mine.
- Within 3 months from the date of this approval the applicant shall provide to the Mineral Planning Authority a scheme for dealing with complaints received by the operator, the mineral planning authority or the District Council's Environmental Health department. This scheme is to specify an independent consultant who will be used for the collection and assessment of dust samples at a complainant's property, the analysis to be undertaken, an investigation into the cause for the dust and feedback to the MPA on what steps have been taken to minimise the production of excessive

disamenity dust by the mineral operations. Once approved this scheme shall be implemented for the lifetime of the mineral operations. Unless otherwise agreed by the MPA.

**National Planning Casework Unit:**

No comments to make.

**DNP – Archaeology (Aug 2015):**

An archaeological watching brief on topsoil stripping in extension area and exclusion of vehicular traffic from tramway to west and north of quarry is recommended. As stated in the Environmental Statement (Section 7.0) included with the application, there are two heritage assets in the vicinity of the quarry extension which will potentially be affected by its proposed development. The first is the Plymouth and Dartmoor tramway, constructed in 1823, which runs along the western side of the quarry and the indicated extension area. This feature is vulnerable to damage or obstruction by the construction of the bund, which is planned to run along the western and northern edges of the extension area and its associated vehicle traffic. Secondly, Yennadon Down contains a series of relict field systems of prehistoric, medieval and post medieval date which may encroach into the proposed extension area and will be destroyed by its development.

In accordance with policy DMD13 and in order to mitigate the threats outlined above the following measures are recommended:

1. A watching brief be undertaken by qualified archaeological personnel on topsoil stripping in the proposed extension area ahead of development and appropriate investigation and recording be undertaken of any archaeological features identified.
2. As stated in the Environmental Statement, damage to the Plymouth and Dartmoor tramway should be mitigated by the exclusion of vehicular traffic associated with the construction of the proposed bund to the north and west of the extension area. Care should also be taken that the bund does not encroach onto the tramway.

**DNP - Recreation, Access & Estates (Aug 2015):**

Response is in relation to the likely impact of the expansion of Yennadon Quarry on public access and recreation of the area. The expansion of the quarry will lead to a reduction of common land and grazing. The likely increase in noise, dust and vehicular traffic will have a direct impact on the public's enjoyment of the area for quiet recreation.

The area of land identified for the extension of the quarry is designated as common land and as such the public right of access is on foot and on horseback. The right of access on common land is area based and there is no requirement to keep to defined public rights of way. The area around the development site has a network of informal paths and tracks, and in addition there is a public right of way – Public Footpath no. 13, Meavy, approximately 100m away. It is considered that the proposed extension would not adversely impact on the public's use of the public footpath.

The extension of the quarry would result in a loss of common land (over which the public currently have a right of access), however it is considered that the reduction to the area of access land available to the public is minimal. The land within the quarried areas should be restored when quarrying activity finishes and public access should be made available once more. The future recreational use and enjoyment of the area, whilst quarrying takes place, will to some degree, be determined by the amount and intensity of quarrying activity, and any resulting dust, noise and traffic movements. Whilst the adverse impact on public access is

considered to be minimal, it is difficult to quantify the extent to which enjoyment of the area by the public may be affected, as this will depend on the intensity of the quarrying operation.

On balance, it is recommended that the application is refused on the grounds of incompatibility with National Park purposes and the adverse direct impact the quarrying is likely to have on the quiet enjoyment of the area.

**DNP - Ecology & Wildlife:**

This appears to be the third iteration of the proposal Conservation (July 2015): to extend the working area of Yennadon Quarry. As such, the consultant hired by the applicant has undertaken an updated survey visit to verify the validity of previous survey visits and follow-on recommendations. The consultant concludes that the habitats and species present are still very much as they were for when the Biodiversity Mitigation and Enhancement Plan (BMEP) was written in August 2013. The BMEP has been updated to reflect changes in the proposals, and assurance that ecological matters have been incorporated into the overall scheme design, and adequate monitoring provisions.

In as far as the project goes, the proposed avoidance, mitigation and enhancement measures cover all the local species and habitat requirements and thus cover the proposal as much as is feasible to expect. There is however a fundamental policy objection to development on S3 moorland and on priority habitat (unimproved dry acid grassland) as stated in DMD14, and there will be short to medium term adverse impacts to the local flora, as well as ground nesting birds and reptiles. There is however scope to enhance the habitat, and species within, as part of the restoration for the longer term, as set out in the BMEP.

If the Authority decides to grant permission for this application, detailed conditions will need to be drawn up to ensure the integration of the mitigation and monitoring strategy as set out in the BMEP into the scheme, and to ensure it being carried out. I would like the consultant to include reporting at appropriate intervals to the Authority Ecologist how the works laid out in the BMEP are progressing (includes all aspects, including monitoring). I would suggest at first annually for the first five years from any permissions being granted, followed by every 5 years for the duration of the quarrying and restoration works.

**DNP - Ecology & Wildlife Conservation (Nov 2016):**

No additional comments to add.

**DNP - Trees & Landscape (Nov 2015):**

The application should be refused because it will have a detrimental visual impact and a detrimental impact on the character of the area, which is contrary to policy COR1(h) and COR3. The development does not enhance what is special or locally distinctive about the landscape character, and it is an unsympathetic development that will harm the wider landscape. The development is also contrary to policy DMD5 because it does not conserve/or enhance the character and special qualities of Dartmoor's landscape by respecting the valued attributes of this landscape type, specifically the dramatic moorland landscape, with wide open spaces, panoramic views and a strong sense of tranquillity or the moorland grazed by Dartmoor ponies and native hill breeds of sheep and cattle.

## **DNP - Trees & Landscape (Jan 2017):**

### **Landscape concerns**

One of the main issues relating to landscape is the impact of the extension on the character of the landscape. The main concerns previously were the scale of the extension, its impact on the grazed common and the introduction of bunds, which are alien features, into this landscape.

It was accepted that the quarry extension did not introduce a new form of harm into the landscape, but there would be an increase in the harm caused.

The revised application has reduced the size of the working area, the proposed bunds along the northern and western edges of the quarry have been removed from the scheme and the submitted landscape scheme starts the restoration phase of the quarry in the early stages of the extension.

### **Landscape Character**

One of the most intrusive features in the landscape is the 'working bund' along the western side of the working quarry. Material is constantly being moved, preventing the land becoming vegetated and there is continual disturbance by quarry vehicles moving material. In the amended scheme the un-vegetated northern part of the existing bund (Area B) will be re-graded as part of the pre-excavation works. The reduction and eventual removal of this bund will significantly improve the character of the local landscape.

The removal of the proposed western and northern bunds from the scheme means that there will be no significant change to the character of the local landscape. The quarry once extended will be larger, but the landscape will still have the same character, i.e. an open moorland landscape with a small quarry located within it. The Authority has defined the quarry as 'small' to 'intermediate' and with the extension the quarry would still fall within this 'small/intermediate' category definition.

### **Visual Impact**

The main concern previously about the visual impact of the quarry was the visual impact of the bunds. The removal of the proposed bunds removes these intrusive visual elements. The removal of the bund in Area B will improve the visual impact of the quarry and once this work has been completed there will be no requirement for quarry vehicles to access this area reducing visual intrusion.

The quarry extension will be excavated in a series of benches. During the initial stages of developing the western most phase, quarry vehicles will be visible. However, this over stripping will be for a short period of time and once the top layer of material has been removed the vehicles will be out of sight.

The extension will be fenced and the land between the working quarry and the fence will be allowed to re-vegetate. Gorse is found in and around the quarry site and should soon start to colonize. The gorse, as it grows, will screen the quarry from the track that runs close to the western boundary of the quarry and from distant views also to the west.

## Tranquillity

An Environment Noise Impact assessment has been carried out on the existing quarry operations and it is calculated that the normal quarrying activity produces up to 57db. The revised scheme predicts that noise levels will be 50db. The operation of the extended quarry will be at a similar level to the existing quarry and clearly there will be an enhancement between the existing quarrying operations and the proposed quarrying operations.

## Mitigation

The waste material extracted from the new benches will be used to infill the southern part of the existing void, as the void is filled the upper parts of the infill will be landscaped and allowed to re-vegetate. When the quarry has been worked out the infilled areas will be graded to create a slope to the quarry floor. A partial bench will be retained and steep faces will be retained along the northern and western faces of the quarry. A small pond will be created at the base of the quarry. In principle the proposed landscape mitigation is acceptable. However, there is reference to seeding the floor of the quarry with a native species rich seed mix. The Authority should ask for and agree details of the final planting scheme.

The intention is to allow the redundant quarry to naturally regenerate. Natural regeneration will only be successful if stock is excluded from the site. We should identify who will maintain the fence after the quarry is worked out and what action will be taken if natural regeneration does not happen within a reasonable time scale.

## Policy

Local plan policy DMD5 sets out how Dartmoor's internationally renowned landscape should be protected. It is recognized that landscapes change, but the emphasis is on protecting the character and special qualities of Dartmoor's landscape. The policy states that: Development proposals should conserve and/or enhance the character and special qualities of the Dartmoor landscape by:

- respecting the valued attributes of landscape character types identified in the Dartmoor National Park Landscape Character Assessment;
- ensuring that location, site layout, scale and design conserves and/or enhances what is special or locally distinctive about landscape character;
- retaining, integrating or enhancing distinctive local natural, semi-natural or cultural features;
- avoiding unsympathetic development that will harm the wider landscape or introduce or increase light pollution;
- respecting the tranquillity and sense of remoteness of Dartmoor.

The policy is very clear that development should **conserve and/or enhance** the character of Dartmoor's landscape.

## Conclusion

The original conclusion was that the development would be contrary to policy because the quarry extension did not conserve and enhance the character of Dartmoor's landscape. The main concerns were the introduction of the bunds along the western and northern boundaries of the quarry, the scale of the quarry and the impact of the development on the tranquillity of the area. The proposed scheme no longer introduces bunds into the landscape

and removes one of the more intrusive bunds (work area) prior to the quarry being extended. The quarry working will also reduce noise levels within the quarry enhancing tranquillity. The phased works will allow parts of the landscaping to be carried out during the working life of the quarry.

The only element of the proposed development that impacts on the character of the immediate landscape is the loss of grazed common land. Whilst some common land will be lost the nature of the quarry within the landscape will not fundamentally change, the quarry will be slightly larger, but it will still be a 'small/intermediate' quarry located within this moorland landscape.

On balance the harm caused by the loss of grazed common to the landscape will be modest and this harm will be counteracted by the enhancement of the landscape by the removal of the bund within Area B.

### **Recommendation**

No objection, subject to the Authority agreeing details of the final landscaping scheme.

### **Parish/Town Council Comments**

#### **Burrator PC (Nov 2016):**

The Parish Council has considered the additional details sent on 1st November 2016 and continues to OBJECT to the proposed extension as it will enlarge an already intrusive operation in the proximity of a residential area and which may be incompatible for the National Park in the current day. The proposal does not change the DNPA Refusal Notice dated 14 July 2014 (ref. 0667/13), Reason no.2 "The proposed extension would perpetuate the quarry and the related impacts in the long term".

### **Representations Received:**

98 letters of objection

52 letters of support

1 other letter

A substantial volume of representation has been received in relation to this proposal.

52 Letters of support have been received which raise the following material issues in relation to the proposal:

- The site is currently compliant with conditions
- The impacts of the proposed development are acceptable and/or can be controlled by condition
- The proposal will not have an unacceptable landscape impact
- The site is a sustainable source of stone
- The stone contributes to the character of the locality
- There will be no increase in vehicle numbers
- The site will be restored
- The site provides local employment
- The site contributes to the local economy

92 letters of objection have been received, including one from a mineral producer in Cornwall which is in competition with the applicant. All the issues material to the determination of the application that have been raised are summarised below:

- Policy does not support the proposal.
- Concerns that the proposal should be assessed as major development.
- The lack of need for the stone in the National Park, and the issue that any need can be met elsewhere.
- Concern that in granting permission, it will prolong the current effects of quarrying rather than seeing a gradual reduction in impacts up to 2026.
- Recognition that Yennadon stone will still be available in the event of the application being refused as production will continue until 2026.
- Concern that granting consent it would almost double the current production rate (5,310 tonnes) and associated working area.
- Concerns that the perceived restoration and aftercare benefits are inflated, and could be achieved through a ROMP review.
- Impacts on common land and amenity land.
- The noise impacts of the proposal, and the view that the environmental statement is insufficient in terms of noise.
- Concerns about the socio-economic evidence and questioning how 90% of the payroll can be spent in the local area.
- The dust impacts of the proposal.
- The traffic impacts of the proposal (including that tractors and trailers are not included in the stated figures, and unsuitable local roads).
- The landscape impacts of the proposal.
- The visual impacts of the proposal and the view that there are inconsistencies omissions and incorrect assumptions in the landscape and visual impact assessment.
- An extension to the south would have less impact.
- Impacts of vibration.
- Impact on the National Park.
- Concerns that it would set a precedent for other industrial development.
- Proximity to residential property.
- Impacts on amenity uses and access in the vicinity.
- Concerns about effects on drainage.
- Lack of confidence that the site would be restored.
- Effects on wildlife including reduction in wildlife habitat.
- Perpetuation of the development and its effects.
- Concern about stability of the operations.
- Scale of the proposal.

A representation has been received from the **Council for the Protection of Rural England** (CPRE) which weighs up the pros and cons of the development and concludes that it neither supports nor objects to the application.

The **Dartmoor Preservation Association** objects to the application which, despite the changes made since the rejection of the previous application, it still considers being contrary to the two purposes of National Park designation and to policy COR22. It does not consider the duty 'to seek to foster the economic and social well-being of local communities' to be of sufficient weight to override these matters. Alternative sources of stone exist and the Association does not believe that the applicant has made a compelling economic argument for the development.

Although the applicant has put forward new landscaping proposals, the Association has serious reservations as to their effectiveness or enforceability. The destruction of an area of common land and the resultant loss for grazing and public enjoyment is not, it states, consistent with National Park purposes, and is not in the public or national interest.

The **Dartmoor Society** fully supports this application for what it describes as a modest expansion. The application, it states, reaches to the heart of understanding and awareness of the cultural history and landscape of Dartmoor, and of sustainability and the wise use of resources. Yennadon is the last active stone quarry working on moorland Dartmoor, out of scores that once existed. As such, the Society considers it a cultural icon and living heritage link to the previous generations of quarrymen, who have shaped what is one of the finest cultural landscapes in the world. Amazingly, this small-scale enterprise supports a workforce of twenty-seven. It provides stone for a wide area of west Devon and beyond, and is maintaining the historical value of Dartmoor which has always shared its resources beyond the limits of Dartmoor itself. Its scale is entirely appropriate to modern Dartmoor and adds character to the Dartmoor landscape.

The proposed expansion poses no significant threat to archaeology, ecology or the wider landscape and, once the quarry has ceased working (2025), it will become an intriguing site, sitting quietly within a moorland setting. After abandonment, we advise that foundations of any structures within the quarry should be left undisturbed, for the education and interest of future generations. This quarry is exactly the type of small-scale locally distinctive enterprise, making wise use of Dartmoor's resources, that deserves widespread encouragement.



**Application No:** 0348/15

**Proposal:** Extension of the working plan area of the existing quarry

**Location:** Yennadon Quarry, Iron Mine Lane, Dousland

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## **Notes of Pre-Committee Site Inspection – 18 September 2020**

Attendees:

Philip Sanders (PS) - Member

Mark Renders (MR) - Member

Diana Moyse (DM) - Member

John Nutley (JN) - Member

Naomi Oakley (NO) - Member

Peter Smerdon (PSM) - Member

Stuart Barker (SB) - Member

William Dracup (WD) - Member

Gay Hill (GH) - Member

Brian Beasley (BB) – Trees and Landscape Officer

Christopher Hart (CH) – Head of Development Management

James Aven (JA) – Deputy Head of Development Management

Andrea Roberts (AR) – Agent

PS commenced the site visit by confirming the meeting was deemed as “being at work” with regard to Covid rules on groups of more than six as long as Social Distancing was in place. This had been checked and confirmed by Neil White (NW).

