

Devon Minerals and Waste Development Framework

Minerals Monitoring Report: 2013

December 2014

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FURTHER INFORMATION

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Alternatively, all existing and emerging documents within the Development Framework can be viewed on the County Council's website
http://www.devon.gov.uk/minerals_waste_development_framework

1 INTRODUCTION

Minerals Planning in Devon

- 1.1 Devon County Council is the minerals planning authority for Devon, excluding Dartmoor and Exmoor National Parks and the unitary authority areas of Plymouth and Torbay which are responsible for minerals planning in these areas.
- 1.2 The Planning and Compulsory Purchase Act 2004 (the 2004 Act) (as amended) requires the County Council to produce a Local Plan for minerals planning in Devon, together with a Monitoring Report on progress with, and implementation of, that Plan.
- 1.3 The Devon County Minerals Local Plan was adopted in June 2004 and is “saved” until it is superseded by policies in the Minerals and Waste Development Framework (except policies MP1 and MP12, which lapsed in September 2007). A new Minerals Plan is being prepared within the Devon County Minerals and Waste Development Framework, and further information on progress with that Plan is provided in Chapter 2.
- 1.4 In previous years, Devon County Council has published a single Monitoring Report covering both minerals and waste. These reports extended over a financial year (1st April to 31st March), with the most recent being for 2012/13. However, although waste data are generally collected on a financial year basis, minerals data are collected for a calendar year. This results in a delay in reporting on minerals data, and Devon County Council has therefore decided to publish separate Monitoring Reports for minerals (calendar year) and waste (financial year).
- 1.5 The most recent joint Monitoring Report for 2012/13 presented minerals data for 2012 and, while this report for 2013 nominally overlaps with the previous report, there is little duplication due to the different years’ data being used.

The Wider Planning Context

- 1.6 Following publication of the National Planning Policy Framework [NPPF] during 2012, the Government published its response to a review of planning practice guidance in May 2013. New Planning Practice Guidance, including extensive guidance for mineral development, was subsequently published in March 2014.
- 1.7 As part of the streamlining of planning, the Devon Structure Plan and the Regional Spatial Strategy for the South West were revoked with effect from 20th May 2013.

2. PREPARATION OF THE DEVON MINERALS PLAN

Minerals and Waste Development Scheme

- 2.1 The 2004 Act (as amended) requires the County Council to prepare a Minerals and Waste Development Scheme [MWDS]. This Scheme is intended to provide a programme for the preparation of the development plan documents that will be contained within the Minerals and Waste Development Framework, and progress in implementing the MWDS is to be monitored through Monitoring Reports.
- 2.2 The timetable for the production and publication of the Devon Minerals Plan was originally set out in the revised Devon County Minerals and Waste Development Scheme which came into in March 2007. This was in place for half of the reporting year of 2013/14, but the milestones included within this have now been superseded by a Third Revision which was published on 30th October 2013. This revision was due to the changes in the range of documents being prepared and the slippage in the timetable for their preparation.
- 2.3 The table below compares the timetable for preparation of the Devon Minerals Plan is contained within the Third Revision of the MWDS and the progress actually made:

Stage	Target Date	Target Met?
Publication (Regulation 19)	April 2014	No – now anticipated June 2015
Submission (Regulation 22)	July 2014	No – now anticipated September 2015
Examination	November 2014	No – now anticipated December 2015
Adoption	March 2015	No – now anticipated March 2016

- 2.4 Progression of the Minerals Plan in accordance with the MWDS has resulted in a need to dedicate resources to securing adoption the Waste Plan, which underwent its examination during 2014, together with delays in receiving information necessary for consideration of Plan options.
- 2.5 This delay will require a further revision to the MWDS, which will be undertaken in early 2015.

