



Dartmoor Local Plan (2018 - 2036) Examination

Schedule of Proposed Main Modifications v3 (MMs) (ED27)

1. The Dartmoor Local Plan (2018 - 2036) was submitted to the Secretary of State on 22 September 2020.
2. As part of the examination process a number of proposed Main Modifications (MMs) have been identified by the Authority, at this stage. A Main Modification is an amendment which is considered necessary to make the Local Plan sound or legally compliant, addressing issues raised during the examination process.
3. This schedule identifies the proposed Main Modifications. These Main Modifications will be considered by the Planning Inspector, and additional Main Modifications may be identified during the examination process. The need for updated Sustainability Appraisal, Habitats Regulations Assessment, and public consultation would be addressed prior to these being taken forward.

Ref	Section / Policy	Paragraph / part	Main Modification	Reason
MM01	Section 1.2	The Vision	'Dartmoor's natural resources are conserved and there are opportunities for innovation in the way in which we live and work which allow us to achieve and maintain an environmental, social and economic balance, and <u>Minimising</u> our contribution to climate change <u>and adapting to it.</u> '	
MM40	Strategic Policy 1.2	(h)	"avoids development which <u>adversely</u> impacts upon flood risk, and allows for the natural drainage of surface water;"	
MM02	Section 1.3	Figure 1.2 part 7	'Avoid <u>adverse</u> impact on flood risk'	
MM03	Section 1.3	Strategic Policy 1.2 (2) part h)	'avoids development which <u>has an adverse</u> impacts upon flood risk...'	
MM04	Strategic Policy 1.4 (2)	Part 2b	'to maintain employment sites and give opportunities for new or improved <u>small-scale</u> employment sites where appropriate opportunities exist'	
MM41	Paragraph 1.5.5	Definition of Major Development	For the purposes of this policy development, the <u>Authority will is considered development</u> to be Major where its <u>nature, scale and setting</u> , character or nature has the potential to have a significant adverse impact on the National Park's Special Qualities.	
MM42	Strategic Policy 1.5		In deciding whether a proposal is 'Major Development' the Authority will consider whether the development, by reason of its <u>nature, scale and setting</u> , character or nature has the potential to have a significant adverse impact on the Special Qualities of the National Park.	
MM44	Section 1.6	1.6.5	The following design principles set out our expectations for the design of all new development: <u>Character</u>	To ensure soundness and that the design principles may be used in decision making as intended by the policy.