PS advised the purpose of the meeting was to gather information not discuss and/or make a decision. Questions can be asked which should be addressed to the case officer and councils will be asked if they have any questions but must only advise on Council opinions not personal opinions.

It was confirmed DM was present in a DNPA Member capacity only.

PS – Advised the application was going back to Committee as the S106 had not been signed. Also, a land swap had been proposed but was not part of this application.

JA – JA gave a brief overview of what the quarry does and the backfill that would occur as more activity took place. Vehicle movements were proposed to reduce from 70 to 60 per day and that there was a risk of Judicial Review from a competitor. Landscaping was proposed and would occur in three stages. It was proposed to walk to the top of the quarry but not within.

The proposal would mean a 45% increase in the size of the quarry, the area had been pegged out with red poles, but only half of that area would be used for quarrying stone. This would backfill part of the existing quarry. JA gave a brief description of the process re the land swap relating to common land.

NO – Advised the proposal could not happen as the land was not on the same common. AR advised the legalities of this were being investigated. JA advised it was not part of the current proposal, consultation had finished 11 September and as a separate process would involve a new application.

JA – Advised the October 17 permission was granted but changes in policy meant it was appropriate to bring back to members.

BB – The main areas to consider were Character and extent of quarry to common land but proposal reduced the impact and visual but new scheme reduced the bunds and hence would give a better visual impact.

PS – As the quarry was visible from the Dousland Road, this contributed to the main objections, the other objections relating to noise and dust. PS advised it would be useful to drive along the Dousland Road to see the current impact.

The meeting then walked around the edge of the quarry to the top edge of the quarry.

JA - Advised the tip site on the edge of the quarry was the most visible but this would be removed and regenerated hence the visual benefit. AR advised there are currently 20+ employees.

DM –Advised which settlements could be observed from the quarry.

JN – Asked how many years the quarry has left, confirmed currently until 2026 but JA will clarify.

MR – Asked about landscaping. JA confirmed 2013 application had been refused but current proposals did not give so much of a bank. There would be natural regeneration. Bund removal will improve the visual impact.

JA - Advised the quarry was already close to the boundary and was deeper than at previous visit. There had been some backfill already

PS – Confirmed objections were relating to noise and dust but it was confirmed there was no blasting or crushing activity at the quarry.

JA – Waste currently sticks up but when re-profiled will make a difference. AR confirmed they current quarry was nearing the granite at the bottom of the quarry.

NO –Asked question re S106 – JA advised completed draft and conditions would be incorporated when given back to members. The working area and landscaping would be amended.

JA – Advised the exchange land was at a distance and as not part of this application would not be visited presently.

PS – Again advised it would be a good idea to look at the quarry from Dousland Road.

Meeting Finished.

**Application No:** 0348/15

**Proposal:** Extension of the working plan area of the existing quarry

**Location:** Yennadon Quarry, Iron Mine Lane, Dousland

### Case Studies – Small and ‘Major’ stone (and other) quarry permissions / refusals post 2012 – comparison with Yennadon

This document provides details of recent planning applications and appeals for stone quarries and other minerals located in AONB’s and National Parks. This is in two parts: Part 1 covers dimensional stone and Part 2 covers aggregates and ball clay.

#### Part 1 – Dimensional Stone

Name	Nanhoron	Bretton Moor	Syreford	Leeming	Home Field, Acton	Yennadon
<b>Designation</b>	Llyn AONB	National Park	Cotswold AONB	Forest of Bowland AONB	Dorset AONB	National Park
<b>Planning Authority</b>	Gwynedd CC	Peak District National Park	Gloucestershire CC	Lancashire CC	Dorset CC	DNPA
<b>Decision</b>	Approved	Approved	Approved	Approved	Approved	Pending
<b>Date</b>	16 June 2015	12 June 2015	19 September 2013	8 August 2012	6 December 2012	2017
<b>Reference No.</b>	C13/0786/32/MW	NP/DDD/0914/0990,	12/0049/CWMAJM	03/110688	6/2012/0629, 6/2012/0058	0348/15
<b>Material</b>	Dimension stone, aggregates, rock armour	Block stone, flagging, walling and roofing slates for the local market.	Masonry and building stone plus limited walling stone	Sandstone for dimension stone	Building stone	Dimension stone
<b>Type of scheme</b>	Reopening of existing quarry plus new C&D recycling	Extension to existing quarry	Extension to existing quarry	Extension to existing quarry	New (replacement)	Extension to existing quarry
<b>Area ha</b>	4.7ha	Extension 0.82ha	Existing circa 7ha Extension 4.8ha	Existing 4ha Extension 0.7ha		Existing 2.3ha Extension 1ha
<b>Reserves (tonnes)</b>		63,450	225,000	260,000	40,000	200,000

Name	Nanhoron	Bretton Moor	Syreford	Leeming	Home Field, Acton	Yennadon
<b>Annual throughput (tonnes)</b>	18,000	4,000	10,000	Up to 5,000	1,000	Up to 14,000 (current 5,500)
<b>Duration (years)</b>		15	22.5	27	40	10
<b>Assessment of scale:</b>	"...small scale extraction from existing quarry	small scale quarry in Bretton Moor	small with intermittent or low production output so that a long life is crucial for supply.	Small scale sandstone operation producing dimension stone for heritage and local projects	Consistent with small in other examples	Small scale
<b>Para 116 NPPF</b>	Not considered	Major development	Major development	Exceptional circumstances test applied	Pre NPPF para 116	Major development
<b>Officer comments in committee report</b>	mineral extraction in AONBs should only take place in exceptional circumstances. However, the proposal was for small scale extraction from an existing quarry in an area where there were no readily available sources of stone and the importation of material would create additional traffic movements.	Stone from the site had been used to repair historic buildings in the national park, including Haddon Hall. Local stone and particularly the roofing slates would contribute to maintaining the distinctive character of the local area. The quarry was the only one in Derbyshire producing grey stone roofing slate. The authority's design guide encouraged the use of traditional materials for new build also. Given the uniqueness of the product, the authority concluded that there were exceptional circumstances to allow the quarry in the national park. The development would support sustainable economic growth while protecting and enhancing the natural and historic environment.	The proposal to permit the extraction of unworked limestone on the site would contribute to the maintenance of a steady supply of material for building in accordance with the NPPF. It is recognised that stone used for building plays an important role in the restoration of historic buildings where the stone has to fulfil specific physical characteristics.. The need for the building stone is found in the built fabric of the AONB. Cotswold limestone has been quarried for buildings since Roman times and gives the area its distinctive character. The use of compatible stone products is critical for the repair and restoration of historic buildings and for new development within the AONB, avoiding the use of inappropriate materials which would erode the landscape character of the AONB. The limestone from Syreford is of high grade and highly sought after for local development and for the restoration of some nationally important buildings where matching colour and technical characteristics of stone is important where the original source material is no longer available	The quarry is in the Forest of Bowland AONB, where mineral development would normally be permitted only in exceptional circumstances. However, there was a need for the product in the interests of restoring and enhancing the locally distinctive built environment. The development was small scale and would support the rural economy.	The stone was used for roofing stone and building stone to maintain the character and distinctiveness of eight local parishes as well as for a number of ecclesiastical and prestigious buildings over a much larger area. The council considered that the operation made a useful contribution to the local economy and noted that the stone was of national importance.	

## Part 2 – Other quarries including aggregates and ball clay

Name	Harden Quarry	Old Kiln Farm, Chieveley	Povington Pit, Dorset	Livox Quarry
Designation	Northumberland National Park	North Wessex Downs AONB	Dorset AONB	Wye Valley AONB
Planning Authority	NNPA	PINS	Dorset CC	Monmouthshire CC
Decision	Approved	Appeal dismissed	Approved	Refused
Date	11 December 2014	6 November 2011	4 <sup>th</sup> May 2012	21 <sup>st</sup> May 2013
Reference No.	14 NP0057	11/00233; PINS 2173977	6/2011/0523	DC/2011/00879
Material	Unique red igneous rock, which was exported throughout the UK and abroad. The naturally red granite was particularly suitable for use in road surfaces and was sold under the trademark of "Harden Red	Building sand	Ball clay	Limestone for aggregates
Type of scheme	Extension to existing quarry	Extension	Extension	
Area ha		20ha	6ha (increasing total area to 12ha)	
Reserves (tonnes)	1 million	760,000	350,000	
Annual throughput (tonnes)	200,000	35,000	45,000	200,000
Duration (years)	6	23	8	
Category	<b>Major development.</b>	<b>Major development</b>	<b>Major development</b>	consistent with <b>Major development</b>
Extract or paraphrase from Mineral Planning database but some information also obtained from DCP Online (Development control practice) and from Officer	At the end of 2013 there were 76.6Mt of crushed rock reserves, giving a landbank of 51 years, well in excess of the recommended 10 year minimum landbank recommended in the NPPF .The guidance also recommended that as far as possible the landbank should be provided from sites outside national parks.	The development plan set out a presumption against the extraction of sharp sand and gravel from the AONB and the inspector also noted the advice in NPPF, published since the refusal of permission, that while great weight should be given to the benefits of mineral extraction, decisions should provide for the maintenance of non-energy mineral landbanks from outside designated areas and that great weight should also be given to conserving landscape in AONBs. Paragraph 116 of the	Officers advised the council that ball clay was acknowledged as being of national importance in the recently published National Planning Policy Framework (NPPF). However, the NPPF also stated that great weight should be given to conserving landscape and scenic beauty in AONBs and major development should be refused in those areas unless they	Limestone had been extracted at the site since 1900 and permission was granted in 1992 for extraction of high grade dolomitic limestone which was used as flux at Llanwern steelworks. The council noted that the landbank was adequate and that the high grade reserve at Livox should be protected for a more appropriate use. In addition, there were other quarries within a reasonable distance that

<p><b>report where stated</b></p>	<p>However, the authority recognised the special qualities of the resource at Harden quarry in terms of its colour and physical properties. The stone was an important feature in the local environment and it could not easily be substituted for. Nor did it occur in other quarries in the area.</p>	<p>NPPF stated that permission should be refused for major development in designated areas unless exceptional circumstances exist and the development would be in the public interest. The inspector concluded that the mitigation proposed would not be sufficient to prevent the scheme from failing to conserve and enhance the AONB and that the scheme failed to demonstrate any exceptional circumstances. In addition, although the public interest would be served by the provision of minerals, the protection of the landscape was also in the public interest.</p>	<p>were in the public interest. The industry directly employed 39 staff locally and in 2010 the company spent £2.4M with local suppliers and contractors. The Creekmoor Clay that would be extracted only occurred within the AONB and it was a key component for blending with other clays from Dorset for the production of tile, refractory and electro-porcelain clay blends.</p>	<p>could supply the block making works and it was not a land use consideration that those quarries were not in the control of the applicant.</p>
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**Application No:** 0348/15

**Proposal:** Extension of the working plan area of the existing quarry

**Location:** Yennadon Quarry, Iron Mine Lane, Dousland

The British Geological Survey (BGS) Directories of Mines and Quarries (2014<sup>1</sup> and 2020) details the operational slate quarries in Devon and Cornwall, which are summarised in the table below. In addition to the description given in the Directories, the BGS geological description of the 'Formation'<sup>2</sup> that each quarry is located within is also given.

**Rustic Stone Quarries in SW England (recorded by BGS as 'active' in 2014 &/or 2020)**

<b>Name, Location and BritPits No.</b>	<b>Description in BGS Directory of Mines and Quarries (2014 or 2020 editions)</b>	<b>1:50 000 scale bedrock geology description (Geology of Britain viewer<sup>3</sup>)</b>
<b>Yennadon Quarry</b> SX 543 687 Dousland  1221	Operator - Yennadon Stone Ltd  <b>Slates, Devonian, Tavy Formation (Kate Brook Slate)</b>  Products - Building stone, Decorative Stone, Walling stone.	<b>Tavy Formation - Slate, Hornfelsed. Metamorphic Bedrock</b> formed approximately 359 to 383 million years ago in the Devonian Period. Originally sedimentary rocks formed in open seas by pelagite deposits. <b>Later altered by high temperatures of igneous intrusion.</b>
<b>Mill Hill Quarry</b> SX 452 748 Tavistock  1455	Operator – Mill Hill Quarries Ltd  <b>Slates, Devonian, Tavy Formation (Kate Brook Slate)</b>  Products - Building stone, Rockery stone, Walling stone, Crushed rock aggregate, Subbase.	<b>Tavy Formation - Slate.</b> Sedimentary Bedrock formed approximately 359 to 383 million years ago in the Devonian Period. Local environment previously dominated by open seas with pelagite deposits.
<b>Lantoom Quarry</b> SX 224 649 Liskeard  1055	Operator - Lantoom Ltd  <b>Slates and Sandstones, Devonian – Carboniferous, Saltash Formation</b>  Products - Landscaping stone, Building stone	<b>Saltash Formation - Slate and Siltstone.</b> Sedimentary Bedrock formed approximately 347 to 408 million years ago in the Carboniferous and Devonian Periods. Local environment previously dominated by open seas with pelagite deposits.
<b>Callywith Quarry</b> SX 080 682 Bodmin  222222	Operator – Burcombe Haulage (operating as Callycombe)  <b>Slates, silver grey, Devonian, Trevoze Slate Formation and Rosenum Formation (undifferentiated)</b>  Products – Building stones, Crushed rock aggregates, Constructional fill.	<b>Trevoze Slate Formation and Rosenum Formation (undifferentiated) - Slate and Siltstone.</b> Sedimentary Bedrock formed approximately 372 to 393 million years ago in the Devonian Period. Local environment previously dominated by open seas with pelagite deposits.

<sup>1</sup> British Geological Survey – Directory of Mines and Quarries 2014; Slate quarries – Page 118

<sup>2</sup> The stratigraphic nomenclature for rock strata of a similar age, lithology, etc.