3. MINERALS POLICY: ASSESSMENT OF PERFORMANCE AND EFFECTS

- 3.1 The **Devon County Minerals Local Plan** was adopted in June 2004 and, under the provisions of the Planning and Compulsory Purchase Act 2004, was initially 'saved' for a period of three years from commencement of the Act (i.e. until 28 September 2007). A direction from the Secretary of State has since been issued which allows all policies in the Minerals Local Plan to be saved until they are superseded by the production of Minerals Development Documents, except MP1 (International Designations) and MP12 (Protected Species) which have now lapsed.
- 3.2 This part of the Monitoring Report will assess the performance of the Minerals Local Plan through the use of output indicators (including those previously specified by the ODPM as core output indicators; unless otherwise stated, the spatial coverage of indicators within this section of the Monitoring Report is that part of Devon for which the County Council is the Mineral Planning Authority), and by analysing the effectiveness of the policies contained within the Plan. It should, however, be borne in mind that the number of planning applications for minerals development received by the County Council in any one year is small, and that a large proportion of the Plan policies may not be used in the determination of planning applications every year.
- 3.3 Within 2013, eight planning applications for mineral development were determined, of which two (at Beer Quarry Caves and Ringslade Ball Clay Works) approved the working of additional resources. A planning permission at Morteohoe allows continuation of extraction of building stone, while the revision of conditions at Haldon Quarry reduces the volume of permitted reserves.

Local Output Indicator LO1	
Description	2013 Result
Number of mineral permissions granted that were advertised as a departure from the Development Plan	None
Notes	

- 3.4 A schedule of the planning applications for mineral and waste management proposals, is included in Appendix 1.

Production of Aggregates¹

- 3.5 Policy MP19 of the Minerals Local Plan confirms that the County Council will maintain its contribution to the regional aggregate supply. However, the NPPF introduced a new requirement for Local Aggregate Assessments (LAAs) to be produced by mineral planning authorities on an annual basis to provide the basis for future provision. This arrangement effectively replaces the sub-regional apportionment, and Indicator LO21 included in previous Monitoring Reports is therefore omitted. Devon County Council, working in partnership with Plymouth City Council, Torbay Council and the National Park Authorities for Dartmoor and Exmoor, published the third LAA in December

¹ More detailed information on aggregate supply can be found in the Devon Local Aggregate Assessment, available at <http://www.devon.gov.uk/laa.htm>

2014² (covering the ten year period to the end of 2013), from which the figures below are taken.

- 3.6 Core Output Indicator 5a provides details of primary aggregate production in Devon. The total figures for primary aggregate production show a decrease from 2012 to 2013 of 0.19 mt, with much of the decrease accounted for by crushed rock (down 6.6%), with sand and gravel showing a smaller increase (2.0%).

Core Output Indicator CO5a¹	
Description	2013 Result
Production of Primary Land Won Aggregates: Total	2.71 mt
• Sand and Gravel	0.48 mt
• Crushed Rock	2.25 mt
Notes ¹ The area for this indicator includes Plymouth, Torbay and Dartmoor National Park as those areas cannot be disaggregated for reasons of operator confidentiality.	

- 3.7 Devon has important sources of secondary aggregates in the form of the by-products of the extraction of ball clay and china clay which produce sand and, in the case of the latter mineral, crushed rock. These materials have in the past been tipped, but are increasingly being processed and utilised as secondary aggregates and thereby reducing the need for quarrying of primary materials.

- 3.8 The County also produces a significant quantity of recycled aggregates through the processing of construction and demolition waste, and the adopted Devon County Waste Local Plan identifies a network of 19 existing facilities for the recycling of inert waste materials. There is no reliable data at a County level on the annual production of construction and demolition waste, but an estimate is provided in the LAA.

Core Output Indicator CO5b	
Description	2013 Result
Production of	
(a) secondary aggregates	387,159t
(b) recycled aggregates (tonnes)	894,375¹
Notes ¹ The figure for is an estimate for 2013 developed for the Local Aggregate assessment. The area for this figure includes Plymouth, Torbay and Dartmoor National Park	

- 3.9 There was a steady annual increase in the production of secondary aggregates from 2004 to 2008, but the economic downturn saw a significant drop in production in 2009 followed by a general levelling off. Local Output Indicator LO2, which expresses the proportion of the combined total of primary and secondary aggregates produced in Devon that is accounted for by secondary aggregates, illustrates that the proportion increased in 2013 from 11.3% in the previous year to 12.4%.

