

**Minerals and Waste Development Framework  
Devon Minerals Plan: Inspector's Report and Adoption**

Report of the Head of Planning, Transportation and Environment

***Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect.***

**Recommendation: It is recommended that:**

- (a) the Committee note the conclusions and recommendations of the inspector's report on the examination of the Devon Minerals Plan;
- (b) the Committee endorse the Devon Minerals Plan and associated Policies Map for consideration by Cabinet on 14 December 2016 and adoption by the County Council on 23 February 2017, respectively, which incorporate the main modifications recommended by the inspector and the additional modifications that were consulted on by the Council;
- (c) the Head of Planning, Transportation and Environment be given delegated authority to make further additional modifications prior to adoption of the Devon Minerals Plan and Policies Map that may be required to address factual errors, minor updates and formatting matters; and
- (d) the Committee note the additional documents proposed in 6.1 to assist in implementation of the Devon Minerals Plan and the provision for further reports to the Committee.

**1. Summary**

- 1.1 This report outlines the previous stages in the preparation of the Devon Minerals Plan, explains the findings of the inspector's report and proposes the adoption of the Plan. Copies of the modifications consultation report, inspector's report, the Minerals Plan as proposed to be adopted and relevant background documents are available online<sup>1</sup>.

**2. Background**

- 2.1 Preparation of the Devon Minerals Plan has involved several rounds of county-wide and local consultation, culminating in the pre-submission consultation in August to November 2015, following which the Plan was submitted to the Secretary of State in February 2016.
- 2.2 An inspector appointed by the Secretary of State to undertake examination of the Minerals Plan held hearings in May 2016 to consider its soundness and legal compliance. The County Council, in submitting the Plan, had invited the inspector to recommend any modifications required to make the Plan sound and, prior to and during the hearings, the Council proposed draft modifications for discussion. Consultation on these modifications was approved by this Committee and the Cabinet Member for Economy, Growth and Cabinet Liaison for Exeter in July 2016.

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<sup>1</sup> <https://new.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/devon-minerals-plan>

### **3. Outcomes of the Modifications Consultation**

- 3.1 The County Council undertook consultation on the proposed modifications from 1 August to 23 September 2016. Substantive responses indicating objections or support were received from 28 organisations and individuals, and these were forwarded to the inspector for his consideration. Responses from a further 23 organisations and individuals were made on matters falling outside the scope of the consultation. A summary of the consultation responses received and officer comments on these is provided in the consultation report that is available online through the link provided in 1.1.
- 3.2 The modifications attracting most objections were those concerning Straitgate Farm, with the site's change in designation from 'specific site' to 'preferred area' questioned in view of questions over the processing location and point of access, and 13 objections were made to removal of reference to a one metre unsaturated zone above the maximum water table. On the latter point, the Environment Agency indicated its satisfaction with the wording proposed through modification MM58.
- 3.3 A total of 22 responses were submitted by organisations and residents from Plympton concerning the lateral extension of Drakelands Mine. However, only two of these made any comment on the proposed modifications relating to this site, and the remainder were objecting to the principle and impacts of the lateral extension that were not being consulted on at this stage.

### **4. The Inspector's Report**

- 4.1 The inspector's report was issued on 17 October 2016, and has been published on the Council's website and made available for public inspection. With regard to matters of legal compliance, the inspector concludes that the County Council has met the statutory Duty to Cooperate, and has also complied with all other relevant legal and procedural requirements.
- 4.2 On the matter of soundness, the inspector concludes that, subject to inclusion of the main modifications that he recommends, the Devon Minerals Plan is 'sound' and therefore capable of adoption.
- 4.3 The main modifications cover a range of issues, including a more concise focus for the vision and spatial strategy, refinement of the approach to mineral safeguarding, increased emphasis on secondary and recycled aggregates, consistency of the approach to aggregates and development management policies with national policy, and improvements to the monitoring framework. A significant proportion of the objections made to the Minerals Plan concerned the three site-specific proposals, and these are considered below.

#### Drakelands Mine

- 4.4 The inspector concluded that the proposals to enable the extension of the mine's timescale and its lateral extension would be "fully justified", subject to inclusion of modifications addressing mitigation measures including impacts on Dartmoor National Park and the relationship with other development in the Plymouth area.