<sup>3</sup> <http://mapapps.bgs.ac.uk/geologyofbritain/home.html?>

<p><b>Tredinnick Quarry</b> SW 932 687 St. Issey</p>	<p>Operator - D Jones (listed as inactive in 2020 Directory)</p> <p><b>Slates, Devonian, Bedruthan Formation</b></p> <p>Products – Building stone</p>	<p><b>Bedruthan Formation</b> - Sandstone, Siltstone and Mudstone. Sedimentary Bedrock formed approximately 388 to 408 million years ago in the Devonian Period. Local environment previously dominated by deep seas.</p>
<p><b>Trevillet Quarry</b> SX 081 880 Tintagel</p>	<p>Operator - Mill Hill Quarries Ltd</p> <p><b>Slates, Devonian, Tredorn Slate Formation</b></p> <p>Products – Roofing slate, Flooring slate, Building stone, Rockery stone.</p>	<p><b>Tredorn Slate Formation</b> - Slate. Sedimentary Bedrock formed approximately 359 to 372 million years ago in the Devonian Period. Local environment previously dominated by open seas with pelagite deposits.</p>
<p><b>Delabole Quarry</b> SX 075 839 St. Teath</p>	<p>Operator - Delabole Slate Company Ltd.</p> <p><b>Slates, Devonian, Delabole Member (Upper Delabole Slates)</b></p> <p>Products – Slate, Roofing Slate, Building stone, Dimension stone, Landscaping stone.</p>	<p><b>Delabole Member</b> - Slate. Sedimentary Bedrock formed approximately 359 to 372 million years ago in the Devonian Period. Local environment previously dominated by open seas with pelagite deposits.</p>
<p><b>Trearne Rustic Stone Quarry</b> SX 059 846 Delabole</p>	<p>Operator - Trearne Quarry Ltd. (Not listed/inactive in 2014 Directory; Listed as active in 2020 Directory)</p> <p>Products – Slate Building stone, Walling stone, Flagstone, Architectural uses.</p>	<p><b>Tredorn Slate Formation</b> - Slate. Sedimentary Bedrock formed approximately 359 to 372 million years ago in the Devonian Period. Local environment previously dominated by open seas with pelagite deposits.</p>
<p><b>Trebarwith Road Rustic Quarry</b> SX 067 850 Delabole</p>	<p>Operator – Trebarwith Road Rustic Quarry (Not listed/inactive in 2014 Directory; Listed as active in 2020 Directory)</p> <p>Products – Building stone.</p>	<p><b>Tredorn Slate Formation</b> - Slate. Sedimentary Bedrock formed approximately 359 to 372 million years ago in the Devonian Period. Local environment previously dominated by open seas with pelagite deposits.</p>



**Application No:** 0348/15

**Proposal:** Extension of the working plan area of the existing quarry

**Location:** Yennadon Quarry, Iron Mine Lane, Dousland

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### **Proposed Conditions**

1. The development to which this permission relates shall cease and the application site shall be restored in accordance with the approved drawings numbered [.....], including the removal of any buildings, structures and machinery, by 31 December 2026, unless otherwise agreed in writing by the Mineral Planning Authority.
2. The development hereby approved shall be carried out strictly in accordance with the approved drawings numbered: [.....]
3. Not less than 75% of the total tonnage of stone leaving the application site each calendar year shall be building and walling stone.
4. No soil stripping or winning or working of minerals shall be carried out on the application site in any new phase of working as shown in Figures 1 -7 of the Supplementary Information Annex B - Phased Working/Restoration Strategy (dated 16<sup>th</sup> September 2016) until the Mineral Planning Authority has issued written confirmation that working on the previous phases has reached an agreed stage of completion to its reasonable satisfaction.
5. The stripping of topsoil, subsoil (including soil making material) and overburden shall be undertaken only in accordance with the agreed Proposed Phased Working/Restoration Strategy in accordance with the provisions of Condition (4). Storage of top soil and over burden shall only take place in the areas identified in the Proposed Phased Working/ Restoration Strategy dated 16<sup>th</sup> September 2016.
6. The total amount of material removed from the application site shall not exceed 10,000 tonnes in any calendar year.
7. The operator shall, upon receipt of a written request from the Mineral Planning Authority, submit copies of the Quarterly Office of National Statistics returns setting out the total tonnage of minerals removed from the application site at the end of each quarter
8. The number of two-way lorry trips visiting the application site shall not exceed 30 in any week (ie a maximum of 60 lorry movements each week). For the purposes of this condition, a lorry is defined as any vehicle having a load capacity of 3 tonnes or over, but shall not include tractors towing trailers.

9. All waste material arising from the extraction of minerals shall be disposed of within the application site in accordance with the proposed Phased Working/Restoration Strategy and Landscape Strategy.
10. Landscaping of the application site shall be undertaken in accordance with the Proposed Phased Working/Restoration Strategy, the LVIA (Appendix 15 ES) and the Ecology and BMEP Report (Appendix 14 ES) having regard to the principles set out in JGP Figures 1 - 7 showing the working and landscaping phases identified as 1a, 1b, 1b/2a, 1c/2b, 2c/3a, 3b and Final Restoration.
11. The operations hereby permitted shall not be carried out on the application site other than between 0700 hours and 1800 hours on Monday to Friday inclusive and 0800 hours and 1300 hours on Saturdays. No such operations shall take place on Sundays and Public Holidays. This condition shall not operate so as to prevent the carrying out, outside these working hours, of essential maintenance to plant and machinery on the site, or the operation of ancillary machinery for water management purposes.
12. Lorries shall only be permitted to arrive at the application site and/or depart from the application site between 0800 hours and 1800 hours Mondays to Fridays inclusive and 0800 and 1300 hours on Saturdays. All lorry drivers shall be instructed not to visit the site outside of these hours.
13. No blasting is to be carried out on the application site.
14. All chemicals, oil and fuel on the application site are to be stored in a bunded storage facility designed to contain spillages and leaks and with a capacity of at least 110% of the maximum capacity of that storage facility.
15. In the event of a permanent cessation of working prior to 31 December 2026, the site operator shall notify the Mineral Planning Authority (MPA) within 3 months of the permanent cessation. Thereafter, the application site shall be restored in accordance with the approved drawings numbered [.....], within 12 months of the date of permanent cessation, including the removal of any buildings, structures and machinery, unless a different timescale is agreed in writing by the MPA.
16. In the event of a cessation of winning or working minerals at the application site for a period of two years or more, the application site shall be restored in accordance with the appropriate phase of the Phased Working/Restoration Strategy within 6 months of the cessation, unless a different timescale is agreed in writing by the MPA.
17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 or any Order revoking and re-enacting that Order with or without modification, no development/s under Schedule 2 Part 17 Classes A, B and H shall take place on the application site without the prior written authorisation of the Mineral Planning Authority.
18. Noise levels arising from the development shall not exceed 50dB LAeq 1 hour free field at any noise sensitive property, when measured on a Type 1 sound level meter

sited at least 3.5 metres from any reflective surface (other than the ground) and 1.2 – 1.5 metres above the ground.

19. Notwithstanding condition 18 above, all plant, machinery and vehicles used on the application site shall be operated within the noise parameters identified in the ES, Appendix 12 of the ES, Appendix A of the Addendum to the ES and the Quarry Management Plan dated September 2016.
20. Notwithstanding condition 18 above, during works to construct or remove screening bunds, soil storage mounds, new landforms and site road maintenance, the noise limit may be increased for up to 8 weeks in each calendar year to a maximum noise level agreed in writing by the Mineral Planning Authority, but not to exceed an absolute maximum of 70dB LAeq 1 hour free field.
21. Dust suppression shall be undertaken within the application site in accordance with the Quarry Management Plan dated September 2016.
22. Within 3 months from the date of this approval the operator shall provide to the Mineral Planning Authority (MPA) for approval a screening assessment in accordance with the Institute of Air Quality Management Guidance on the Assessment of Mineral Dust Impacts for Planning. This screening assessment shall assess whether a monitoring scheme is needed to continually assess the impact by way of dust arising from the mineral operations, and shall include details of monitoring locations, monitoring methodology and frequency of reporting to the MPA and nominate an independent consultant to undertake the dust monitoring, if required. Thereafter, if the MPA gives a written determination that a dust monitoring scheme is required, the development shall be carried out strictly in accordance with the details of the scheme approved by the MPA.
23. Not later than 3 months from the date of this approval, the operator shall provide to the Mineral Planning Authority (MPA) a scheme for dealing with dust complaints received by the operator, the MPA or the District Council's Environmental Health department. Thereafter the operator shall implement the measures identified in the scheme for the lifetime of the mineral operations.
24. No external floodlighting shall be used on any part of the application site other than between 0700 hours and 1800 hours on Monday to Friday inclusive and 0800 hours and 1300 hours on Saturdays.
25. There shall be no importation of material onto the application site for storage or disposal.
26. All processing of stone undertaken at the application site shall at all times be subsidiary to its main use as a quarry.
27. The boundary of the application site shall be defined by a permanent stock proof fence, the extent, specification and details of which shall be submitted for approval to the Mineral Planning Authority prior to its erection. The fence shall be erected in

accordance with the approved details and maintained thereafter in good stock-proof condition until 31 December 2026.

28. No development in the extension area hereby approved shall take place until either:
- the land occupied by the existing quarrying operations and the quarry extension area hereby approved have been de-registered as 'common land', and replacement land registered under Section 16 of the Commons Act 2006, or
  - improvement to the common grazing on Yennadon Down has taken place in accordance with the recommendations in Section 8 of the Luscombe Maye 'Common Land Mitigation Report', ref. 7290/CWB, included in the Environment Statement at Appendix A3a.
29. The access track shown on approved Drawing number [.....] shall at all times be maintained in accordance with Quarry Management Plan in order to provide a level and well drained surface and to minimise any noise or dust nuisance arising from its use by the quarry and to avoid any dust or mud being carried on to the highway.
30. A scheme for diverting, capturing or otherwise controlling surface water run-off from the application site shall be submitted to the Mineral Planning Authority (MPA) for approval within three months of the date of this decision notice. The development shall at all times thereafter be carried out in accordance with the scheme as approved in writing by the MPA.
31. The development hereby permitted shall be implemented strictly in accordance with the recommendations and requirements of the Biodiversity Mitigation and Enhancement Plan (BMEP) dated August 2013.
32. Prior to the commencement of soil stripping within the quarry extension area, detailed proposals for each of the following shall be submitted to the Mineral Planning Authority for approval:
- Grassland habitat creation and management statement (including species mixes, management regimes and habitat provision for ground nesting birds),
  - Pond creation and management statement (including provision for fairy shrimp), and
  - Post quarry restoration habitat and species management plan.

The development shall at all times thereafter be carried out in accordance with the approved scheme.

33. Prior to the commencement of soil stripping within the quarry extension area, detailed proposals for each of the following shall be submitted to the Mineral Planning Authority for approval:
- A scheme for the protection of the track of the former Plymouth and Dartmoor Tramway,
  - A scheme for the excavation and recording of the remains of a possible field

system on Yennadon Down, and

- A watching brief for soil stripping in the whole area.
- The development shall at all times thereafter be carried out in accordance with the approved scheme.

34. Notwithstanding the restoration strategy set out in the Proposed Phased Working / Restoration Strategy, a detailed restoration plan for each phase shall be submitted to the Mineral Planning Authority for approval no later than 12 months prior to that part of the restoration of the application site commencing. The detailed plan shall identify:

- i. The area to be restored;
- ii. The final restoration contours;
- iii. The relevant sections of the approved restoration strategy habitat it relates to;
- iv. Any drainage and water control requirements; and
- v. Any deviations from the approved restoration strategy.

The restoration of that part of the application site shall at all times thereafter be carried out strictly in accordance with the approved restoration plan.

35. The existing bund located to the west of the existing site shall be reduced in size in accordance with the approved drawings [.....], regraded and seeded with a local provenance mix in accordance with details to be submitted to the Mineral Planning Authority for approval within 3 months of the date of this decision. The reduction, regrading and seeding works shall thereafter be carried out and completed strictly in accordance with the approved drawings and details within 12 months of the date of that approval of details.

36. A detailed aftercare scheme shall be submitted to the Mineral Planning Authority (MPA) for approval in writing no later than 6 months prior to that part of the site being entered into the formal aftercare period. The scheme shall detail the target vegetation, establishment, management and monitoring of those habitats represented in the area to be entered into aftercare management and details of the proposed commencement of aftercare. After care shall be implemented strictly in accordance with the details approved in writing by the MPA. The aftercare period for each phase of the restoration shall commence on the completion of that phase of restoration and continue thereafter up to and including the date which is 5 years after the date of the cessation of mineral extraction on the application site.

Dated

2020

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## **Planning Obligation Agreement**

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Pursuant to Section 106  
of the Town & Country Planning Act 1990

relating to land at Yennadon Quarry, Dousland  
in the County of Devon

- (1) Dartmoor National Park Authority**
- (2) The Trustees of the Walkhampton Trust**
- (3) Yennadon Stone Ltd**

Legal & Democratic Services  
Dartmoor National Park Authority  
Parke, Bovey Tracey  
Newton Abbot  
Devon TQ13 9JQ



Permission Land which expires on 9 April 2026 and is subject to an agreement pursuant to S106 T&CP Act 1990 (the **1991 Agreement**).

- (E) The Operator made the Application to the Authority for the Development and the Authority has resolved to grant a further conditional minerals planning permission (the **2020 Permission**) in relation to the Land provided that the Operator and the Owner first enter into a satisfactory planning obligation agreement pursuant to section 106 of the T&CPA 1990 to make provision for the Obligations.

**THIS DEED NOW PROVIDES AS FOLLOWS:**

**1. General Definitions**

In this Deed the following definitions shall apply:

**1991 Agreement** the agreement under section 106 of the T&CPA 1990 dated 15 April 1991 relating to the 1991 Permission.

**1991 Permission** the minerals planning permission granted by the Authority and allocated reference number 03/43/1075/90 in relation to the 1991 Permission Land.

**1991 Permission Land** land at Yennadon Quarry, Dousland as shown [edged/shaded []] on **Plan [1]**.

**2020 Permission** the minerals planning permission reference 0348/15 to be granted by the Authority for the Development pursuant to the Application and substantially in the same form as the draft permission at Schedule 1 .



**Application** the planning application for the 2020 Permission allocated reference 0348/15 by the Authority.

**Development** the development of the Land to provide for the extension of the working area of the existing active quarry (so as to include not only the 1991 Permission Land but also the Extension Area) for the winning and working of minerals and continued use of existing buildings in the manner and use pursuant to and in accordance with the 2020 Permission.

**Extension Area** the area forming part of the Land identified with red hatching (to the north of the existing quarry) on **[Plan 1]**.

**Land** land at Yennadon Quarry, Dousland as shown edged red on **Plan 1** which includes the 1991 Permission Land and the Extension Area and against which this Deed can be enforced.

**Implementation** to begin (as defined in Section 56 of the T&CPA 1990) to carry out the Development by way of any works, (excluding ecological or other surveying) within the Extension Area, in accordance with the 2020 Permission and "Implemented" and "Implement" shall be construed accordingly.

**Implementation Date** if notice is served on the Authority in accordance with paragraph 1.1 of Schedule 2 of this Deed, the date

upon which the Development is Implemented as disclosed in such notice or if no notice is served on the Authority in accordance with paragraph 1.2 of Schedule 2 of this Deed, the date upon which the Development is in fact Implemented in the Extension Area in accordance with the 2020 Permission.

**Legal Challenge**

any challenge to the validity or lawfulness of the 2020 Permission in the courts brought by means of proceedings for judicial review, declaratory proceedings or otherwise calling into question the validity of the 2020 Permission including but not limited to the application for permission to apply for judicial review and includes any proceedings by way of appeal to the Court of Appeal, the Supreme Court or any other appellate body.

**Obligations**

those planning obligations contained in [Schedules 2 to 5] inclusive of this Deed and "Obligation" shall be construed accordingly.

**Plan 1**

the plan ref 7397 PP/01 AD2 attached to this Deed identifying the Land (including the 1991 Permission Land and the Extension Area).

**[Plan 2**

the plan ref [ ] attached to this Deed identifying the 1991 Permission Land edge [].

**Section 73 Application**

an application made under section 73 of the T&CPA 1990 in respect of the 2020 Permission or a Section 73 Permission to carry out the Development without

complying with a condition or conditions to which the 2020 Permission or a Section 73 Permission is subject.

**Section 73 Permission** a planning permission granted pursuant to a Section 73 Application.

**T&CPA 1990** the Town & Country Planning Act 1990 (as amended).

**Working Days** any day from Monday to Friday (inclusive) which is not Christmas Day, Good Friday or a statutory bank holiday.

## **2. Interpretation**

In this Deed except where the context clearly requires otherwise:

- 2.1 The singular includes the plural, the masculine includes the feminine and vice versa.
- 2.2 References to clauses paragraphs plans and schedules are to those in this Deed and any reference to this Deed includes any schedule plan or other attachment to this Deed.
- 2.3 Any reference to any party having an interest in the Land shall include any successor in title to that party to the Land or any part of it or any assign deriving title from or under him.
- 2.4 Any reference to any party having a statutory function referred to in this Deed shall include any successor to that statutory function.
- 2.5 Unless otherwise specified, reference to any statute or statutory instrument is to that legislation as amended, modified, consolidated or re-enacted from time to time in force and reference to a statute includes any statutory instrument direction or specification made or issued under the statute or deriving validity from it.

- 2.6 Any obligation on a party not to do any act or thing shall include an obligation not to cause or permit that act or thing to be done by any person under its, his or their control.
- 2.7 Where an Obligation applies to more than one person, liability shall (unless expressly provided otherwise) be joint and several.
- 2.8 Words importing persons include companies corporations and vice versa and all such words shall be construed as interchangeable in that manner.
- 2.9 The headings throughout this Deed are for convenience only and shall not be taken into account in the construction and interpretation of this Deed.