² Available at www.devon.gov.uk/laa

Local Output Indicator LO2	
Description	2013 Result
Production of secondary aggregates expressed as % of total primary and secondary aggregates produced¹	12.4%
Notes ¹ Within Devon including Plymouth, Torbay and Dartmoor National Park	

Aggregate Landbanks

- 3.10 Policy MP20 of the Minerals Local Plan states that landbanks for aggregate minerals will be maintained throughout the Plan period. The calculation of the landbanks in Policy MP20 uses the average rate of production over a preceding period, and the current landbanks are shown below.

Local Output Indicator LO3	
Description	2013 Result¹
Landbank for crushed rock (years)	58.5 years
Landbank for sand and gravel (years)	13.8 years
Notes ¹ The figures are the position at 31 December 2013, and include aggregate quarries in Plymouth and Dartmoor National Park.	

Mineral Working Areas for Aggregates

- 3.11 The Minerals Local Plan identifies eight Mineral Working Areas for the working of aggregate minerals where continued working will be acceptable in principle. The extension of these Areas will be given priority over the extension of other sites or the permitting of new aggregate mineral sites where additional resources are required to maintain the County's landbank.

Local Output Indicator LO4	
Description	2013 Result
Number of Mineral Working Areas for aggregates that have not been worked during the year	Three
Notes	

- 3.12 No working has taken place at the Hayes Quarry Mineral Working Area since March 2003, with the planning permission lapsing in October 2008, while Venn Quarry ceased production during 2006/07 and Trusham Quarry was not worked in 2013. The status of these sites as Mineral Working Areas will be reviewed in the preparation of the Minerals Plan. Only limited sand and gravel reserves remain at Rockbeare Quarry, and no production has occurred at Hillhead Quarry since 2009 other than removal of materials from stockpiles, although this site retains substantial reserves.

Control of Mineral Working

- 3.13 Mineral working typically occurs over a considerable period of time, and it is therefore important that sites are monitored to ensure compliance with their planning permissions. The percentage of mineral sites to have received at least one monitoring visit in 2013 was 87.5%.

Local Output Indicator LO6	
Description	2013 Result
Proportion of total mineral sites which have received at least one monitoring visit	87.5%
- Active Sites monitored	27 of 30 sites (90%)
- Inactive Sites monitored	8 of 10 sites (80%)
Notes: Inactive sites exclude those sites classed as dormant	

- 3.14 Where breaches of planning permission occur, or are perceived by local residents to have occurred, complaints can be made by the public to the County Council. The County Council endeavours to resolve the issue as promptly as possible.

Local Output Indicator LO7	
Description	2013 Result
Enforcement complaints concerning (a) existing quarries or (b) unauthorised mineral working	(a) Not available (b) Not available
Notes	

- 3.15 Public understanding of mineral sites and effective liaison between site operators and their neighbours is aided by the network of local liaison groups that the County Council has facilitated for the major quarries. The number of local liaison group for mineral sites meeting at least once in 2013 is five, with several groups not meeting over this period. A new local liaison group for the proposed tungsten mine at Hemerdon has been established.

Local Output Indicator LO8	
Description	2013 Result
Number of local liaison groups for mineral sites that have met at least once	Five
Notes	

- 3.16 Devon contains more than 50 mineral sites that, although having a current planning permission, are classed as 'dormant' and are unlikely to resume working. The Minerals Local Plan proposes that these sites should be the subject of Prohibition Orders in order to prevent inappropriate working. As in previous years, no progress has been made on this issue to date. It is anticipated that the introduction of the ability for Mineral Planning Authorities to recover the costs of the monitoring of mineral sites in April 2006 will provide the platform for Prohibition Orders to be pursued on an active basis in the future.