#### Straitgate Farm, Ottery St Mary

- 4.5 The inspector acknowledged uncertainties with deliverability of the site, notably the access arrangements, and endorsed the change from a Specific Site to a Preferred Area. While detailed issues remain to be resolved on the means of access to the site, the inspector sees “no reason in principle why a safe access could not be constructed”. On the matter of the location of processing plant, the inspector noted the nature conservation and highway constraints for Blackhill Quarry, but “would not rule out the possibility of an acceptable solution”. He also noted the potential availability of an alternative location at Rockbeare Hill Quarry as “a matter to be debated...at the application stage”.
- 4.6 With regard to hydrogeological matters, the inspector acknowledged the presence of sensitive receptors including nature conservation features and water supplies, but concluded that, with dry working, he could “see no reason why water supplies would be materially affected”. He also noted the variety of other concerns put forward by objectors, but concluded that “no matters of overriding importance are raised”.
- 4.7 To ensure that the Minerals Plan is justified and effective in respect of the Straitgate Farm allocation, the inspector recommends that modifications are made to address the status, area and resource of the site and to reflect the changed site access and groundwater protection arrangements.

#### West of Penslade Cross, Uffculme

- 4.8 The inspector recognised the concerns that were raised over existing traffic movements associated with existing minerals and waste operations, and recommended modification of the Plan to make specific reference to the widening of Clay Lane to accommodate two-way lorry traffic. However, in terms of the wider traffic network including M5 Junction 27 and the A38, he had “no overriding concerns with regard to the safety or free flow of traffic”. He concluded that “there is nothing that should rule out selection of the...site” but recommended modifications to strengthen the Plan’s requirements for highway improvements and mitigation.

### **5. Adoption of the Devon Minerals Plan**

- 5.1 Under the provisions of Section 23(3) of the Planning and Compulsory Act 2004, the County Council must, in adopting the Devon Minerals Plan, incorporate the main modifications recommended by the inspector. In addition, it is entitled to include any additional modifications that do not cumulatively have a material effect on the Plan’s policies. Since the main modifications recommended by the inspector reflect those proposed by the County Council (subject to minor alterations to improve clarity and consistency with the National Planning Policy Framework) and have been subjected to public consultation, it is considered that the Council should proceed to adoption of the Devon Minerals Plan, together with the associated Policies Map that illustrates the spatial implications of policies.
- 5.2 Following adoption, a period of six weeks is allowed for legal challenge on the grounds that the Plan is not within the appropriate power or that a procedural requirement has not been complied with.
- 5.3 On its adoption, the Devon Minerals Plan will wholly supersede the currently saved policies of the Devon County Minerals Local Plan that was adopted in 2004.

## **6. Implementation of the Devon Minerals Plan**

- 6.1 To ensure effective implementation of the Minerals Plan by delivery partners following its adoption, and to address matters that emerged during the Plan's preparation, three further documents are envisaged:
- (a) a review of mineral planning permissions within the Bovey Basin under the Habitats Directive and associated regulations is an outstanding requirement to which the Minerals Plan commits the Council as a matter of priority. In the event of this review resulting identification of a need to modify or revoke any existing permissions, a further report will be made to the Committee;
  - (b) to inform future planning applications in the Bovey Basin, and to take account of the outcomes of the review proposed above, the Minerals Plan commits the Council to the preparation of a masterplan for the Bovey Basin to be undertaken in partnership with relevant stakeholders and published within two years of adoption of the Minerals Plan. Local members will be engaged in preparation of a draft masterplan, which will be reported to the Committee prior to consultation being undertaken; and
  - (c) the Minerals Plan introduces extensive Mineral Safeguarding Areas that will require district councils and applicants for non-mineral development to take greater account of the scope for sterilisation of mineral resources. In a similar manner to guidance provided for the Waste Plan, it is proposed to prepare a Supplementary Planning Document to provide advice on the mineral safeguarding process, and a draft document will be reported to the Committee prior to consultation.

## **7. Reasons for Recommendation/Alternative Options Considered**

- 7.1 The Devon Minerals Plan has been subject to extensive consultation and Member engagement and, subject to relatively minor changes by the inspector, has been endorsed as 'sound' following its rigorous examination and should therefore proceed to adoption. The only alternative option statutorily available to the County Council would be to resolve not to adopt the Plan, but this would be strongly inadvisable in the context of the inspector's positive report and leave the Council reliant on out of date 'saved' policies that, as they pre-date the National Planning Policy Framework, would carry relatively little weight.

Dave Black  
Head of Planning, Transportation and Environment

**Electoral Divisions: All (with site-specific proposals for Bickleigh & Wembury, Ottery St Mary and Willand & Uffculme)**

Local Government Act 1972: List of Background Papers

Contact for enquiries: Andy Hill

Room No: AB2 Lucombe House

Tel No: 01392 383510

<b>Background Paper</b>	<b>File Ref</b>	<b>Date</b>
Report on Modifications Consultation		September 2016
Devon Minerals Plan Inspector's Report		October 2016
Devon Minerals Plan – Proposed Adoption Version		November 2016
Draft Adoption Sustainability Appraisal Report		November 2016
Draft Devon Minerals Plan Policies Map		August 2016

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