### **3. Statutory Provisions**

- 3.1 This Deed is made pursuant to Sections 106 and 106A of the T&CPA 1990, Section 111 of the Local Government Act 1972, Section 1 Localism Act 2011 and all other enabling powers and has been entered into by the Authority pursuant to those powers.
- 3.2 The Obligations covenants restrictions and requirements created by this Deed are planning obligations for the purposes of Section 106 of the T&CPA 1990 to the intent that they shall bind the Parties and their respective successors in title to each and every part of the Land and are enforceable by the Authority as the Mineral Planning Authority and otherwise shall take effect as personal covenants pursuant to Section 111 Local Government Act 1972 or Section 2 Local Government Act 2000.

### **4. Conditionality**

The covenants, Obligations and restrictions contained in this Deed are conditional upon the grant of the 2020 Permission and save as where expressly stated otherwise within this Deed take effect on the Implementation Date.

### **5. Duration**

- 5.1 With effect from the Implementation Date and at all times thereafter (BUT PROVIDED ALWAYS that the 2020 Permission is extant and capable of Implementation) the Owners and the Operator hereby agree that the Owners and the Operator and their assigns will not take or permit to be taken any action

to continue to carry out any development or works on the Land pursuant to the 1991 Permission.

5.2 If the 2020 Permission:

5.2.1 is revoked or modified (other than in pursuance of an application by the Operator or the Owner);

5.2.2 is quashed by order of the court (after any applicable appeal proceedings have been finally disposed of or where such appeal proceedings are time-barred)

5.2.3 is otherwise withdrawn;

5.2.4 (without the consent of the Owner or Operator) is modified by any statutory procedure; or

5.2.5 expires prior to the Implementation Date;

then this Deed (insofar only as it has not already been complied with) and including clause 5.1 above shall absolutely determine and be null and void but without prejudice to the rights of any person in respect of any antecedent breach hereof.

**6. Covenants & Enforceability**

6.1 The Operator **HEREBY COVENANTS** with the Authority to observe and perform the Obligations which shall bind the Land (and every part of it) as planning obligations under Section 106 of the T&CPA 1990.

6.2 The Owner **HEREBY ACKNOWLEDGES** that the Obligations shall bind the Land (and every part of it) as planning obligations under Section 106 of the T&CPA 1990.

6.3 The Obligations shall be enforceable by the Authority.

6.4 This Deed and the Obligations are a local land charge and shall be registered as such.

6.5 The Owner shall not be liable for breach of an Obligation or a covenant contained in this Deed (save where the Owner has assumed liability for the Obligation in accordance with the provisions of this Deed) occurring while the Operator has a leasehold or other possessory legal interest in the Land but without prejudice to liability for any breach of covenant subsisting after the Operator ceases to have a legal interest in the Land

- 6.6 No person shall be liable for breach of an Obligation or a covenant contained in this Deed occurring after parting with all interest in the Land, or the part of the Land in respect of which such breach occurs, but without prejudice to liability for any subsisting breach of covenant prior to parting with such interest.
- 6.7 No provision of this Deed shall be enforceable under the Contracts (Rights of Third Parties) Act 1999.

## **7. Section 73 of the T&CPA 1990**

If a Section 73 Application is made and in the event that the Authority is minded to approve such a Section 73 Application:

- 7.1 References to 2020 Permission in this Deed shall be deemed to also be references to that new planning permission and the Parties agree that this Deed shall apply to and remain in full force in respect of any permission in respect of a Section 73 Application and the 2020 Permission without the need for a further deed to be made pursuant to section 106 of the T&CPA 1990; or
- 7.2 If the Authority considers that additional or modified planning obligations are necessary to make the development proposed by such Section 73 Application acceptable in planning terms then for the avoidance of doubt nothing in this Clause [7] shall fetter the Authority's ability in the exercise of its proper planning judgment to require the completion of such further deed made pursuant to section 106 or 106A of the T&CPA 1990 as it considers necessary.

## **8. Miscellaneous Provisions**

- 8.1 Nothing in this Deed constitutes an obligation to grant planning permission or any other approval consent or permission required from the Authority in the exercise of any other statutory function and nothing in this Deed constitutes any such approval, consent or permission.
- 8.2 Nothing in this Deed shall prohibit or limit the right to submit an application to develop any part of the Land or to carry out development on the Land in

accordance with any planning permission (other than a Section 73 Permission) granted (whether or not on appeal) after the date of this Deed.

8.3 This Deed is governed by and interpreted in accordance with the law of England and the Parties submit to the non-exclusive jurisdiction of the courts of England.

8.4 Save as lawfully permitted, nothing in this Deed shall prejudice or affect the Authority's rights, powers, duties and obligations in the exercise of its functions as a National Park Authority and Mineral Planning Authority and the rights, powers, duties and obligation of the Authority under all public and private statutes, byelaws, orders and regulations may be as fully and effectively exercised in relation to the Land as if this Deed had not been executed by the Authority.

8.5 If any clause, schedule or paragraph of this Deed is found (for whatever reason) to be invalid or unenforceable, such finding shall have no effect on the validity or enforceability in relation to any other clause, schedule or paragraph of this Deed.

8.6 Where the agreement approval consent or expression of satisfaction is required by the Operator or Owner from the Authority under the terms of this Deed such agreement approval or consent or expression of satisfaction shall not be unreasonably withheld or delayed and any such agreement consent approval or expression of satisfaction shall be given in writing on behalf of the Authority.

8.7 Any notice or other communication given or made under this Deed shall be in writing and (unless otherwise herein provided) shall be deemed to be sufficiently served for the purposes of this Deed if sent by registered or recorded delivery post to the address of the party specified in this Deed or to such other address (in substitution thereof) as may be notified in writing by that party from time to time for this purpose.

## **9. Dispute Resolution**

9.1 Any dispute or difference arising between any of the Parties in respect of any matter contained in this Deed which has been identified by notice in writing by one party to the other and has not been resolved within twenty (20) Working Days (or such lesser period as may be agreed) of the date of receipt of such notice shall be referred to an independent and suitable person holding

appropriate professional qualifications from professional body appropriate to the dispute (the "**Expert**").

- 9.2 The Expert is to be appointed jointly by the Parties to the dispute or in the absence of an agreement, in accordance with clause 9.5 below
- 9.3 The Expert shall act as an expert whose decision shall be final and binding on the Parties in the absence of manifest error or fraud.
- 9.4 Any costs attributable to the Expert's appointment and the Expert's determination shall be payable by the Parties to the dispute in such proportion as the Expert shall determine and failing such determination shall be borne by the Parties to the dispute in equal shares.
- 9.5 In the absence of agreement as to the appointment or suitability of the Expert or as to the appropriateness of the professional body then such question may be referred by either Party to the dispute to the president for the time being of the Law Society for him to appoint a solicitor to determine the dispute such solicitor acting as an expert and his decision shall be final and binding on all parties in the absence of manifest error or fraud and his costs shall be payable by the Parties to the dispute in such proportions he shall determine and failing such determination shall be borne by the Parties to the dispute in equal shares.
- 9.6 Any Expert (howsoever appointed) shall be subject to the express requirement that a decision is reached and communicated to the Parties to the dispute within the minimum practicable timescale allowing for the nature and complexity of the dispute and in any event not more than twenty (20) Working Days after he has received any file or written representation.
- 9.7 The Expert shall be required to give notice to each of the Parties to the dispute requiring them to submit to him within ten (10) Working Days' of notification of his appointment written submissions and supporting material and the other Party to the dispute will be entitled to make a counter written submission within a further ten (10) Working Days' (unless longer periods are agreed in writing between the Expert and the Parties to the dispute acting reasonably).

## **10. Delivery**

The provisions of this Deed (other than this clause which shall be of immediate effect) shall be of no effect until this Deed has been dated.



**SCHEDULE 1**  
**Draft Planning Permission**

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## **SCHEDULE 2**

### **Planning Obligations**

#### **Notification of Implementation**

1. The Operator hereby covenants and agrees with the Authority not to Implement the Development until it has provided the Authority with not less than 20 Working Days' prior written notification of the Operator's intention to Implement the Development.
- 1.1 The Operator hereby covenants and agrees with the Authority to give written notification of the Implementation Date within 10 Working Days of Implementation.

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# **SCHEDULE 3**

## **Operator's Obligations**

### **Information Boards**

1. The Operator hereby covenants with the Authority:
  - 1.1 Prior to the Implementation of the Development to submit to the Authority, details of the design of a public information board (of a size, type, construction, content and location to be agreed in writing by the Authority and the Owner) to provide information to the public about the archaeological, ecological and geological interest of the Land and the surrounding area; and
  - 1.2 To erect the public information board in accordance with the agreed details within 30 Working Days of the Implementation Date.

### **Notice Board**

2. The Operator hereby covenants with the Authority:
  - 2.1 To erect within 30 Working Days of the Implementation Date and thereafter maintain at all times until the expiry of the 2020 Permission a notice board at the main entrance to the Land displaying contact details for the Operator's site manager; and
  - 2.2 To ensure that the contact details of the Operator's site manager on the notice board are kept up to date at all times and not to allow a period of more than 14 Working Days to elapse before updating any changes.

# Schedule 4

## Restoration and Aftercare Obligations, Bond and the Surety

### Definitions

1. In this Schedule 4, the definitions in the body of the Deed shall apply with the following additional definitions:

<b>Aftercare Conditions</b>	the aftercare conditions contained within the 2020 Permission and having the meaning and scope assigned to that term by paragraphs 2(2) and 2(3) respectively of Schedule 5 to T&CPA 1990
<b>Aftercare Period</b>	the period commencing on the completion of the relevant Restoration Works and ending on completion of the relevant Aftercare Works and pursuant to the Aftercare Conditions shall continue thereafter up and until the date which is five (5) years after the date of cessation of mineral extraction on the Land
<b>Aftercare Works</b>	the establishment and monitoring of vegetation and habitats and other land management during the Aftercare Period approved pursuant to the Aftercare Conditions (draft conditions <b>11</b> ) and the Restoration Strategy (and where any scheme of aftercare works submitted pursuant to the Aftercare Conditions is required to be approved by the Authority such scheme of works must also be approved by the Owner )
<b>Bond Sum</b>	a maximum, aggregate total sum of £142,000.00 one hundred and forty two thousand pounds provided in accordance with the Restoration Bond.
<b>MPA</b>	Dartmoor National Park Authority in its capacity as minerals planning authority or any successor in function
<b>Permanent Cessation</b>	permanent cessation shall be deemed to have occurred when no Development has been carried out to any material extent anywhere in, on or under the Land for a continuous period of 24 (twenty four) months

<b>Restoration Bond</b>	a bond (or a series of consecutive bonds as the case maybe) to be entered into by the Operator and a bank, insurance company or other financial institution approved by the Authority in the form set out in Schedule 5 (or in a varied form as approved by the Authority and the Owner) to bind the Operator and the Surety to the Authority and the Owner in order to secure the performance by the Operator of the Restoration and Aftercare Obligations and all other obligations under the Restoration Strategy
<b>Restoration and Aftercare Obligations</b>	the obligation to carry out the Restoration Works and Aftercare Works as set out in paragraph [2] of Schedule [4]
<b>Restoration Conditions</b>	the restoration conditions contained in the 2020 Permission and having the meaning assigned to that term within the T&CPA 1990 Schedule 5 paragraphs 2 (1) (b) and (2)(2)(a)
<b>Restoration Period</b>	the period commencing with the Implementation Date up to and including the completion of the Restoration Works
<b>Restoration Strategy</b>	the John Grimes Partnership Report ( <i>Supplementary Information on Yennadon Quarry: Annex B – Proposed Phased Working / Restoration Strategy dated 16 September 2016</i> ) annexed to this Deed at Schedule 6 including any modifications thereto agreed and approved in writing by the Authority in accordance with the 2020 Permission
<b>Restoration Works</b>	the landscaping and restoration works to be carried out during the Restoration Period pursuant to the Restoration Conditions and the Restoration Strategy
<b>Review</b>	meetings and discussions and approvals in writing between the appropriate officers of MPA and the Operator and the Owner to consider and analyse the progress of the Development and the Restoration and Aftercare Obligations with regard to the provisions

	and review of the Restoration Bond including review of the Bond Sum
<b>Surety</b>	a bank, insurance company or other financial institution first approved in writing by the Authority and the Owner bound by the Restoration Bond to meet the cost of any default by the Operator or Owner (as the case may be) to complete the Restoration and Aftercare Obligations and all other obligations under the Restoration Strategy

### **Obligations**

2. The Operator covenants with the MPA as follows:

2.1 To carry out and complete:

2.1.1 the Restoration Works; and

2.1.1 the Aftercare Works,

in both cases in accordance with the Restoration Conditions and Aftercare Conditions and the Restoration Strategy

2.2 Not to Implement the 2020 Permission or carry out or permit to be carried out any part of the Development unless there is in force a Restoration Bond given by a Surety to meet the cost of any default by the Operator:

2.2.1 in performing the Restoration and Aftercare Obligations;

2.2.2 in carrying out all necessary restoration, landscaping and aftercare of the Land in the event of Permanent Cessation;

2.2.3 in removing the plant, machinery, buildings and access road, parking and servicing areas and restoring the Land in accordance with the Restoration Strategy upon the expiry of the 2020 Permission

PROVIDED ALWAYS that nothing contained in this paragraph 2.2 shall affect or diminish the duration of the 2020 Permission or any planning permission granted in respect of the Land after the date hereof.

2.3 To procure provide and maintain a Restoration Bond from the Implementation Date for the duration of the 2020 Permission including the Restoration Period and the Aftercare Period

**3. The Operator, the Owner and the MPA further agree as follows:**

3.1 It shall be a condition of a Restoration Bond that the Owner shall be entitled to access (without any requirement for consent from the MPA) the Bond Sum for the purposes of recovering the costs of fulfilling any Restoration and Aftercare Obligations or any other obligations under the Restoration Strategy that are undischarged or outstanding in the event that:

3.1.1 the Owner is obliged to fulfil such obligations under the provisions of this Deed or informs the MPA that it intends to do so; or

3.1.2 the Operator fails to fulfil its Restoration and Aftercare Obligations or any other obligations under the Restoration Strategy; or

3.1.3 the Operator enters into liquidation whether compulsory or voluntary (except for amalgamation or reconstruction of a solvent company) or has an administrative or other receiver appointed for its operations

3.2 Without prejudice to the right of the MPA to exercise any statutory powers the MPA shall be permitted to call on the Restoration Bond in accordance with the procedure set out below:

3.2.1 In the event that the Land or relevant part thereof has not been restored in accordance with the Restoration and Aftercare Obligations or any other obligations under the Restoration Strategy the MPA may by service of written notice (specifying (a) the works required by the Restoration and Aftercare Obligations or the Restoration Strategy but not commenced, undertaken or completed and (b) the steps required to remedy such breach and (c) the reasonable timescales within which the remedial steps must be taken) notify the Operator and the Owner of the intention of the MPA to undertake works in default and to recover the cost of the same from the Bond Sum

3.2.2 In the event of the notice being issued by the MPA pursuant to paragraph 3.2.1 above not having been complied with by the Operator or the Owner within the timescales set out in such notice, the MPA shall be entitled (unless the breaches

have been remedied or the Operator or Owner has commenced remedying the breach to the reasonable satisfaction of the MPA or as is otherwise agreed by the relevant parties) on giving not less than 28 Working Days' notice in writing to the Operator or the Owner:

- (a) to enter on the relevant parts of the Land and to take such other action as may be reasonably necessary to carry out any works required to ensure compliance with the Restoration and Aftercare Obligations and the Restoration Strategy; and
- (b) to recover from the Bond Sum the reasonable cost of any such works carried out (insofar as reasonably incurred) by or on behalf of the MPA in accordance with paragraph 3.2.2 (a) above

3.3 Any dispute in relation to the reclaiming of monies from the Bond Sum shall be determined in accordance with the dispute resolution procedure set out in Clause 7 of this Deed

3.4. Upon the completion of all or part of the restoration of those parts of the Land requiring restoration in accordance with the Restoration and Aftercare Obligations and the Restoration Strategy to the reasonable satisfaction of the MPA the Operator or the Owner may apply to the MPA to discharge or as appropriate reduce the level of the Bond Sum (with a copy of any such application being sent to the Parties not making the application) PROVIDED THAT the Operator shall not make such an application without the consent of the Owner such consent not to be unreasonably withheld or delayed.