Local Output Indicator LO9	
Description	2013 Result
Number of Prohibition Orders issued	None
Notes	

- 3.17 The development of mineral sites has the potential, if not properly controlled, to exacerbate flooding problems if developed in a floodplain, or to adversely affect water quality. The County Council consults the Environment Agency on

all planning applications for mineral development and aims to avoid granting planning permission where the Agency raises concerns.

Core Output Indicator CO7 (mineral)	
Description	2013 Result
Number of planning permissions for mineral development granted contrary to the advice of the Environment Agency on either flood defence grounds or water quality	None
Notes	

Restoration and Aftercare

- 3.18 One of the main benefits of the Review of Old Mineral Permissions [ROMP] procedure introduced by the Environment Act 1995 has been the ability to secure modern schemes for the restoration and aftercare of mineral sites, as the original planning permission permissions often failed to provide for this. At the end of 2013, ROMP schemes required before 2000 for seven quarries remained undetermined due to the failure of applicants to submit additional information requested by the County Council. Schedule 14 periodic reviews for some sites are now being submitted, and this will give further opportunity to improve restoration and enhancement measures.

Local Output Indicator LO10	
Description	2013 Result
Proportion of Active¹ mineral sites that are subject to modern² restoration and aftercare conditions	84%
Notes ¹ As defined by the Environment Act 1995 ² Covering the whole mineral site, requiring detailed restoration and aftercare schemes, and requiring an aftercare period of five years	

- 3.19 One of the key areas in which mineral working can deliver benefits is biodiversity, with the restoration of mineral sites having the potential for the creation of new habitats following the cessation of mineral working. In addition, the ongoing management of mineral sites that contain designated areas of biodiversity or geological importance should be encouraged through the granting of planning permission and ongoing monitoring.

Local Output Indicator LO11	
Description	2013 Result
Proportion of Active¹ mineral sites which are subject to conditions requiring mitigation, enhancement or restoration works for biodiversity purposes	58%
Notes ¹ As defined by the Environment Act 1995	

Local Output Indicator LO12	
Description	2013 Result
Proportion of Active¹ mineral sites which are subject to conditions requiring the retention of a geological exposure	28%
¹ As defined by the Environment Act 1995	

Local Output Indicator LO13	
Description	2013 Result
Proportion of Sites of Special Scientific Interest within Active¹ mineral sites that are in favourable condition	75%
Notes ¹ As defined by the Environment Act 1995.	

Performance of the Minerals Local Plan Policies

- 3.20 It was highlighted in 4.2 that the number of planning applications for mineral development in any one year tends to be small, and this limits the scope to use some of the Minerals Local Plan policies in the determination of planning applications. It is the intention that the new Minerals Plan will have a more concise suite of policies that will avoid the current situation whereby numerous policies are not utilised.
- 3.21 Previously, an analysis of the use of the Minerals Local Plan policies in the determination of minerals planning applications has taken place, assessing how often the policies were being used in decisions. However, recent changes to planning regulations have removed the requirement to identify the relevant policies on a decision notice, and the previous method of analysis is no longer feasible.

4. DUTY TO COOPERATE

- 4.1 The importance of working with our neighbours has been strengthened through the Localism Act and the introduction of the Duty to Cooperate. This Duty places a requirement for local authorities to work together on planning issues, including the development of planning policy documents. This ensures the effectiveness and deliverability of plans regarding strategic cross boundary matters.
- 4.2 Activities undertaken by Devon County Council in line with the Duty to Cooperate during the period of this Monitoring Report are summarised within this section.