			<ul style="list-style-type: none"> ● Encourage development with a clear and distinctive character that respects local character, vernacular and materials ● Encourage development which contributes to the National Park's cohesive and vibrant communities <p>Promote quality and variety of accommodation</p> <ul style="list-style-type: none"> ● Ensure architectural taste or style is not imposed without clear reason and innovative design, including contemporary design, is encouraged ● Refuse planning permission for poor design <p>Environmental sustainability</p> <ul style="list-style-type: none"> ● Achieve efficient use and protection of natural resources (promote a fabric first approach, maximise energy efficiency, minimise the use of non-renewable resources, minimise the generation of waste and avoid pollution) <p>Enhance biodiversity</p> <ul style="list-style-type: none"> ● Encourage creation of new habitat ● Design to allow migration and future adaptability <p>Access and Movement</p> <ul style="list-style-type: none"> ● Ensure ease of access to new development and existing services through inclusive design, well-located and permeable development with adequate parking <p>Promote sustainable means of travel and easy access</p> <ul style="list-style-type: none"> ● Ensure land is used efficiently and effectively, and proposals do not prejudice the delivery of future development <p>Community safety</p> <ul style="list-style-type: none"> ● Ensure attractive and safe public spaces and security through natural surveillance 	
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MM45	Policy 1.6 (2)	1 and 2	<p>1. All development should will create a strong sense of place <u>with a clear and distinctive character</u> by reinforcing local character, respecting Dartmoor’s vernacular, and maintaining and enhancing townscapes, street patterns and frontages and their relationship with the landscape. <u>Planning applications exhibiting anything less than good design will be refused.</u></p> <p>2. Decisions on design matters will <u>ensure that development has been</u> informed by the following principles and supplementary design guidance:</p> <p><u>Character</u></p> <ul style="list-style-type: none"> ● <u>Encourage development which contributes to the National Park’s cohesive and vibrant communities</u> <p><u>Promote quality and variety of accommodation</u></p> <ul style="list-style-type: none"> ● <u>Ensure architectural taste or style is not imposed without clear reason and innovative design, including contemporary design, is encouraged</u> <p><u>Environmental sustainability</u></p> <ul style="list-style-type: none"> ● <u>Achieve efficient use and protection of natural resources (promote a fabric-first approach, maximise energy efficiency, minimise the use of non-renewable resources, minimise the generation of waste and avoid pollution)</u> 	To ensure soundness and that the design principles may be used in decision making as intended by the policy.
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			<p><u>Enhance biodiversity</u></p> <ul style="list-style-type: none"> ● <u>Encourage creation of new habitat</u> ● <u>Design to allow migration and future adaptability</u> <p><u>Access and Movement</u></p> <ul style="list-style-type: none"> ● <u>Ensure ease of access to new development and existing services through inclusive design, well-located and permeable development with adequate parking</u> <u>Promote sustainable means of travel and easy access</u> ● <u>Ensure land is used efficiently and effectively, and proposals do not prejudice the delivery of future development</u> <p><u>Community safety</u></p> <ul style="list-style-type: none"> ● <u>Ensure attractive and safe public spaces and security through natural surveillance</u> ● <u>Ensure development is designed for the prevention of crime, fear of crime and disorder</u> 	
MM06	Section 1.7	Policy 1.8 (2)	‘c) introduce levels of noise, vibration, lighting, odours, fumes or dust that would adversely affect human health or quality of life; and/or	
MM46	Section 1.8	Policy 1.9(2)	1. Development must be <u>suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.</u> appropriate for its location. Development on sites which may have or are suspected to have a higher level of risk through contamination or stability, or involve hazardous installations or substances, will only be approved, where:	To ensure consistency with NPPG paragraph 16(d) and 178.

MM07	Section 2.3	Paragraph 2.3.6, bullet 5	'disturbance of nocturnal fauna...'	
MM08	Section 2.3	Paragraph 2.3.6, new bullet	'...American skunk cabbage; and domestic cats and dogs hunting wildlife; <u>and prolonged dry, wet or extreme weather events associated with climate change.</u> '	
MM09	Section 2.3	Paragraph 2.3.18, part 2.	' <u>Minimise</u> adverse impacts and then <u>Mitigate</u> remaining adverse impacts by providing on-site enhancements, such as habitat areas or biodiversity features, or by changing work practices and timings to ensure no adverse impact on <u>net gain of</u> biodiversity'	
MM10	Section 2.3	Paragraph 2.3.18 Part 3	'... <u>compensate</u> for losses by providing off-site enhancements which represent a net gain over the existing. '	
MM11	Section 2.3	Table 2.1	'Parkland and aged, and veteran <u>and ancient</u> trees'	
MM12	Strategic Policy 2.2 (2)	Part 1	'Development must conserve <u>and/or</u> enhance <u>all</u> Dartmoor's biodiversity and geodiversity and result in no net loss. '	
MM13	Strategic Policy 2.2 (2)	Part 2 a) ii)	3. For the exceptional circumstances test to be met, applicants must demonstrate that: a) there is no less harmful option available with regard to, in order of preference: i) avoiding adverse impacts altogether, ii) minimising adverse impacts and mitigating any unavoidable impacts on-site, or iii) where adequate on-site mitigation measures are not possible, provide off-site compensatory measures which represent a net gain over the existing; and <u>ba) for internationally protected sites or species (e.g. SACs) and other sites affecting their wider natural network, including candidate SACs, the development must be of overriding public and environmental interest</u>	

