



Dartmoor Local Plan (2018 - 2036) Examination

ED21 DNPA Hearing Statement 7 Minerals and Waste

Matters, Issues and Questions

Whether the Local Plan has been positively prepared and whether it is justified effective and consistent with national policy in relation to its approach to minerals and waste.

Issue 1 SP 6.1(1) New or extended minerals operations

- Q1. Is the approach to maximising the use of recycled materials and secondary aggregates consistent with NPPF paragraph 204b?
- 1.1 It is recognised that the strategic approach of seeking to 'maximise' the use of recycled and secondary aggregates is more ambitious than NPPF paragraph 204b.
- 1.2 It is considered that this is an appropriate approach in a national park context, and consistent with the approach to sustainable development of the Plan, in particular, when weighed in the balance with:
- NPPF paragraph 172 ("Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks..." and "The scale and extent of development within these designated areas should be limited", and
 - SP1.2(2)(b) and (g) which seek to minimise impact on climate change by conserving resources and reducing waste; and conserving the quality and quantity of natural resources
- 1.3 This strategy does not alter the scope for primary extraction, but seeks to ensure that in order to reduce the impact upon the environment of primary extraction (for example in resource use and landscape impact), and reduce waste through use of recycled and secondary aggregate. A

particular example of this is the joint approach between DNPA and Devon County Council at Lee Moor China Clay complex, where a high waste high ratio of waste to mineral leads to significant tips, and it is therefore desirable to maximise the opportunity to divert this material to the secondary market (Topic Paper 5 – Minerals and Waste Development [SD105] paragraph 4.9.2).

- 1.4 In order to ensure the approach is reasonable, a modification is proposed which inserts the words "...as far as practicable" in order to recognise that the use of recycled and secondary aggregate is not always achievable in order to meet market specifications/standards.

MM28	Section 6	Strategy	'maximise the use of recycled materials and secondary aggregates <u>as far as practicable</u> '
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- Q2. In referring to large scale minerals development and applying criteria for large and small scale minerals development, would the policy and supporting text at paragraph 6.1.4 be consistent with national policy, with regard to 'Major Development' referred to in NPPF paragraph 172?

- 2.1 It is recognised that the approach set out and ability to define 'large scale and 'small scale' in this context has the potential to be unclear. There is also the potential that this is not consistent with the approach to Major Development (NPPF paragraph 172).
- 2.2 A modification is proposed which DNPA considers would resolve any potential inconsistency by using the Major Development policy (SP1.5(2)) criteria and removing the term 'small scale' from SP6.1(2), as follows:

MM32	Policy 6.1 (1)	4	<p>'1. Large scale mMinerals development <u>that is Major Development, as defined in Strategic Policy 1.5 (2), will not be allowed</u>approved other than in exceptional circumstances, and where it can be demonstrated that the proposal is in the public interest. In assessing proposals DNPA will consider:</p> <p>a) the demonstrable wider need for the development; b) an objective assessment of alternatives outside the National Park;</p> <p>c) the impact upon the special qualities of the National Park; and</p> <p>d) strategic priorities for the National Park.</p> <p>2. The small scale expansion of existing quarries, or extension of time for minerals operations, will be permitted where it can be demonstrated that the socioeconomic benefits of the development outweigh any impact upon the National Park's Special Qualities.</p>
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			<p>3. Small scale quarrying of traditional building stone will be permitted where it is demonstrated that there is an identified local need for the stone which will conserve, maintain or enhance the fabric or character of the National Park.</p> <p>4. In all cases:</p> <p>a) all reasonable mitigation must be provided for in the proposal, in order to minimise environmental and socioeconomic impacts; and</p> <p>b) the proposal must be consistent with other relevant policies in this Local Plan.'</p>
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Q3. Would the policy be clearly written and unambiguous, so it is evident how a decision maker should react to development proposals?

3.1 A modification to SP6.1 is proposed which ensures it is clearly written and unambiguous.

3.2 The policy sets a clear approach to how the decision maker should react to proposals of different types and scales (which are those seen in the Dartmoor context), namely:

- Major development
- Lateral or temporal extension to existing permissions (which may also be major development)
- Quarrying of traditional building stone (which may also be major development)

3.4 It is also clear that other policies of the Plan should then be taken into account in decision making. It is an express intention that the policy does not cross-reference all other potential relevant policy areas, recognising that the Plan must be read as a whole and that minerals development is not exclusively determined by the policies Section 6. SP6.2(2) compliments

MM29	Section 6.1	Paragraph 6.1.4	<p>Large scale mMinerals development <u>that is considered to be Major Development, as defined in Strategic Policy 1.5,</u> can have a significant and irreversible impact and is not considered appropriate in the National Park other than in exceptional circumstances. The environmental impact of minerals operations has improved significantly in recent years, though, and where existing infrastructure and mitigation is in place the extension of existing operations can be the most efficient and reasonable approach to sustaining a source of minerals.'</p>
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Issue 2 SP 6.3(2) Minerals safeguarding

Q1. Should the list of safeguarded sites as set out in paragraph 6.1.11 include Lee Moor Quarry clay pits and infrastructure, for soundness?