3.5 Within 15 Working Days of receipt of a request to discharge or reduce the level of the Bond Sum referred to at paragraph 3.4 above or paragraph 4 below the MPA shall provide a written response to the Operator or the Owner indicating whether or not to discharge or reduce the Bond Sum PROVIDED THAT the MPA shall be obliged to reduce the level of the Bond Sum where it would be reasonable to do so.

3.6 In considering whether to discharge or reduce the level of the Bond Sum the MPA shall be able to take into account any outstanding Restoration Strategy provisions required in relation to the Land as well as the representations of the Owner and /or the Operator.



- 3.7 Any dispute regarding the appropriateness or reasonableness of the reduction or discharge of the Bond Sum it shall be determined in accordance with the dispute resolution procedure set out in Clause 7 of this Deed.
- 3.8 Notwithstanding anything to the contrary in the 2020 Permission, the obligation to commence and complete any undischarged Restoration and Aftercare Obligations shall commence forthwith if:
- 3.8.1 the Operator enters into liquidation whether compulsory or voluntary (except for amalgamation or reconstruction of a solvent company) or has an administrative or other receiver appointed for its operations and the Owner has not elected to find or has elected to find but has not found a replacement operator to continue working the Land under the 2020 Permission within a timeframe to be agreed by the MPA and the Owner acting reasonably; or
- 3.8.2 immediately prior to the expiration of any Restoration Bond, the Operator shall not have paid to the Surety the premium in respect of the next consecutive Restoration Bond, or shall have failed to obtain confirmation that the then existing Restoration Bond will be replaced by a further consecutive Restoration Bond with the same or another Surety.
- 3.9 If the Operator shall at any time within the Restoration Period or Aftercare Period fail to procure or maintain in force a Restoration Bond to carry out the Restoration and Aftercare Obligations or any other obligations under the Restoration Strategy, the MPA shall require the Surety in writing to pay the Restoration Bond forthwith in order to secure the performance of such obligations.
- 3.10 In the event of default by any party responsible therefore in carrying out and completing the Restoration and Aftercare Obligations, the Operator and the Owner hereby covenant (subject to the MPA complying with the requirements of paragraph 3.2 above) to permit the MPA or its nominated contractors to enter upon the Land with all necessary workmen, vehicles, machinery, tools and materials on such dates and at such times as the MPA acting reasonably deems necessary, to complete the Restoration Works and the Aftercare Works.

**4. Use of the Restoration Bond by the MPA**

In the event that the MPA carries out any of the obligations set out in this Deed in the place of the Operator the MPA covenants with the Owner that it shall act prudently and proportionately and that it shall account for all sums spent and which it seeks to recover from the Restoration Bond.

**5. Review of the Restoration Bond**

The Operator covenants with the MPA and the Owner to provide for a Review of the Bond Sum at the following times:

- (a) On completion of the relevant phase of Restoration Works and prior to the start of the relevant phase of Aftercare Works; and
- (b) following the review or modification of the Restoration Strategy; and
- (c) following review or modification of the scheme of Aftercare Works approved pursuant to the Aftercare Conditions; and
- (d) in January 2022 and every four years from that date in order to agree a revised Bond Sum with the MPA and the Owner such sum not to be less than the Bond Sum at the date of this Deed (only if the Development had not been Implemented) and which sum shall be the estimated total cost of fulfilling the Restoration and Aftercare Obligations and all other obligations under the Restoration Strategy that are outstanding at the relevant time of Review PROVIDED THAT the Operator may also apply to MPA to Review the Bond Sum pursuant to the provisions of 3.4 above at any time during the period covered by the Restoration Bond

**6. Release of the Restoration Bond**

When the restoration, landscaping and aftercare of the Land in accordance with the Restoration and Aftercare Obligations has been completed to the reasonable satisfaction of the MPA, the MPA will release the Surety from its obligations secured by the Restoration Bond by means of a certificate to that effect signed on behalf of the MPA by its Chief Executive (National Park Officer) or any other duly delegated officer of the Authority PROVIDED THAT any such release is a release by the MPA in relation to the Surety's obligations to the MPA

and shall not be taken to be a release by the Owner in respect of the obligations owed to it which release shall be given separately.

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# SCHEDULE 5

## Form of Restoration Bond

**BY THIS BOND** Yennadon Stone Limited (Co Reg No. 05201678) whose registered office is at Yennadon Quarry, Iron Mine Lane, Dousland, Yelverton, Devon PL20 6NA (hereinafter called "**the Operator**") and [ ] whose registered office is at [ ] (hereinafter called "**the Surety**") are held and formally bound unto Dartmoor National Park Authority of Parke, Haytor Road, Bovey Tracey, Newton Abbot, Devon TQ13 9JQ (hereinafter called "**MPA**") and The Trustees of the Walkhampton Trust care of Maristow Estate Office, Common Lane, Roborough, Plymouth PL6 7BN (hereinafter called the "**the Owner**") ("**the Bond Amount**") for the payment of which sum the Operator and the Surety bind themselves and their successors and assigns jointly and severally by these presents.

**SEALED** with the respective common seals of the Operator and Surety or executed as a deed by the Operator and the Surety and dated this [ ] day of [ ] Two thousand and [ ].

### WHEREAS

1. By an Agreement (hereinafter called "**the Planning Agreement**") dated the [ ] day of [ ] 20 and made between MPA of the first part, the Operator of the second and the Owner of the third part the Operator has covenanted with MPA inter alia provisions for the carrying out and completion of the Restoration Works and the Aftercare Works (as defined in the Planning Agreement) in respect of the and at Yennadon Quarry, Iron Mine Lane, Dousland, Yelverton, Devon PL20 6NA as therein described ("**the Land**") at its own expense and as referred to and in accordance with the Planning Agreement
2. It is intended that this Restoration Bond shall be construed as one with the Planning Agreement

- 3 The Operator is to carry out the Restoration Works and the Aftercare Works as detailed in the Planning Agreement and this Restoration Bond is in respect of the Restoration Works and the Aftercare Works only as detailed
- 4 At the time of entering into this Restoration Bond and on the faith thereof the Surety has agreed to concur with the Operator and the Owner and the MPA in this Bond for the due performance and fulfilment of the Restoration Works and the Aftercare Works as defined and referred to in the Planning Agreement

**NOW** the conditions of the above written Restoration Bond are as follows:

1. If the Operator shall duly perform and observe its obligations under the Planning Agreement according to the true purport intent and meaning thereof in respect of the carrying out and completion of the Restoration Works and Aftercare Works and shall receive a notification in writing from MPA (pursuant to 8.1 below) to that effect then this Restoration Bond shall thereupon be discharged and the Surety released from all its responsibilities hereunder.
2. Immediately upon any default by the Operator in performing and observing the whole or any part of its obligations in carrying out and completing the Restoration Works and the Aftercare Works the Surety shall be and become liable to pay on receipt of a demand in writing from the MPA of the Owner stating the amount due is to satisfy and discharge the costs and expenses incurred by the Owner or the MPA in carrying out and completing those works or any of them (or procuring the same) up to the Bond Sum but until the responsibilities of the Surety hereunder shall be discharged and the Surety released this Bond shall be and remain in full force and effect until the Restoration Works and Aftercare Works have been carried out and completed in accordance with the provisions of the Planning Agreement and the 2020 Permission PROVIDED THAT no sum shall be paid to the MPA unless it has first provided to the Surety documentary evidence that it served written notice (specifying the works required by the Restoration Works and Aftercare Works but not commenced, undertaken or completed, the steps required to remedy such breach and the

reasonable timescales within which the remedial steps must be taken) on the Owner and the Operator of the intention of the MPA to undertake works in default and to recover the cost of the same from the Restoration Bond AND documentary evidence that the MPA has given not less than 28 Working Days' notice in writing to the Owner or the Operator of its intention to enter on the relevant parts of the Land and to take such other action as may be reasonably necessary to carry out any works required to ensure compliance with the Restoration Works and Aftercare Works and its intention to recover from the Surety the reasonable cost of any such works carried out (insofar as reasonably incurred) by or on behalf of the MPA

3. No (a) variation in the terms of the Planning Agreement or the 2020 Permission nor any further planning agreement or planning permission, nor any variation in the nature of the Restoration Works and the Aftercare Works nor (b) any failure by the MPA to initiate enforcement action or proceedings against the Operator and/or any owner of the Land, shall release the Operator or the Surety from any liability under this Restoration Bond.
4. The Surety shall forthwith become liable to MPA if the Operator shall enter into liquidation whether compulsory or voluntary (save for amalgamation or reconstruction of a solvent company) or has appointed an administrative or other receiver of its undertaking or is in breach of its obligations pursuant to Clause [2] of this Restoration Bond for the costs and expenses incurred by MPA or the Owner as the case maybe in or about the commencement and completion of the Restoration Works and the Aftercare Works.
5. The Surety may not assign the burden of its responsibilities hereunder except with the prior written consent of MPA and only to a bank, insurance company or other financial institution approved in writing by MPA.
6. The definitions of "the Operator" "the Owner" "2020 Permission" "Restoration Works" " Aftercare Works" "Obligations" or any other words defined in the Planning Agreement when used in this Restoration Bond shall be the same as the definitions contained in the Planning Agreement.

7. This Restoration Bond shall not confer any benefit upon and no term hereof shall be enforceable by any person under or by virtue of the Contracts (Rights of Third Parties) Act 1999.
8. The obligation and liabilities of the Surety under this Restoration Bond shall cease and determine absolutely in accordance with Clause 1 above when the restoration, landscaping and aftercare of the Land in accordance with the Restoration and Aftercare Obligations has been completed to the reasonable satisfaction of the MPA, and the MPA will release the Surety from its obligations secured by the Restoration Bond by means of a certificate to that effect signed on behalf of the MPA by its Chief Executive (National Park Officer) or any other duly delegated officer of the Authority ("the Expiry")
9. MPA may serve written notice of a claim upon the Surety prior to Expiry in respect of costs and expenses to be incurred by MPA in the performance or discharge of any of the Obligations and MPA may make one or more claims hereunder in respect of such matters as and when costs and expenses are incurred provided that the maximum aggregate liability of the Surety shall not exceed the Bond Amount. until the completion of the restoration and aftercare of the Land to the satisfaction of the MPA on Expiry.
10. Any notice to be given under this Restoration Bond by the Surety to MPA shall be:
  - (a) Delivered personally or by recorded delivery post addressed to MPA's Chief Executive (National Park Officer) at the address above given or such other address for service as shall have been previously notified by MPA to the Surety.
  - (b) Any notice to be given under this Restoration Bond by MPA to the Surety shall be delivered personally or by recorded delivery post addressed to the Surety at the address above given for the Surety or such other address for service as shall have previously been notified by the Surety to MPA's Chief Executive (National Park Officer)

11. This Restoration Bond is a deed and subject to the laws of England

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**SCHEDULE 6**  
**Restoration Strategy**

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# **SCHEDULE 7**

## **Covenants by the Authority**

### **Discharge of Obligations**

1. The Authority covenants with the Operator and the Owner at the written request of the Operator or Owner to provide written confirmation of the discharge of the Obligations (or any of them) contained in this Deed or confirmation that the time for performance of the Obligation has not yet fallen due **Provided That** the Authority is at the date of such request satisfied that such Obligation(s) have been performed or have not yet fallen due for performance.

DRAFT

This agreement has been executed as a Deed and is delivered and takes effect on the date stated at the beginning of it

Executed as a DEED by  
**THE RIGHT HONOURABLE  
MASSEY JOHN HENRY 4<sup>TH</sup>  
BARON LOPES**

in the presence of:

\_\_\_\_\_

Signature of Witness:

Name:

Address:

Occupation:

DRAFT

Executed as a DEED by  
**GEORGE WILLIAM OWEN**  
**TAPPS GERVIS MEYRICK**

in the presence of:

Signature of Witness:

Name:

Address:

Occupation:

Executed as a DEED by  
**HARRY MARCUS GEORGE**  
**LOPES**

in the presence of:

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Signature of Witness:

Name:

Address:

Occupation:

Executed as a DEED by  
**YENNADON STONE LIMITED**  
acting by a Director :

in the presence of:

Signature of Witness:

Name:

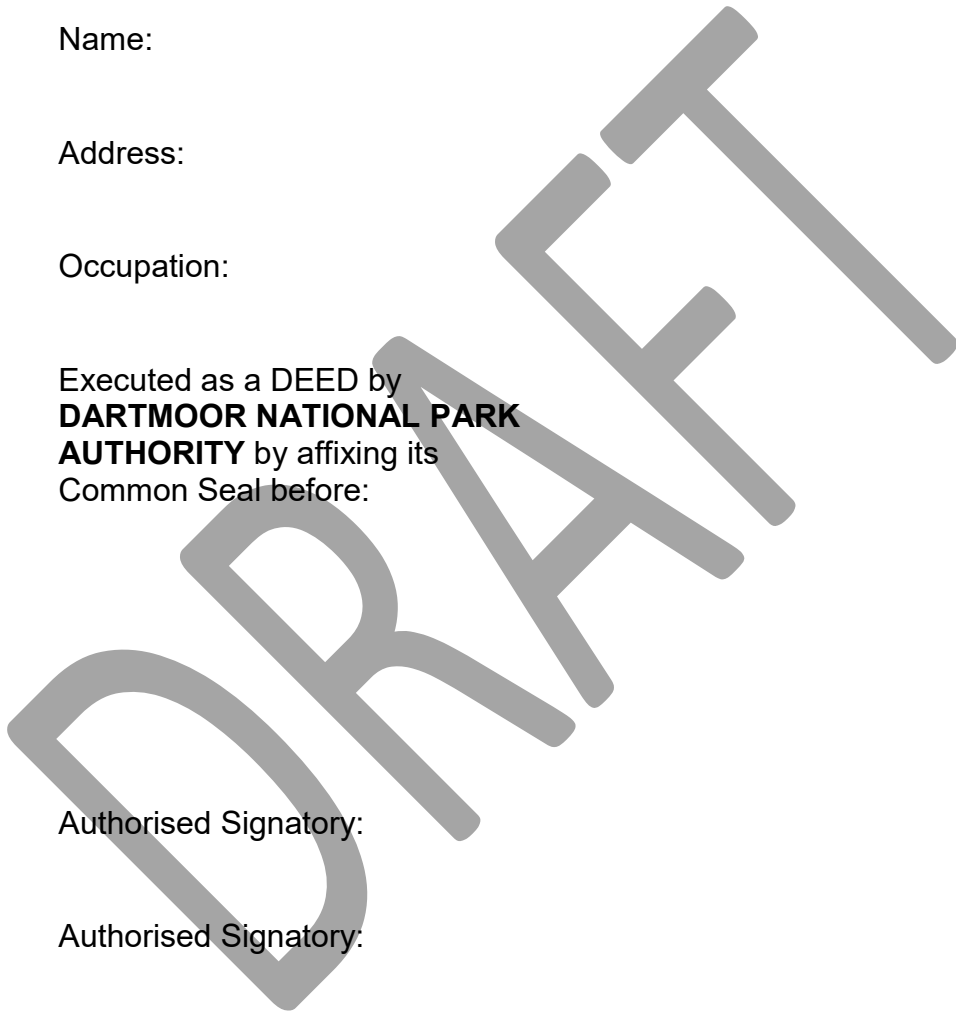
Address:

Occupation:

Executed as a DEED by  
**DARTMOOR NATIONAL PARK**  
**AUTHORITY** by affixing its  
Common Seal before:

Authorised Signatory:

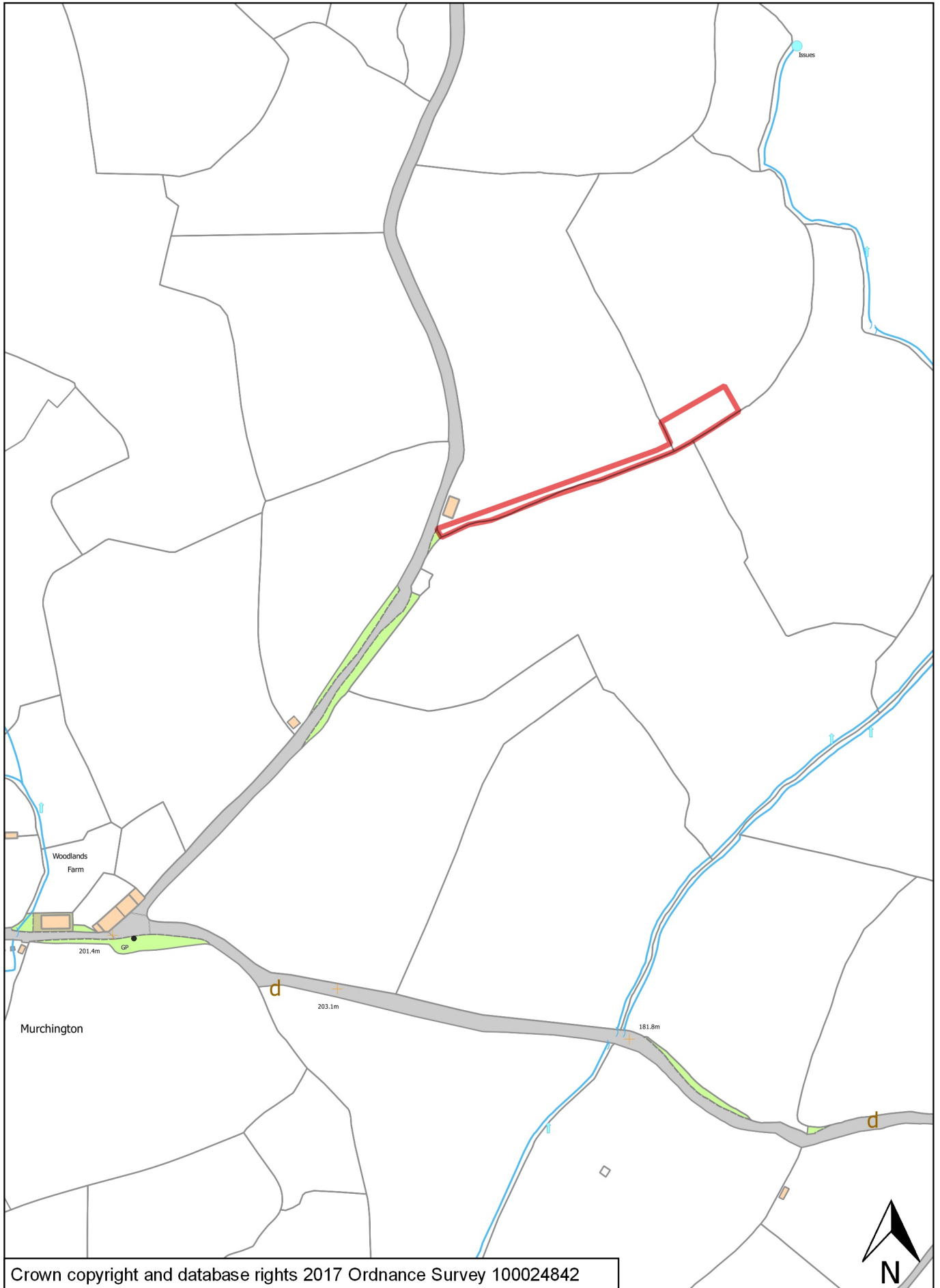
Authorised Signatory:



# 0416/20 - Land at Blindfield Meadow, Murchington



Scale 1:2,500



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2. Application No: **0416/20** District/Borough: **West Devon Borough**  
Application Type: **Full Planning Permission** Parish: **Throwleigh**  
Grid Ref: **SX690885** Officer: **Phil Twamley**

Proposal: **Agricultural building (18m x 9m) for storage and livestock**

Location: **land at Blindfield Meadow,  
Murchington**

Applicant: **Mr & Mrs R Davis**

Recommendation **That permission be REFUSED**

### **Reason(s) for Refusal**

1. The proposed building by virtue of its isolated location, size, together with the extent of excavations and the access track will not conserve or enhance what is special and locally distinctive about the pastoral character of this landscape contrary to policies COR1, COR3, DMD1b, DMD5 and DMD34 of the Dartmoor National Park Development Plan and the advice contained in the English National Parks and the Broads UK Government Vision and Circular 2010 and the National Planning Policy Framework 2019.

### **Introduction**

The application is erect an agricultural building on land at Blindfield Meadow, a parcel of agricultural land approximately 2km south east of Throwleigh village. Access onto the site will be from a minor road through an existing gateway. The land rises to the north and the building will be partially dug into the slope.

The proposed development will be a single agricultural building with no links to other buildings. A new track will be constructed which will run across the adjacent field.

The application has been called to the Committee by Mr Gribble in view of the extensive planning history and for consideration of the planning merits of this case against previous decisions of the Authority.

### **Planning History**

0144/18	Remove existing nissen hut and erect general purpose livestock building		
	Full Planning Permission	Refused	11 May 2018
		Result: Dismissed	
0452/17	Erection of general purpose livestock building (12m x 27m)		
	Full Planning Permission	Refused	04 December 2017
0114/17	Erection of two general purpose agricultural buildings		
	Full Planning Permission	Refused	10 April 2017
0519/16	Erection of general purpose agricultural building		
	Full Planning Permission	Refused	17 November 2016

### **Consultations**

Teignbridge District Council: Did not wish to comment  
County EEC Directorate: No objection

Environment Agency: Flood Risk Zone 1 - Standing advice applies

DNP - Trees & Landscape: The development will have a detrimental impact on the landscape character of the area, which is contrary to policy COR1(h) and COR3. The development does not enhance what is special or locally distinctive about the landscape character, and it is an unsympathetic development that will harm the wider landscape. The development is contrary to policy DMD5 because it does not conserve and/or enhance the character and special qualities of Dartmoor's landscape by respecting the valued attributes of this landscape type, specifically the strong pattern of medieval fields with prominent Devon hedgebanks and the pastoral character of fields which contrast with areas of heathy moorland. The development is also contrary to policy DMD34 because it is poorly related to other buildings and it does not reflect the agricultural building pattern found in this landscape. The development will also have a significant impact on the historic field system.

### **Parish/Town Council Comments**

Throwleigh PC: Support

### **Relevant Development Plan Policies**

COR1 - Sustainable Development Principles

COR3 - Protection of Dartmoor's special environmental qualities

DMD1a - Presumption in favour of sustainable development

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

DMD34 - Agricultural and forestry

DMD5 - National Park Landscape

### **Representations**

1 letter of objection 11 letters of support

Comments made in support of the application include;

- 'This new application is out of sight of the nearby road and will provide a core set of buildings for an innovative and forward looking young farming enterprise. As a side effect this siting will reduce the impact of farming activity on the nearby road, reducing DCC Highways maintenance costs. This farming enterprise has a fully detailed plan to make a profit without the use of subsidy. This is exactly the sort of new agriculture that the DNP should support. The proposed buildings are sited and designed sympathetically to the landscape and location. The farmer is a young local family'.

- 'This application should be fully supported. It is a significant improvement on the previously approved barn at Mount Pleasant Farm, which is a precedent for new farm operations in the parish'.

- 'Being residents of Murchington we have supported previous applications for the Agricultural building at Blindfield Meadow. We are pleased



that Mr and Mrs R Davis have reapplied for the building as we have been concerned for the animals welfare over the past winter months, they need somewhere to shelter undercover and to store animal feed, and receive veterinary care. The building is more central to all the grazing fields and not obvious from the road. This local young man now has a wife and three young children to support so we ask you to accept this application as soon as possible'.

- 'This is the third generation of a Chagford farming family that I have known and there is simply not enough room on the main family farm for all. This young family with the next generation already showing a strong interest in farming need a start on their own. Last winters wet and windy weather, something we are having to deal with in this changing climate, took its toll on both animals, land and those trying to work in it. A barn to house animals through the winter and store bedding and fodder would vastly improve animal welfare, the time and effort caring for them and minimising impact on sodden ground. The site of the proposed barn would have no visual impact, unlike much which is allowed in the area, as it is out of site of both road and local houses. There is no logical reason for turning this application down after the large developments that have been allowed in Chagford. I feel the National Park could do more to preserve not only our landscape but also the lives of our traditional farming families who are after all part of the landscape'.

- 'The need for a building on this holding is clearly essential for animal welfare and the running of a viable livestock rearing business. The siting appears to have very little visual impact'.

- 'I fail to understand why this application keeps getting refused. The applicants have done everything in their power to carry out your requirements. This being moving from the top of the field to the bottom and back up again and again. This couple need this livestock shed to enable them to farm and for the welfare of their stock'.

- 'I cannot see why anyone should object to this I am the only one who could possibly see it from my house as for anyone else I think you might have to be right out on Dartmoor I think we should support farmers and help in any way we can. We will need them when we leave Europe'.

- 'It is in my opinion, important that this agricultural building is granted planning permission. I have attended livestock at this site and as a result of having no shelter the ground gets saturated and this adversely affects the welfare of the livestock. It is necessary for the well-being of both the stock and the farmer that shelter is provided'.

- 'My husband and I run past the field several times a week and do not feel it would be blighted'.

- 'We fully support this application. Dartmoor farmers should be supported in the area, they are part of the heritage of Dartmoor. Agricultural buildings are part of the landscape in agricultural areas. The national park should be supporting small buildings like this and supporting young hard working farming families trying to provide for their families'.

Comments objection to the application;

- 'As before this proposal is to introduce an industrial scale building into a very special and sensitive landscape, which is considered sufficiently important to be granted National

Park status. The 38 acre site for this development is across the lane from my own property, hence my concerns about all these applications. I note that this proposal has not been discussed with the planning department prior to its submission, and that while the previous application was discussed, the advice given was dismissed as "poor". It is quite plain that the major impact of these proposals is not in their local impact on the landscape, which they have attempted to address with screening, but with their impact from further afield. The view of the site from Meldon Common, included in the Trees and Landscape officer's report for application 0144/18 shows this perfectly. These proposals are the wrong scale in the wrong place, and I sincerely hope that you will reject this application as you have all the others and the appeal inspector also did. I also hope that when they are rejected, that the applicant gives serious consideration to moving his enterprise to a location where his plans will not be out of place, or will sit down with the planning department to develop a solution to his livestock housing requirements that the NPA can approve in this very sensitive and highly visible location. So far none of his proposals have got near enough to acceptability for them to be approved with conditions, and this application simply does not respect the special landscape around it either'.

## **Observations**

### PROPOSAL

This application proposes a general purpose barn at 18.28m x 9.14m footprint x 5.28m height with eaves at 4.27m. The barn features a dual pitch roof constructed from fibre cement panels with eight roof lights representing 10% of the roof elevations. The main elevations are proposed as a combination of timber Yorkshire boarding walls and open bays with sheet metal doors.

Access onto the site will be from a minor road through an existing gateway.

### PLANNING HISTORY

An application (ref. 0519/16) for a building measuring 27 x 12m on a site in the adjacent field next to the road and was refused in 2016. It was considered to be 'an isolated building in the open countryside which, by reason of its location, size and design, would have a detrimental visual impact and result in harm to the landscape character and appearance of this part of the National Park'.

A further application (ref. 0114/17) for two agricultural buildings measuring 18.3 x 9.1m in the adjacent field to the current proposed site was refused in 2017 for similar reasons to that stated above.

An application (ref.0452/17) for the erection of a 27m x 12m agricultural building to serve the same purpose as the current proposal was refused in 2017. The building was located in approximately the same location as the current application, being within the same corner of the field, albeit with an alternative orientation and scale. Members at the time were of the view that the quality of the landscape was such that the building was inappropriate and that the Authority could not manage the issues caused by farms being split up. Reasons for its refusal included concerns over its isolated location, its size, the extent of excavations and the impact of the proposed access track across fields.

Permission was again refused for an agricultural building at 27 x 12m in the adjacent field to the current site location in 2018 (ref.0144/18) for similar reasons. The applicant appealed that

decision.

The inspector made comment that 'this appeal follows a series of frustrated attempts on the part of the appellants to gain consent for a building that, it is undisputed, is necessary for their agricultural enterprise. I do not doubt that the size of the building proposed is commensurate with the amount of livestock and industry standards, and that providing shelter and storage are not unreasonable requirements in the interests of animal welfare and the viability of the enterprise. I am sympathetic to all of this and recognise that farming and the rural economy are supported within local and national planning policies. However, being inside the National Park, the appeal site is located where the scale and extent of development should be limited and where matters of landscape and scenic beauty carry the highest status of protection.'

The appeal was dismissed as the inspector considered that the proposed development would have a detrimental impact on the character and appearance of the area, which would fail to preserve the landscape and scenic beauty of the Dartmoor National Park stating that this would conflict with policies COR1, COR3, DMD1b, DMD5 and DM34 of the Local Plan. He supported the view that the cumulative benefits to the rural economy, and local support, did not outweigh the significant weight that the harm to landscape and scenic beauty.

## AGRICULTURAL JUSTIFICATION

The applicants manage 118 acres of which 38 acres is owned outright. The applicants run a beef suckler herd of 50 breeding cows with calves and in addition have 30 followers being replacement heifers and store cattle. The applicant also runs a breeding ewe flock of 100 ewes with lambs at foot and grow arable crops in rotation. The applicants do not currently have any buildings and as such the cattle are currently overwintered on the land. The design and access statement highlights that the current overwintering does not make for good farming practice as the fields can become heavily poached.

The building is proposed to provide essential livestock housing, machinery, fodder and fertiliser storage. Officers consider that the scale and intended purpose of the proposed building is justified in the interest of animal welfare and in support of the established farming use of the land.

## POLICY

Development Plan Policies COR1, DMD1b, COR3 and DMD5 establish the requirement for new development to respect and enhance the character, quality and tranquillity of local landscapes and the wider countryside.

Policy DMD34 is specifically concerned with new agricultural development. DMD34 states that agricultural development will be permitted where there is demonstrable need that is proportional to the land use, the development relates well to the local landscape features and other building groups, it is located to reduce intrusive effects and it will not cause harm to archaeological and cultural heritage.

The Dartmoor National Park Design Guide recommends that new farm buildings should aim to fit into, and be sympathetic to, existing farmsteads and landscape, avoiding visually intrusive new buildings that are too dominant or overbearing and should respect the scale of surrounding buildings.

## LANDSCAPE CHARACTER

## Landscape Character Type - 2D Moorland Edge Slopes

The proposed development is located in enclosed farm land. The land around the site is undulating agricultural land comprising of small to medium sized fields enclosed by Devon hedge banks. Isolated and linear groups of trees are growing on the hedge banks. The agricultural land is grazed pasture. Winding lanes bounded by high hedges thread across the landscape with sunken lanes a feature of this landscape type. Small linear woods are found growing along shallow valleys. There is a sparse settlement pattern with small hamlets, villages and nucleated farmsteads nestled into the folded rolling landform and often surrounded by woodland.