			<p>and compensatory measures must be provided to protect the overall coherence of the site and its wider network, and maintain its species population at favourable conservation status in its natural range; or</p> <p>eb) for nationally protected sites (e.g. SSSIs) or species, the development must result in benefits which clearly and significantly outweigh its adverse impact on the site or its wider natural network; or</p> <p>ec) for locally protected wildlife sites (e.g. CWSs), Regionally Important Geological Sites (RIGS) and the Dartmoor priority habitats and species listed in Table 2.1 the development must result in benefits which significantly outweigh its adverse impact on the site; or</p> <p>ed) for Dartmoor priority habitats listed in Table 2.1 which are of non-functional size <u>and not irreplaceable</u>, development must not have a significant adverse impact on the integrity of the local natural network.</p> <p><u>4. All development with the potential to have adverse impacts on biodiversity must demonstrate that:</u></p> <p><u>a) there is no less harmful option available with regard to, in order of preference:</u></p> <p><u>i) avoiding adverse impacts altogether,</u></p> <p><u>ii) minimising adverse impacts and mitigating any remaining unavoidable impacts on-site, or</u></p> <p><u>iii) where adequate on-site mitigation measures are not possible and as a last resort, provide off-site compensatory measures which represent a net gain over the existing.'</u></p>	
MM14	Section 2.3	Paragraph 2.3.24	<p>'Strategic Policy 2.3 ensures that development with the potential to impact on habitats and biodiversity makes a proportionate contribution to biodiversity enhancement. The policy must be applied after the strategic biodiversity policy (Strategic Policy 2.2), which protects</p>	

			designated sites and priority habitats from harmful development. This policy then ensures that loss of <u>protected and</u> unprotected habitat is appropriately compensated for.'	
MM15	Section 2.3	Paragraph 2.3.30	'Financial contributions in-lieu will also be considered acceptable where on or off-site provision is proven not possible or undesirable the Authority is satisfied...'	
MM47	Policy 2.8 (2)	Part 1 (a)	'the public benefits clearly outweigh the harm of departing from the <u>adopted development plan planning policies.</u> '	
MM16	Section 2.7	Section 2.7	Move section 2.7 to section 2.5	
MM17	Section 2.7	Paragraph 2.7.1	'Dartmoor's upland peat is a significant carbon store, <u>restoration of eroded peat</u> and careful management of its water environment can <u>plays</u> an important role in minimising <u>offsetting</u> our impact on climate change. <u>Functioning peatlands can also assist us adapt to climate change, including by reducing wild fire risk and helping water security for us and the environment.</u>	
MM18	Section 2.7	Paragraph 2.7.3	'The Local Plan will ensure that flood risk is taken into account in all new development, managing risk by directing land uses to the most appropriate locations. <u>All sources of flooding will be taken into account, including water courses, surface and ground water flooding.</u> Development should not take place where it would have an unacceptable level of flood risk, or where it would increase flood risk elsewhere by, for example, reducing flood storage, impeding the flow of flood water or increasing run-off. <u>Devon County Council is the Lead Local Flood Authority responsible for managing local flood risk on Dartmoor and a statutory consultee for major development. The Environment Agency's Flood Zone map and Devon County Council's Surface Water Flooding map are used to identify the potential for flood risk.</u> '	

