



GOVERNMENT OFFICE
FOR THE SOUTH WEST

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Our reference: SW/THM/
Your reference:

19th September 2007

Dear Mr Hill

**DIRECTION UNDER PARAGRAPH 1(3) OF SCHEDULE 8 TO THE
PLANNING AND COMPULSORY PURCHASE ACT 2004
POLICIES CONTAINED IN THE DEVON COUNTY MINERALS LOCAL
PLAN 2004**

The Secretary of State for Communities and Local Government in exercise of the power conferred by paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 directs that for the purposes of the policies specified in the Schedule to this direction, paragraph 1(2)(a) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 does not apply.

Signed by authority of the
Secretary of State

Thoss Shearer
Deputy Regional Director
Regional Strategies, Housing and Planning
Government Office South West



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Dear Mr Hill

I am writing with reference to your application of 19 December 2006 for a direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 in respect of policies in the Devon County Minerals Local Plan 2004.

The Secretary of State's Direction is attached. Those policies not listed in the Direction will expire on 27th September 2007.

The Secretary of State's assessment of whether saved policies should be extended is based upon the criteria set out in Planning Policy Statement 12 and the Department for Communities and Local Government Protocol on saving policies. The Secretary of State's decisions concern some policies where there have been representations from a third party expressing views that differ from those of your authority. Also, her decisions in respect of some policies have the effect of saving policies that your authority requested should not be extended. For clarity, where the Secretary of State's decisions differ from the views of your authority those reasons are set out in the table at the end of this letter.

The extension of saved policies listed in this Direction does not indicate that the Secretary of State would endorse these policies if

presented to her as new policy. It is intended to ensure continuity in the plan-led system and a stable planning framework locally, and in particular, a continual supply of land for development.

Local planning authorities should not suppose that a regulatory local plan style approach will be supported in forthcoming Development Plan Documents. LPAs should adopt a positive spatial strategy led approach to DPD preparation and not seek to reintroduce the numerous policies of many local plans.

The exercise of extending saved policies is not an opportunity to delay DPD preparation. LPAs should make good progress with local development frameworks according to the timetables in their local development schemes. Policies have been extended in the expectation that they will be replaced promptly and by fewer policies in DPDs. Maximum use should be made of national and regional policy especially given the advanced position of many regional spatial strategies and the development plan status of the Regional Spatial Strategy/Spatial Development Strategy.

Following 27 September 2007 the extended policies should be read in context. Where policies were adopted some time ago, it is likely that material considerations, in particular the emergence of new national and regional policy and also new evidence, will be afforded considerable weight in decisions. In particular, we would draw your attention to the importance of reflecting policy in Planning Policy Statement 3 *Housing* and Strategic Housing Land Availability Assessments in relevant decisions.

Policy Ref	Reason	Extended	Not Extended
None	The Secretary of State's assessment did not differ from the Local Authority's.		

Please note that if you any queries concerning the contents of this letter they should be directed to Tara Dickenson 01752 63 5186 tara.dickenson@gosw.gsi.gov.uk

Yours sincerely

Thoss Shearer
Deputy Regional Director
Regional Strategies Housing and Planning



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SCHEDULE

POLICIES CONTAINED IN THE DEVON COUNTY MINERALS

LOCAL PLAN 2004

Policy No.	Name
MP2	AONBs and Effect on National Parks
MP3	SSSIs and NNRs
MP4	Archaeological Sites
MP5	Listed Buildings
MP6	Historic Parks and Gardens
MP7	County Environmental Designations - AGLVs
MP8	County Environmental Designations - Coastal Preservation Areas
MP9	Conservation Areas
MP10	Maintenance of the County's Nature Conservation Resource
MP11	Environmentally Sensitive Sites Not Having Statutory Protection
MP13	Development in Mineral Consultation Areas
MP14	Mineral Consultation Areas
MP15	Mineral Development in Buffer Zones
MP16	Non-Mineral Development in Buffer Zones
MP17	Borrow Pits
MP18	Prior Extraction
MP19	County Contribution
MP20	Landbanks
MP21	Mineral Working Areas for Aggregate Mineral Development
MP22	Extensions to Mineral Working Areas for Aggregate Mineral Development
MP23	MP23 – Aggregate Mineral Development as Extensions to Sites Not Designated as Mineral Working Areas
MP24	Aggregate Development at New Mineral Sites
MP25	Estuarine Dredging
MP26	Open Coast Extraction
MP27	Use of Secondary & Recycled Materials
MP28	Recycling, Storage & Processing Facilities
MP29	Mineral Working Areas for Ball Clay
MP30	Ball Clay Development Outside Mineral Working Areas
MP31	Consideration of Transport by Conveyor Systems
MP32	Surface Disposal of Ball Clay Wastes
MP33	Replacement Ponds

MP34	Development Utilising Ball Clay Wastes
MP35	Mineral Working Areas for China Clay
MP36	China Clay Development Outside Mineral Working Areas
MP37	Tipping of China Clay Waste
MP38	Non-Energy Mineral Development as Extensions to Existing Sites
MP39	Non-Energy Mineral Development at New Sites
MP40	Local Supply of Dimension Stone
MP41	Development Control Considerations
MP42	Bulk Transport of Minerals Other Than by Road
MP43	Transport of Minerals
MP44	Agricultural Land
MP45	Water Resource Protection
MP46	Protection of Karst Geology
MP47	Flood Risk & Flood Plains
MP48	Disposal of Mineral Waste
MP49	Rights of Way
MP50	Removal of Permitted Development Rights, Ancillary Development & Mineral Working Deposits
MP51	Associated Development
MP52	Importing Materials to Mineral Sites
MP53	Existing Wharves and Rail Head Facilities
MP54	New and Improved Wharves & Rail Head Facilities
MP55	Non-Operational Land and Features
MP56	Restoration
MP57	Securing Effective Restoration
MP58	Exploration
MP59	Prohibition Order Sites