The Landscape character Assessment lists valued attributes for this landscape type as;

- A rich and intricate landscape full of contrasts.
- Strong pattern of medieval fields with prominent Devon hedgebanks and drystone walls.
- Pastoral character of fields contrasting with heathy moorland.
- Strong vernacular of granite colourwash and slate.
- Spectacular views to the moorland core of Dartmoor as well as surrounding countryside outside the National Park.
- Features associated with the area's mining heritage and historic land use.

## LANDSCAPE IMPACT

The proposed development presents an adverse impact on the local landscape character. The proposed development is unrelated to other buildings and it does not reflect the agricultural building pattern found in this landscape. The development will also have a significant impact on the historic field system.

The isolated building and the excavation works necessary to create a level site are considered to alter the character of the grazed pasture.

The policy approach is very clear should conserve and/or enhance the character of Dartmoor's landscape. The development will have a detrimental impact on the historic field system and the pastoral character of the area. The development does not respect the valued attributes as set out in the Landscape Character Assessment and it does not conserve and or enhance the character of the landscape. In this regard, the development is clearly contrary to policy.

## VISUAL AMENITY

The site will mostly be hidden from public view, but there will be glimpsed views from the high ground to the south. The building will be screened by a hedgerow growing along the southern boundary. If this hedgerow were to be cut or die, the building would be visible from the high ground to the south. The applicant intends to plant trees along the hedgerow that form the western boundary of the site.

## CONCLUSION

Officers do not dispute the agricultural justification for the building as proposed to provide improved animal welfare and storage as reasonable for a land holding of this size. Farming is recognised as a vital component in managing National Park landscape. However, all development must have regard to the special landscape quality present and the protection

afforded to National Parks at both the national and local policy level.

Officers recognise that the building has been reduced in scale from previous proposals. Despite this, the development is still considered to have a detrimental impact on the landscape character of the area, being contrary to policy COR1(h) and COR3. The development is not considered to enhance what is special or locally distinctive about the landscape character, being an unsympathetic development that will harm the wider landscape.

The development is contrary to policy DMD5 because it does not conserve and/or enhance the character and special qualities of Dartmoor's landscape by respecting the valued attributes of this landscape type, specifically the strong pattern of medieval fields with prominent Devon hedgebanks and the pastoral character of fields which contrast with areas of heathy moorland.

The development is also considered contrary to policy DMD34 because it is unrelated to other buildings and it does not reflect the agricultural building pattern found in this landscape. The development will also have a significant impact on the historic field system.

Despite the numerous attempts to establish a building in this location it remains fundamentally unacceptable in this location with the potential to significantly harm the special qualities of this moorland fringe landscape. The Authority has consistently maintained this position in the advice it has given and subsequent decisions. For the reasons outlined, the benefits presented by the scheme in support of the farming enterprise and rural economy are not considered to outweigh the significant harm to the landscape of the National Park. The application is therefore recommended for refusal.

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0370/20 - Field west of Brook Lane Cottages, Widecombe-in-the-Moor



Scale 1:1,000



be in the Moor

3. Application No: **0370/20** District/Borough: **Teignbridge District**  
Application Type: **Full Planning Permission** Parish: **Widcombe-in-the-Moor**  
Grid Ref: **SX716768** Officer: **Louise Barattini**

Proposal: **Construction of eight affordable residential dwellings and associated infrastructure**

Location: **field to the west of Brook Lane  
Cottages, Brook Lane,  
Widcombe-in-the-Moor**

Applicant: **Teign Housing**

Recommendation **That the application is GRANTED subject to the signing of a s106 to secure the affordability of the dwellings for local persons**

**Condition(s)**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out in accordance with following approved drawings; 1525-C-GA-100-P4, 1627-101B, 1627-111B, 1627-112B, 1627-113B, 167-114B, 1627-115B, 15-5-C-GA-200-P5, 1525-C-GA-205-P5, 162-100 and 1914-01DRAFT.
3. No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. It shall include:
  - (i) a survey of the extent, scale and nature of contamination;
  - (ii) an assessment of the potential risks to:
    - human health,
    - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
    - adjoining land,
    - groundwater's and surface waters,
    - ecological systems,
    - archaeological sites and ancient monuments;

Where contamination is found which poses unacceptable risks, no development shall take place until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority.

The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The approved remediation scheme shall be implemented and a verification report submitted to and approved in writing by the Local Planning Authority, prior to occupation or the development being brought into use.

4. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.
5. No development shall take place until a Construction Ecological Management Plan (CEMP), Landscape and Ecological Management Plan (LEMP) and lighting strategy, which shall include the recommendations of the preliminary ecological appraisal report (rev. D, Tor Ecology dated 7 January 2020) and landscape strategy plan (rev. C ref 1914-0draft dated 5 January 2020), are submitted and approved in writing and the development shall be implemented in accordance with the approved details.
6. No development shall start on the site until a Method of Construction Statement, has been submitted to and approved in writing by the Local Planning Authority. This shall include details of:
  - (i) parking for vehicles of site personnel, operatives and visitors
  - (ii) loading and unloading of plant and materials
  - (iii) storage of plant and materials
  - (iv) programme of works (including measures for traffic management)
  - (v) provision of boundary hoarding behind any visibility zones
  - (vi) times for deliveries to site and construction hoursThe development shall proceed in accordance with the agreed details.
7. No part of the development hereby approved (except for the necessary enabling and grading works and the site preparation) shall be commenced until:
  - (i) The access road has been laid out, kerbed, drained and constructed up to base course level
  - (ii) The ironwork has been set to base course level
  - (iii) A site compound and car park have been constructed in accordance with the agreed Method of Construction Statement.
8. No development hereby permitted shall commence until the detailed proposals for the management of surface water and silt runoff from the site during the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the permanent surface water drainage scheme as set out in the approved drawings has been installed and is functional. The scheme shall be maintained in accordance with details set out in appendix F of the Drainage Strategy (True Consulting - February 2020).
9. There shall be no street lighting within the development unless otherwise previously agreed in writing by Local Planning Authority in accordance with the approved lighting strategy.
10. Unless otherwise agreed in writing by the Local Planning Authority, all soil vent pipes shall terminate through slate vents on rear elevations of dwellings hereby approved.



11. A detailed schedule of the materials and finishes to be used on the approved dwellings shall be submitted and approved in writing by the Local Planning Authority prior to their use on the development hereby approved. This shall include samples of the roof slate and ridge tile, walling stone, details of render finishes, rainwater goods, window and exterior door units, cills, eaves/soffit details, positions of all meter boxes, boundary fence design, balustrading and handrails, driveway surface materials, roadway surface materials, kerbs and any proposed exterior lighting units.
12. There shall be no bell casts or render drip beads on the elevations of the dwellings hereby approved unless at the junction with the plinth and to allow for render drip beads over the head of windows and doors.
13. There shall be no verge/barge boards on the gable walls of the development hereby approved.
14. Unless otherwise previously agreed in writing by the Local Planning Authority, the frames of all external windows and doors in the dwellings shall be recessed at least 100mm in their openings.
15. The roofs of the dwellings hereby approved shall be covered in a natural slate which shall be fixed by nailing only, unless otherwise previously agreed by the Local Planning Authority in writing.
16. All new stonework shall be laid and pointed using traditional techniques and materials. A sample panel shall be prepared for inspection by the Local Planning Authority and no further stonework shall be carried out until the sample panel has been inspected, and approved by, the Local Planning Authority.
17. The landscaping and planting hereby approved shall be carried out in accordance with the approved scheme within twelve months of the commencement of the development, or such longer period as the Local Planning Authority shall specify in writing. The landscaping and planting shall be maintained for a period of five years from the date of the commencement of the development, such maintenance shall include the replacement of any trees or shrubs that die or are removed.
18. Prior to the installation of any micro-renewable technology on the development hereby approved, full details of the proposed air source heat pumps and solar panels shall be submitted to the Local Planning Authority for approval; thereafter, unless otherwise agreed by the Local Planning Authority in writing, only the approved micro-renewable technology shall be used in the development. Once the technology becomes redundant for micro-generation it shall be removed from the development and the buildings made good.
19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking and re-enacting that Order with or without modification, no material alterations to the external appearance of the dwellings shall be carried out and no extension, building, enclosure, structure, erection, hard surface, swimming or other pool shall be constructed or erected in or around the curtilage of the dwellings hereby permitted, and no windows or roof lights other than those expressly authorised by this permission shall be created, formed or installed, without the prior written authorisation of the Local Planning Authority.

## **Introduction**

The village is the main settlement within the parish of Widecombe-in-the-Moor and is designated as a rural settlement.

An application for detailed planning permission has been submitted for 8 affordable dwellings with associated infrastructure. The site relates to part of an agricultural field located immediately adjacent and to the west of Brook Lane Cottages, a cul-de-sac of affordable dwellings managed by a registered social landlord. Opposite the site, to the north, planning permission was recently obtained for a new village hall.

The application is presented to Members as it is an 'exception site' and in view of the scale of the development within this rural settlement.

### Planning History

0682/06	Erection of six affordable homes for local need, together with parking court, pedestrian access etc	Full Planning Permission	Refused	09 November 2006
		Appeal lodged: 16 January 07 Result: Dismissed		
0329/06	Erection of nine affordable homes for local needs usage together with parking court, pedestrian access etc	Full Planning Permission	Withdrawn	28 June 2006
0550/99	Erection of six local needs houses with vehicle access and car parking	Approval of Details	Approve Conditionally	05 October 1999
0125/98	Erection of six local needs houses with vehicle access and car parking	Outline Planning Permission	Grant Outline Conditionally	30 July 1999

### Consultations

Teignbridge District Council: The existing play facilities in Widecombe, in the vicinity of the site, are not fit for purpose and therefore will not be adequate to meet the needs of the new development. If the site cannot accommodate its own on-site play facility (one Local Area for Play (LAP) given the scale of the development) we would recommend an off-site contribution is sought for a play contribution to allow for new play equipment on the existing adjacent site. The current average Teignbride DC capital cost for a LAP provision (toddlers play facility in Teignbridge) is set at £23,472. It is recommended that sum is sought as the developers would not face the cost of putting a LAP in the development and further would not lose any land to the LAP. This sum excludes land costs and future maintenance contributions.

County EEC Directorate: There are no objections in principle to the proposed development.

The following conditions are recommended to be imposed on any planning permission;

No part of the development hereby approved shall be commenced until:

- (i) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres

back from its junction with the public highway  
(ii) The ironwork has been set to base course level  
(iii) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

Environment Agency:

No objection - flood zone 1 standing advice only.

DNP - Archaeology:

No archaeological concerns

DNP - Ecology & Wildlife:

The survey methods, presentation of results and recommendations are satisfactory.

There was no evidence of protected species, but potential for badger, foraging bats, dormice and breeding birds. A precautionary approach has been taken to protect these species during construction and mitigate any potential adverse impacts. The report (section 4 and conservation action statement Appendix 5) includes the following recommendations;

- NW, SW and NE boundary hedges and trees will be retained.
- precautionary dark corridor for bats will be created along the NW boundary, and screened from the proposed dwellings by a new 75m hedge of native broadleaf shrubs.
- areas of species-rich grassland will be created and managed for the benefit of foraging bats and other wildlife, and planted with a small number of apple trees.
- a sensitive lighting strategy is proposed to minimise external light spill from the new dwellings.
- enhancements include in-built bird nesting features in all dwellings, and in-built bat roost tubes in 50% of dwellings.

A landscape strategy plan ('preliminary rev. C' ref 1914-0draft dated 5/1/20) has been submitted and shows how these recommendations will be integrated into the overall layout, and provides general specifications for planting.

It is recommended that a pre-commencement condition is included requiring a Construction Ecological Management Plan (CEMP) and Landscape and Ecological Management Plan (LEMP) to be submitted and approved in writing, and carried out in accordance with a timetable for implementation. These should include the mitigation, compensation and enhancements set out in the report and landscape strategy plan.

DNP - Trees & Landscape:

No objection. The development will have limited impact on the character of the local landscape and minimal visual impact. If there is a need for additional residential development, in landscape terms, this is an acceptable site for it.

Teignbridge DC  
(Contaminated Land):

Any planning permission should be subject a condition on the assessment, implementation, verification of contamination and reporting of any unexpected

contamination.

Devon County Council (Flood Risk):

The applicant has proposed a feasible surface water drainage strategy comprising a tank and small pumping station. The runoff will discharge into the nearby watercourse at restricted rates (2 l/s).

The applicant has stated that the site is heavily constrained so above ground sustainable drainage systems are limited. DCC Highways are happy with the proposal to lay the sewer across the highway with minimal cover. If there are any significant changes to the proposal including more impermeable area then the drainage strategy and calculations should be updated accordingly.

The applicant may require consent from DCC to construct the outfall into the watercourse however this would not form a planning requirement.

The initial objection is withdrawn and there is no in-principle objections assuming that the following pre-commencement planning conditions are imposed;

No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

(i) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (i) above.

Devon County Council:

It has been identified that the proposed 6 family type dwellings will generate an additional 1.5 primary pupils and 0.9 secondary pupils which would have a direct impact on Widecombe-in-the-Moor Primary School and South Dartmoor Community College.

It has been forecast that the nearest primary and secondary school have currently got capacity for the number of pupils likely to be generated by the proposed development. Therefore, Devon County Council will not seek an education infrastructure contribution.

However, a contribution towards secondary school transport costs is required due to the development being further than 2.25 miles from South Dartmoor College. The cost required is as follows: -

0.9 secondary pupils @ £6.50 per day x 0.9 pupils x 190 academic days x 5 years = £5,557.00

Housing Enabling Officer (TDC):

A Housing Needs Survey (HNS) (2016) identified a need for six affordable homes over the following 5 years. At that

time the need was for 3 one or two bedroom properties for single people, 2 two bedroomed houses for families and 1 three bedroomed house for families.

A HNS is considered valid for up to 5 years but after 3 years enablers look to refresh that data or commission new survey.

At Widecombe a new survey has not been commissioned but awareness of the scheme and promotion of registration of Devon Home Choice encouraged at a drop in event on 26/01/19.

Devon Home Choice registration has dropped since 2011. This is partly due to the removal of Band E and may in part be due to households with the local connection having to move out of the parish to find suitable housing.

The Devon Home Choice figures do fluctuate and do not include those on Devon Home Choice that do not currently live in the parish of Widecombe but have strong local connection through family or upbringing and have a desire to return. It is anticipated that there would be a number of applicants that would fall into this bracket; however this information is not easily extractable from the Devon Home Choice database.

#### Accessible/adaptable homes

The proposal for 2 homes to be built to accessible and adaptable standard is welcome. The provision of accessible homes is important in meeting both current and future housing need in the parish and also enables a downsizing opportunity for older tenants to an accessible homes with lower energy bills. A significant proportion of affordable housing applicants on Devon Home Choice have mobility issues and require step free dwellings, with some requiring fully accessible homes.

#### Climate Change

The enabling team welcomes the proposals to utilise renewable energy for heating and hot water. We would also expect provision of low water consumption fixtures/fittings. This not only has environmental benefits but also reduces running costs and makes the units more affordable to residents.

#### Tenure

The affordable need in Widecombe is for 100% 'Affordable Rented Housing' enabling Teign Housing to provide the

homes on a rent that is even less than 80% should they be successful in obtaining Homes England Grant under the Social Renprogramme which is approximately 60% of the Open MarkeRent.

Homes England current Investment Programme finishesn March 2021. The programme for 2021 to 2026 has bee announced and we know there will be a social rent programme and that schemes within Teignbridge will beligible to apply for the lower rent but we do not yet know th details of the programme. By saying the affordable rented homes cannot exceed the normal 80% of Open Market Renor Local Housing Allowance (the maximum Housing Benef that is payable) this would protect the scheme by ensuring the homes will be affordable rented homes while also enabling lower rent if this can be achieved.

### **Parish/Town Council Comments**

Widcombe PC:

Initial comments;

The Parish Council supports this application with the following comments:

- the Parish Council reiterate comments made during an earlier consultation; its focus is on ensuring the houses go to local people with a need as a priority. The Parish Council is supportive of the principal for local needs housing and as such, evidence of need for 8 dwellings of the sizes proposed should be confirmed.
  