MM19	Section 2.7	Paragraph 2.7.4	<p>'The purpose of the FRA is to <u>demonstrate the flood risks to and from a proposed development, it will also help inform the flood risk</u>provide a basis for applying the sequential test to flood risk, which steers new development to areas with the lowest probability of flooding. <u>It should also be noted that not all developments have equal flood vulnerability, for example caravans, mobile homes, emergency services, and hazardous installations are considered more vulnerable than dwellings²¹.</u></p> <p>[Footnote] <u>See National Planning Practice Guidance for further guidance: https://www.gov.uk/guidance/flood-risk-and-coastal-change.</u>'</p>	
MM20	Section 2.7	Policy 2.9 (2)	<p>3. In exceptional circumstances, <u>where development which does not satisfy the sequential test demonstrates there are no suitable locations of lower flood risk, development will be permitted in flood risk areas when:</u></p> <p>a) there are no suitable locations of lower flood risk;</p> <p>ab) the development is demonstrated to provide wider benefits which outweigh flood risk;</p> <p>bc) there will be appropriate flood protection for the lifetime of the development, taking account of the vulnerability of its users; and</p> <p>cd) the development will not increase flood risk elsewhere, and where possible, will reduce flood risk overall.</p>	
MM48	Section 3.1	Paragraph 3.1.11-3.1.12	<p>3.1.11 The use of section 106 legal agreements is critical for securing affordable housing into the future, and provides communities with assurance that new affordable homes will continue to be available to meet local housing need. <u>Equally</u>, Section 106 legal agreements must be carefully worded to ensure they are flexible; an overly restrictive agreement can mean a <u>so</u> development or property cannot be financed</p>	

		<p>and <u>homes are not left empty, therefore prevent the development from going ahead.</u></p> <p><u>3.1.12 All parishes in Dartmoor National Park are in Designated Protected Areas (DPA) (footnote - Housing and Regeneration Act 2008 Paragraphs 300 - 302) where statutory protections are also in place to ensure an ongoing supply of rural affordable housing. Within the DPA process it is possible on individual schemes for a Registered Provider to seek a waiver from these protections, including those that limit the amount of equity that a resident of a shared ownership home can buy, known as 'staircasing'. Dartmoor National Park will consider applications for such waivers on individual sites through the DPA waiver process where applicable and with the agreement of relevant local authority and Homes England. Where schemes are not funded through Homes England consideration will be given to a waiver with the agreement of the relevant local authority.</u></p> <p>Staircasing on shared ownership properties, where the owner of a shared ownership home buys a larger share of the property, is one such issue. In a rural area, the owner would not normally be allowed to buy the whole property (or 'staircase' to 100%) to ensure the benefit of the affordable home remains in the community. However some lenders are not currently supporting such restrictions. As such, in order to enable development to come forward, 100% staircasing will be allowed in Local Centres and Rural Settlements where this is supported by Homes England. A section 106 legal agreement provides for a right of pre-emption, where the Housing Association and/or Local Housing Authority have the right to buy the property before it is offered on the open market. It also requires that, where someone does acquire 100% of a shared ownership</p>	
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			property, a local occupancy restriction remains on the property in perpetuity.	
MM49	3.8	3.8.9	<u>It is an important element of policy to ensure that residential extensions are subservient to the original dwelling and respect its original architecture. In most cases this can be achieved by following</u> To ensure the National Park retains high standards of design residential extension will be expected to follow these basic design principles:	
MM21	Section 3.10	Paragraph 3.10.3	'take a sequential approach, considering previously developed land first <u>stand flood risk...</u> '	
MM22	Section 3.11	Paragraph 3.11.5	"... it must meet the criteria described in 3.9. 53 ."	
MM23	Section 3.11	Paragraph 3.11.7, first bullet	'...land use activities proposed are capable of supporting the needs of the occupants <u>within a reasonable period of time and no more than 5 years from first occupation.</u> '	
MM50	Policy 3.11(2)	(d)	d) take a sequential approach to the use of previously developed land and <u>not be located in areas of high flood risk</u> , consistent with other policies in this Local Plan.	
MM51	Policy 3.12 (2)	1	<u>1. Low impact residential development will be permitted where:...</u>	
MM52	Policy 3.12 (2)	2	<u>2. Where the above is satisfied permission will first be granted:</u> <u>a) for a temporary period of up to 6 years; and</u> <u>b) subject to the condition that at five years from the development's first occupation a Monitoring Report is submitted to the Authority reporting on how the requirements of this policy have been achieved.</u>	
MM53	Policy 3.12 (2)	3	<u>3. Following the grant of temporary permission, permanent permission will only be granted where the Authority is satisfied the policy requirements have been</u>	