1.1 Yes. A modification is proposed to address this mission.

MM30	Section 6.1	Paragraph 6.1.11	The following <u>sumnmarises</u> areas are identified on the Policies Map as Minerals Safeguarding Areas: <ul style="list-style-type: none"> • Linhay Hill Quarry • Meldon Quarry • Yennadon Quarry • Blackenstone Quarry • Merrivale Quarry • Prison Quarry • <u>Lee Moor Quarry complex</u>
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Q2. Would the policy be consistent with national policy, clearly written and unambiguous, so it is evident how a decision maker should react to development proposals?

2.1 The evidence and discussion behind this policy is set out in Topic Paper 5 – Minerals and Waste Development [SD105] (Section 6).

2.2 The evidence was prepared in close collaboration with Devon County Council (DCC) as adjoining Minerals Planning Authority, having recently reviewed its own Minerals Plan. It aligns with DCC's Minerals Topic Paper 2: Safeguarding Mineral Resources and Infrastructure¹ which was prepared by DCC in collaboration with DNPA, and the other Mineral Planning Authorities in Devon. It is a proportionate response to safeguarding in the National Park context, recognising that the extent of land under development pressure on Dartmoor is very limited and the degree to which that then aligns with potential minerals resource is minimal. Paragraph 6.1.10 in the Plan provides supporting information in line with NPPF 204(c) and the advice in the NPPG (Paragraph: 003 Reference ID: 27-003-20140306).

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https://devoncc.sharepoint.com/sites/PublicDocs/Planning/_layouts/15/guestaccess.aspx?guestaccesstoken=R4ovT8hx78FZqOuW4g5g%2bhdmcIGnRvcNnA8yAcyYkxc%3d&docid=0cb4a7c0fade04d50b606c9c957c7cb0a

Issue 3 Policies 6.4(2) and 6.5(2) Waste prevention, disposal and recycling facilities

- Q1. Would the definition of Major Development within policy 6.4(2) be consistent with other parts of the Plan? In using this definition would it be clear and unambiguous?
- 3.1 It is recognised that the government's two meanings of 'major development' in different context can cause confusion. DNPA believes that the Local Plan Glossary and Section 1.5 provides a clear description of the distinction to ensure it is unambiguous.
 - 3.2 For further clarity, as this is referring to the statutory definition of major development, and not the NPPF as in other parts of the Plan chapter, it explicitly states "(for 10 or more dwellings or buildings greater than 1,000m² etc)" in order to ensure it is clear for the reader.
 - 3.3 In this instance it is the correct 'major' in that it is seeking to capture development which should provide a greater level of evidence at application stage in order to demonstrate it is sustainable development.

Issue 4 SP 6.6(2) Renewable energy development

- Q1. Would this policy strike the right balance between promoting renewable energy and protecting the natural beauty, wildlife and cultural heritage of the National Park? Would it be consistent with NPPF paragraph 151 and the 'Major Development' tests in NPPF paragraph 172?
- 4.1 Topic Paper 1 – Natural Environment [SD101] (section 7) sets out the evidence and discussion relating to climate change and renewable energy. This is also discussion in a Topic Paper 3 – Design and the Built Environment [SD103]. It discusses the level of uptake of renewable energy within the National Park at a smaller scale, and considers the evidence of the recently reviewed Dartmoor Landscape Character Assessment [SD113] in order to understand the potential impacts of renewable energy development on the Special Qualities of the National Park.
- 4.2 It is considered that this sets out an appropriate balance between promoting renewable energy in the context of National Park purposes.
- 4.3 Further evidence of this is how DNPA has responded to consultation in this area: The Regulation 19 consultation highlighted that the proposed policy position unnecessarily restricted large scale renewable energy development which did not impact upon the National Park's special qualities. Emphasising that this could needlessly restrict proposals and was not consistent with the Authority's declaration of a climate emergency. An important consideration is therefore that of impact and not necessarily scale, in the context of Major Development or the term 'large scale'.
- 4.4 It is recognised that the approach set out and ability to define 'large scale' and 'small scale' in this context has the potential to be unclear. There is also the potential that this is not consistent with the approach to Major Development (NPPF paragraph 172).
- 4.5 A modification is proposed which DNPA considers would resolve any potential inconsistency by using the Major Development policy (SP1.5(2)) criteria and removing the term 'small scale' from SP6.6(2), as follows:

MM33	Section 6.3	Paragraph 6.3.5	'Small scale' Renewable energy development which meets the energy demands of a single property, business or local community can be achieved on Dartmoor without impacting is unlikely to have an impact on the National Park's Special Qualities.'
MM34	Policy 6.6 (2)	1	'1. Small scale Renewable energy development will be encouraged where it does not harm the National Park's Special Qualities, including: a) landscape character, taking into consideration the cumulative impact with other development;

			<p>b) biodiversity, geodiversity, and heritage significance; c) tranquillity, dark night skies and residential amenity, taking into consideration noise, lighting, movement, odour and vibration; and</p> <p>d) air, soil and water quality.</p> <p>2. Small scale rRenewable energy development should not impact on flood risk or soil stability. Utility connections, such as cables and pipes, should be placed underground.</p> <p>3. Large scale rRenewable energy development <u>that is Major Development, as defined in Strategic Policy 1.5, will not be approved other than in exceptional circumstances.</u>'</p>
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