Minerals Planning

- 4.3 Devon County Council is part of the *South West Aggregates Working Party* which comprises planning officers from mineral planning authorities in the south west region, together with representatives of the minerals industry, and plays a key role in fulfilling the duty to cooperate. The Working Party reviews submitted Local Aggregate Assessments, including those from adjoining regions, and assesses the cumulative contribution to meeting the region's aggregates requirements. Meetings of the AWP were held in May and November 2013.
- 4.4 Evidence of minerals production and reserves has been shared between mineral planning authorities on a regular basis through the AWP or with individual MPAs to assist in Minerals Plan development. In 2013, Devon County Council has been in discussion with Dorset County Council, Torbay Council and Cornwall Council in aiding the preparation of their Minerals or Local Plans.

District Council Local Plans

- 4.5 Devon County Council participates extensively in the preparation of Local Plans by Devon's district councils, and in Plans prepared by adjoining unitary and national park authorities, reflecting its roles as minerals and waste planning authority, highway authority and infrastructure provider. This participation includes ensuring that these Local Plans avoid constraining mineral resources and operations.
- 4.6 Within 2013/14, engagement was undertaken in particular with Teignbridge District Council and Mid Devon District Council, and with most other District Councils within Devon.

5. KEY FINDINGS AND ACTIONS REQUIRED

Minerals and Waste Development Scheme

- 5.1 As explained in Section 2, the milestones for the Minerals Plan provided in the Third Revision of the MWDS have not been met, and it is proposed that the Scheme be revised in early 2015 to reflect the anticipated progress.

Implementation of the Minerals Local Plan

- 5.2 The limited number of planning applications for minerals development in each year limits the scope for rigorous assessment of the extent to which Minerals Local Plan policies are being implemented, and analysis is further undermined by regulatory changes that have removed the requirement to refer to relevant policies in decisions.
- 5.3 However, consideration of applications determined by Devon County Council in 2013 indicates that a positive approach is being taken to the supply of building stone, with new small-scale working approved at Beer and continuation of extraction approved at Morteheo. Approval was also given for the working of additional ball clay resources at Ringslade.
- 5.4 While no new permissions were given for aggregates extraction (and new conditions approved at Haldon Quarry have the effect of reducing permitted reserves), Devon maintains landbanks of crushed rock and sand and gravel in excess of the minimum lengths required by national policy.
- 5.5 Progression of the new Devon Minerals Plan towards submission in June 2015 will provide the opportunity to develop a more comprehensive monitoring framework that will facilitate improved scrutiny of minerals policy in future years.

Appendix 1 Schedule of Mineral Planning Applications Determined in 2013

Application Reference	Site	Development	Decision Date	Decision
DCC/3199/2011	Haldon Quarry, Kennford	Variation of Conditions 2, 4, 10, 11, 12, 13, 15, 16 and 18 of planning permission 97/3392/34/9 to allow for a revised scheme of working and restoration of the quarry	26/04/13	Approved
DCC/3486/2013	Peters Marland Ball Clay Works	Eastern extension of Westbear Quarry to enable remediation works caused by the effects of subsidence	19/07/13	Approved
DCC/3487/2013	Peters Marland Ball Clay Works	Vary condition 3 of planning permission 1/801/98/46/01	16/08/2013	Approved
DCC/3527/2013	Uffculme Concrete Products Factory, The Downs, Uffculme	Change of use of part of an existing concrete products factory to an aggregate bagging facility with additional storage bays, offices and welfare facilities and external product storage areas	19/09/13	Approved
DCC/3493/2013	Ringslade Ball Clay Works, Newton Abbot	Variation of conditions 4, 22 and 24 attached to decision 99/2081/01/9/DCC to allow access to additional ball clay reserves	24/09/13	Approved
DCC/3421/2012	Brayford Quarry	Application to vary condition 6 (hours of operation) of planning application reference 02/45572/2007	24/09/13	Approved
DCC/3564/2013	Old Quarry, Morteheo	Continuation of quarrying for Morte Slate to obtain walling stone for repair of walls and banks	21/11/13	Approved
DCC/3589/2013	Beer Quarry Caves, Quarry Lane, Beer	Dimensional extraction of up to 5 cubic metres of Beer Stone annually for a period of 10 years	13/12/13	Approved