			<u>satisfied and can continue to be satisfied into the future.</u>	
MM24	Section 5.4	Paragraph 5.4.11	'For both tented campsites and touring caravan sites there can be an issue with pitches being used for the long term siting or storage of <u>unoccupied</u> tents, yurts, wigwams or caravans.'	
MM25	Section 5.4	Paragraph 5.4.12	'Camping pods, shepherd huts and other structures which are permanently or seasonally sited on the land <u>can</u> have a similar impact...'	
MM26	Policy 3.12 (2)	Part h)	'h) the proposal demonstrates a business plan and sufficient land is available which can provide for the livelihood and substantially meet the needs of all residents on the site <u>within a reasonable period of time and no more than 5 years from first occupation.</u> '	
MM27	Policy 5.6	Part 2c	'suitable historic buildings are used first in accordance with <u>Strategic Policy 2.6 and/or Strategic Policy 2.7</u> '	
MM28	Section 6	Strategy	'maximise the use of recycled materials and secondary aggregates <u>as far as practicable</u> '	
MM29	Section 6.1	Paragraph 6.1.4	' Large scale m Minerals 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.'	
MM30	Section 6.1	Paragraph 6.1.11	The following <u>summarises</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 	

			<ul style="list-style-type: none"> • Blackenstone Quarry • Merrivale Quarry • Prison Quarry • <u>Lee Moor Quarry complex</u> 	
MM31	Policy 6.1 (1)	4	<p>4. In all cases:</p> <p>a) all reasonable mitigation must be provided for in the proposal, in order to minimise <u>any negative</u> environmental and socioeconomic impacts; and</p>	
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> <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>	
MM33	Section 6.3	Paragraph 6.3.5	<p>Small scale rRenewable energy development which meets the energy demands of a single property, business or local community can be achieved on Dartmoor without impacting <u>is unlikely to have an impact on the National Park's Special Qualities.'</u></p>	
MM34	Policy 6.6 (2)	1	<p>'1. Small scale rRenewable energy development will be encouraged where it does not harm the National Park's Special Qualities, including:</p> <p>a) landscape character, taking into consideration the cumulative impact with other development;</p> <p>b) biodiversity, geodiversity, and heritage significance;</p> <p>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,</u> will not be approved <u>other than in exceptional circumstances.'</u></p>	

MM54	Proposal 7.8(2)		Proposal 7.8 (2) An area of land at the Crannafords employment area, Chagford, is allocated for business and employment uses (non-main town centre uses) (mixed B class uses).	
MM35	Proposal 7.11 (2)		An area of land at Forder Farm is allocated for residential development of around 25 30 homes, of which not less than 45% must be affordable housing to meet identified local needs.	
MM36	Proposal 7.19(2)	2(b)	Provide a link to the Drake's Trail <u>Princetown cycle trail</u> ; and	
MM37	Proposal 7.19(2)	2(c)	Include delivery of appropriate highway improvements to access Plymouth <u>Dousland Road</u>	
MM38	Policy 7.20(2)		Special constraints will apply to development proposals within the original <u>this historic residential</u> core of Yelverton	
MM55	Proposal 7.21 (2)	(1b)	b) Commercial uses comprising principally business and industrial uses (B1, non-main town centre <u>Class E, B2 and B8</u>), financial and professional services (A2) , and assembly and leisure uses (non-main town centre <u>Class E and F2</u>). <u>Any main town centre uses should be of a scale and use commensurate with Buckfast and its local highway network.</u>	
MM39	Proposal 7.21(2)	(2a)	provide a level of employment which <u>is not less than</u> offsets the loss of the previous employment <u>use space</u>	
MM56	Policy 7.24(2)		Within the South Zeal Conservation Area, development will not be permitted where this would <u>cause harm to, or loss of</u> destroy or adversely affect the significance or setting of burgage plots,	