

Proposed Extension to Linhay Hill Quarry

Heads of Terms

Introduction

- 1.1. Section 106 of the Town and Country Planning Act provides for Planning obligations to be attached to grants of planning permissions to provide for aspects of the proposal which do not necessarily relate to 'operational development' but still comprise part of the proposals. An example in this case would be the commitment to promote a Traffic Regulation Order for the Signing Strategy for Caton Lane. A S106 agreement is described by the NPPF as: A legally enforceable obligation entered into ... to mitigate the impacts of a development proposal.
- 1.2. Like Conditions, the terms of Planning Obligations need to be justified: Planning Practice Guidance states:

'Does the local planning authority have to justify its requirements for planning obligations?

In all cases, including where tariff style charges are sought, the local planning authority must ensure that the obligation meets the relevant tests for planning obligations in that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind.

Planning obligations should not be sought where they are clearly not necessary to make the development acceptable in planning terms.'
- 1.3. **Without Prejudice**, Glendinning agrees that there should be a S106 to accompany any planning permission and has prepared a suggested Heads of Terms for this purpose.
- 1.4. This will evolve during the time that the planning application is being considered by the DNPA, with a view to proposed wording for a S106 under each heading being completed in time to be included in the Officer's Planning Report to the DNPA Committee when the Planning Application is determined.

Suggested Heads of Terms

Community benefits

1. Formalise the Company's current ad-hoc arrangements for making contributions in cash or kind for community projects into a Community Fund, administered by a joint body to include representatives from Glendinning, Ashburton Town Council and the Dartmoor National Park Authority, funded from a 2p per tonne of limestone sold.
 2. Arrangements for provision of additional footpaths in stages 0, 1 and 3 – see Figures 3-8 and 3-11 above.
 3. Creation of a public community garden or allotment space from the walled garden behind Place House
 4. Arrangements for other public access opportunities – see schedule in Appendix 3G of the ES.
 5. Restoration Strategy including creation of public space adjacent restored lake for amenity/wildlife and recreation and circular path.
 6. Arrangements for Long term maintenance and management of the restored site, including Community Trust and contingency arrangements if Community Trust is not set up.
 7. Preparation of a Masterplan of the land uses in the Restoration Strategy in the final part of Stage 5.
- 1.5. The existing mixed plantation habitat of Alston Wood will be enhanced by selective thinning and removal of conifers and native broadleaved planting. Outline Land Management Strategy.xx

Other matters

8. Traffic Regulation Order at Hook's Cross for Signing Strategy.

9. Commitment to seek permissions and consents listed in table 4-1 in orderly and timely manner, subject to outcome of the previous application.
10. Arrangements for revocation of planning permissions consolidated into new planning permission: - SA/35, SA/233, SA/676, 87/0683/31/3D, 5/31/286/97/03, 5/31/064/94/03 and 5/31/285/94/03.