- these are well-thought through plans in terms of the development, particularly regarding a creative use of the sloping site.
- the houses will offer a more cost-effective solution to renting on the moors compared to many of the older properties that are expensive to heat and hard to keep damp-free.
- timber window and door frames soon look tatty and require ongoing upkeep. Carefully chosen uPVC would be better suited to a modern property.
- confirmation from the Developers of the definition of 'affordable' would be welcomed.
- a contribution from the Developers to the local area would be welcomed, such as the adjacent play area, for example.
- some concerns have been raised by existing Brook Lane residents of potential over-looking and loss of privacy and increased traffic noise. A Method Statement for the construction phase would be beneficial to consider the impact on these residents.
- a regular meeting of the foreman/Teign Housing with residents of Brook Lane Cottages would be welcomed also so that any issues of noise, traffic, access, parking etc during the construction process can be addressed quickly

and disruption minimised.

Comments on revised plans;

The Parish Council is concerned that heat pumps generate noise. If by the back of the house they mean the elevation on the opposite side to the existing houses then this might be acceptable. If they are not, they should consider them not being on the 'shared' side. Consideration needs to be given to the fact that in a rural location any type of noise is noticeable. This should be borne in mind when siting them.

The Parish Council would also like to point out that there is an inaccuracy in the information about the current housing mix at Brook Lane in both Teign Housing and Teignbridge's information and feels that this should be correctly presented.

The correct housing mix on the existing Brook Lane site should read:

3 x 3 bed houses - to rent  
4 x 2 bed houses - to rent  
1 x 2 bed house - shared ownership

### **Relevant Development Plan Policies**

COR1 - Sustainable Development Principles  
COR13 - Providing for high standards of accessibility and design  
COR14 - Meeting the infrastructure requirements of new development  
COR15 - Providing for limited new housing to meet local needs  
COR2 - Settlement Strategies  
COR21 - Dealing with development and transport issues in a sustainable way  
COR3 - Protection of Dartmoor's special environmental qualities  
COR4 - Design and sustainable development principles  
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 - Meeting the challenge of climate change  
COR9 - Protection from and prevention of flooding  
DMD12 - Conservation Areas  
DMD13 - Archaeology  
DMD14 - Biodiversity and geological conservation  
DMD17 - Development on contaminated land  
DMD1a - Presumption in favour of sustainable development  
DMD1b - Delivering National Park purposes and protecting Dartmoor National Park's special qualities  
DMD23 - Residential development outside Local Centres and Rural Settlements  
DMD3 - Sustaining the quality of places in Dartmoor National Park

DMD4 - Protecting local amenity  
DMD40 - Parking provision - Residential  
DMD45 - Settlement boundaries  
DMD5 - National Park Landscape  
DMD7 - Dartmoor's built environment

## **Representations**

5 letters of objection 5 letters of support 2 other letters

### OTHER:

- Whilst it is important to protect our local heritage it must still be allowed to evolve

### OBJECTORS:

- Poor characterless design that merely copies the Brook Lane development
- Is there a local need for 8 houses?
- If people from outside the village move in there will be more traffic disturbance.
- What is "Affordable Housing and is it really affordable?
- A new entrance should be considered from the public road
- The increase in traffic is a concern for the safety of the children and pets.
- Disturbance from construction noise and traffic/parking
- Obstruction to our cul-de-sac and parking
- Adverse visual impact
- The houses are very close together with no proper gardens. They are not fit to live in.
- The houses will be immediately adjacent to the historic footpath leading to Hameldown and Grimspound a key approach view for walkers.
- Heating by air source heat pumps will be very noisy.
- It is likely the 'affordable price' can not be paid by local parishioners
- To date no mention of a likely affordable price per unit, or indeed any interested possible local tenants, has been divulged.

### SUPPPORTERS:

- There is a shortage of affordable housing in the parish, and families living in accommodation too small for their needs. The village needs more affordable housing if it is to remain a living and working village.
- If there is a need for housing of this number for local persons in need then it is supported.
- All surveys recently completed locally have shown the need for a diverse range of such properties, many local people have been forced to move away from friends and family to find acceptable and economic properties.
- Few young people working here can afford housing.
- Widecombe must not become a second home village.

## **Observations**

### PLANNING HISTORY

Planning permission was refused and dismissed at appeal in June 2007 for a development of six houses on part of the application site (0682/06) on grounds of lack of evidenced need for additional housing at that time and adverse landscape impact.

The layout of housing was orientated along the highway extending up into the highest part of



the land, presenting a dominant arrangement of houses on this village fringe.

The proposed scheme under consideration now is for an arrangement of dwellings on the lower part of the field which is better integrated with the existing cul-de-sac.

## POLICY BACKGROUND & AFFORDABLE HOUSING NEED

Widecombe-in-the-Moor is identified as a 'Rural Settlement' in the Local Plan which means it is an appropriate area for "small scale development essentially serving identified needs arising from within the settlement and its parish". In Rural Settlements there is a focus on delivering affordable to meet an identified local need. Policy DMD22 specifies that, exceptionally, where a specific parish need for affordable housing has been identified, then development tailored to meet those needs will be permitted on suitable land within or adjoining the settlement and well related to its existing built form. The Dartmoor Affordable Housing SPD provides additional guidance and stipulates that in considering these rural housing exception schemes, we will consider, on a case by case basis, the merits of the site, its suitability in respect of the policies of the Local Plan and the availability of other suitable land in the settlement.

Options for alternative sites within and adjacent to the built-up area boundary have been thoroughly considered. They are naturally very constrained at Widecombe and the site adjacent to Brook Lane is the most suitable from a planning perspective. It is available and deliverable.

## MEETING HOUSING NEED

The local community are keen to support the provision of affordable housing where there is evidenced need and the tenure meets with that demand. Some questions have been raised about levels of need and affordability for local people.

A Housing Needs Survey (HNS) was carried out in 2015 identifying a need for six affordable homes over the proceeding 5 years (3 one/two-bedroom properties for single people, 2 two-bedroomed houses for families and 1 three-bedroomed house for families).

A HNS is considered valid for up to 5 years but after 3 years enablers look to refresh that data or commission a new survey. At Widecombe a new survey has not been commissioned but awareness of the scheme and promotion of registration on Devon Home Choice was encouraged a drop in event in January 2019 and a subsequent follow up mail drop in the parish.

Devon Home Choice registration figures fluctuate and do not include those that do not currently live in the parish of Widecombe but have strong local connection through family or upbringing and have a desire to return. It is anticipated that there would be a number of applicants that would fall into this bracket.

The provision of 2 accessible homes is welcome giving an opportunity for downsizing for older tenants to an accessible home with lower energy bills. A significant proportion of affordable housing applicants on Devon Home Choice have mobility issues and require step free dwellings, with some requiring fully accessible homes.

The Housing Authority confirm that the affordable need in Widecombe is for an 100% 'Affordable Rented Housing' or 8 Affordable Rented Housing homes.

The affordable rent definitions within the s106 legal agreement would enable Teign Housing to provide the homes on a rent that is less than 80% should they be successful in obtaining Homes England grant aid. Ensuring the affordable rented homes cannot exceed 80% of Open Market Rent or Local Housing Allowance (the maximum Housing Benefit that is payable) would allow for a lower rent if this can be achieved.

## RELATIONSHIP TO BUILT FORM OF WIDECOMBE-IN-THE-MOOR AND IMPACT ON LANDSCAPE CHARACTER

Policy DMD22 is clear that rural housing as an exceptional development to meet an identified parish need will be permitted on suitable land within or adjoining the settlement and well related to its existing built form.

Settlement boundaries are not identified in the Local Plan for selected rural settlements such as Widecombe-in-the-Moor. In these rural settlements a case by case assessment is made through the planning application process.

The settlement of Widecombe-in-the-Moor is characterised by the central historic core and some more outlying dispersed areas of development. The application site is closely related to the centre of the village and flanks modern development on the western edge of the historic core. It is also closely related to the village green, car parks, recreation facilities and the proposed new village hall.

The site is clearly on land adjoining the settlement and is well related to its existing built form, both physically and visually.

The site itself is a pastoral field enclosed by banks with mixed hedges growing on top. This field system is likely to be medieval, the integrity of the field and the historic field system has been compromised by the building of the existing Brook Lane Cottages development.

The proposed housing will be set away from natural landscape features on the site and the proposed access will be from the access road leading to the rear of Brook Lane Cottages.

Developing the site will obviously have some impact on the pastoral character of the field but, considering the field has already been compromised by the Brook Lane development, the proposed housing will have minimal impact on the character of the area.

The development will be visible from the minor road that runs to the north. There are also distant views from the high ground to the east, although these views are screened to a large extent by the trees growing along field boundaries. The new housing will be seen in association with existing residential development and the settlement of Widecombe-in-the-moor.

The development will have limited impact on the character of the local landscape and will have minimal visual impact with the appropriate landscape mitigation measures proposed. New native hedging is proposed to enclose the site from the remainder of the field which is to be planted as orchard for residents' use. The majority of new fencing will be light weight or agricultural in character and restricted to rear party boundaries between proposed properties.

## DESIGN AND IMPACT ON SETTING OF THE CONSERVATION AREA

The site is separated from the western boundary of the Conservation Area by the existing modern housing development at Brook Lane. Whilst the site is elevated above site levels at Brook Lane, the topography, design and layout is such that the development will not adversely impact on the setting of the Conservation Area, or impact negatively on views into, and out of, the village. The proposal will have no adverse impact on the setting of listed buildings in proximity of the site.

The proposed layout shows semi-detached and terraced units arranged to face the existing cul-de-sac whilst at the same time addressing the public face along the highway.

The siting being logical to keep the proposed development close to the existing settlement pattern, whilst occupying the lower part of the site to minimise engineering works, visual impact and provide sufficient separation so as not to adversely impact on residential amenity or natural landscape features.

The design is simple, reflecting the tradition for robust and vernacular building forms and materials on Dartmoor; not dissimilar from the character and appearance of existing dwellings at Brook Lane. The dwellings are proposed to be rendered with slate roofs, timber windows and elements of natural stonework on the porches. Parking is arranged in landscaped areas within the site. Revised plans were submitted during the course of the application with small scale design changes.

Whilst some local residents have criticised the familiarity of the design to the existing Brook Lane Cottage estate, the design, scale, layout, detailing and materials are considered appropriate to the site, taking on board the topographical constraints, and will conserve the character and appearance of this part of the Dartmoor National Park and setting of the rural settlement.

## HIGHWAY SAFETY

A number of objectors have raised concerns regarding additional traffic and safety concerns (principally from those living within Brook Lane Cottages) and recommend that a separate access is considered from the public highway.

The detailed comments from the Highway Authority are set out earlier in the report. It is acknowledged that there will be additional traffic through the existing cul-de-sac, however, the scale and nature is such that it would not compromise highway safety nor sustain a planning reason for refusal.

From the Highway Authority's perspective there are no objections in principle to the proposed development and a condition is recommended to ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents.

## RESIDENTIAL AMENITY

The proposed arrangement of dwellings has been well considered in relation to the existing cottages at Brook Lane. The distance between properties, together with the orientation and outlook, is such that the proposed development will not harm the residential amenities of neighbouring occupiers (by reason of overlooking, loss of light, overbearing impact or traffic noise disturbance) and complies with Design Guide advice.

The revised plans show the inclusion of air source heat pumps on the rear elevation of the dwellings. Whilst full details have not been provided at this stage, the agent confirms that the units would comply with regulations for installations of air source heat pumps on domestic properties. The detail can be controlled by planning condition to ensure no adverse impact on neighbour amenity.

A construction management plan can be conditioned to ensure appropriate impact on neighbouring residents during construction. The topography of the site is challenging; however, the layout of the proposed development allows for sufficient garden space and bin storage for future occupiers.

## ECOLOGY

The preliminary ecological appraisal (PEA) revealed no evidence of protected species, but potential for badger, foraging bats, dormice and breeding birds. A precautionary approach therefore has been taken to protect these species during construction and mitigate any potential adverse impacts. The PEA makes appropriate recommendations in this respect which incorporates retention of boundary vegetation, precautionary dark corridor for bats along the NW boundary, areas of species-rich grassland to be created and managed for the benefit of foraging bats and other wildlife, sensitive lighting strategy to minimise external light spill from the new dwellings and bird nesting features and bat roost tubes in the development.

## SURFACE WATER DRAINAGE

The proposed development incorporates a surface water drainage strategy comprising a tank and small pumping station and will not cause an increase in flood risk either on the site, adjacent land or downstream. The runoff will be managed through attenuation tanks and discharged into the nearby watercourse at restricted rates (2 litres/s). The site is heavily constrained, so above ground sustainable drainage systems are limited. DCC Highways are happy with the proposal to lay the sewer across the highway with minimal cover. Conditions are proposed to ensure details of construction surface water run-off are agreed in advance.

## OFF-SITE INFRASTRUCTURE

Devon County Council has calculated that the proposed 6 family type dwellings will generate an additional 1.5 primary pupils and 0.9 secondary pupils which would have a direct impact on Widecombe-in-the-Moor Primary School and South Dartmoor Community College (Ashburton).

It has been forecast that the nearest primary and secondary school have capacity for the number of pupils likely to be generated by the proposed development. However, a contribution towards secondary school transport costs of £5,557.00 has been requested.

The District Council Play Space Officer recommends that if the site cannot accommodate its own on-site play space, the Authority should seek an off-site contribution of £23,472 to allow for new play equipment on the adjoining existing play area. The Parish Council supports this request.

The development proposal is a small scale housing scheme (8 units) in a small village which has existing play/hard court facilities directly opposite across the country lane. A new village hall with external amenity areas has recently been approved opposite the site. The

topography of the site is a key planning constraint and an engineered level play space does not form part of the proposal. It is impracticable to accommodate a dedicated play space on site. Nevertheless, residents would have access to the remainder of the field for informal play.

The Authority does not have an adopted Community Infrastructure Levy (CIL). Affordable housing schemes are, in any event, eligible for relief from CIL contributions. As a consequence requests need to be considered on a case by case basis, substantiated by evidenced need, and, if appropriate, proportionate to the development in hand.

The application has been asked to consider both requests. Due to the physical and infrastructural constraints of the site, the small scale nature of the development with high quality materials and finishes, the applicant advises that they are unable to make contributions without impacting on rentals levels and long term affordability of the scheme. To accommodate the financial requests would directly impact on the ability to present a scheme for 100% affordable housing.

With regard to education contributions, the Authority has consistently taken the view that within the National Park, tightly drawn local occupancy restrictions for affordable housing mean that new affordable housing will not necessarily generate new pupil places or additional demand. If, as expected, the housing is allocated to local eligible families who already reside or have connections with the parish, the anticipated extra demand should be minimised. It is recognised that DCC does not receive new pupil place funding from other sources.

## SUMMARY

Within the National Park there is a focus upon affordable housing delivery, the Local Plan states that this is a strategic priority.

There is evidenced need for affordable housing within Widecombe in the Moor parish and there has been extensive pre-application discussions on delivering housing on this site; it offers a logical location within the parish. It is available, deliverable and well connected to the existing settlement and established facilities.

The scheme presents an opportunity to bring forward a 100% affordable housing scheme at rental levels that are within reach of local eligible residents. While it is acknowledged that there are outstanding requests for monetary infrastructure contributions, on balance it is considered that the first priority should be to pursue the maximum amount of affordable housing in this location. To accommodate such requests would impact on delivery and may result in an element of unacceptable cross-subsidy market housing. To analyse this further would introduce significant further delay and potential uncertainty.

## CONCLUSION

The proposed development is considered to be acceptable in all planning respects. It is a scheme that has the backing of Teign Housing, is well researched and ultimately deliverable in a challenging economic climate. On this basis it is recommended that Members endorse the recommendation for approval.

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**CHRISTOPHER HART**