

Wiltshire and Swindon Minerals Development Control Policies Development Plan Document

Submission Draft: July 2008



Wiltshire and Swindon

**Minerals Development Control
Policies
Development Plan Document**

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1. Introduction

- 1.1 This document sets out the Councils' land use policy framework for determining planning applications for minerals development within the Plan area of Wiltshire and Swindon (see **Figure 1**). The principle aim of the policies within this document is to ensure that sites are operated and managed to high standards with minimum impacts to local communities and the environment.
- 1.2 This document has been prepared by Wiltshire County Council and Swindon Borough Council (the Councils) as part of the preparation of the '**Wiltshire and Swindon Minerals and Waste Development Framework**' (MWDF). It aims to build upon the previous 'Issues and Options' consultation (November 2005 – January 2006), 'Preferred Options' consultation (June 2006 – August 2006) and the Revised Preferred Options consultation (August 2007), by developing the views and comments received and presenting the Councils' submission draft policy direction in terms of managing the impacts associated with the use of land for minerals development.
- 1.3 In the interests of brevity the Councils have prepared a separate **Evidence Base** (available on our website: www.wiltshire.gov.uk/environment-and-planning/planning-home/minerals-waste-evidence.htm). This has been produced to underpin the Minerals and Waste Development Framework, and allows a substantial amount of information previously contained within the Minerals and Waste DPDs to be removed, making them more user friendly. A glossary of terms is included in **Appendix 1**.

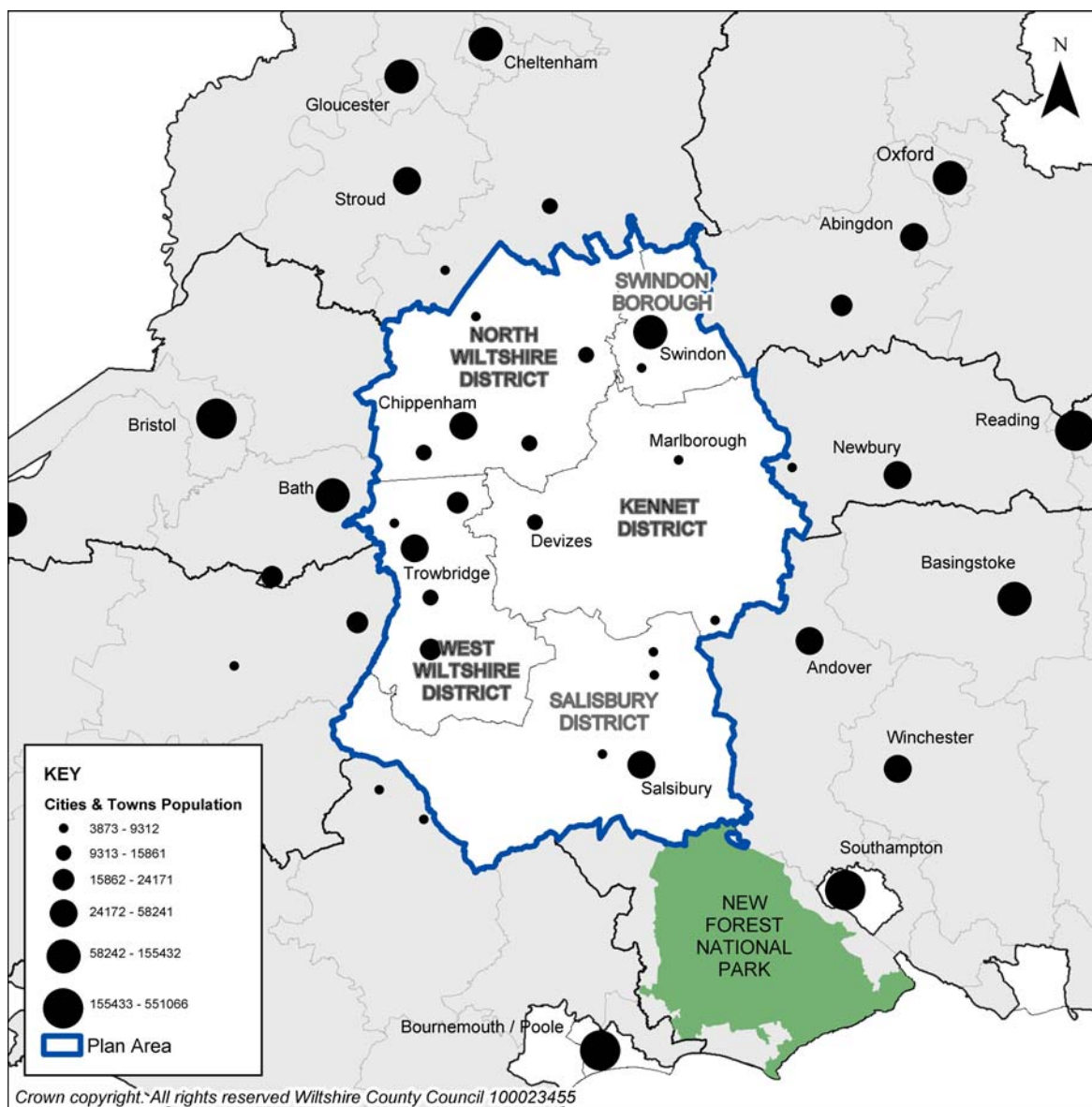
Relationship with Minerals Core Strategy

- 1.4 The purpose of the Minerals Core Strategy is to establish a strategic policy framework that determines the nature and spatial extent of minerals development in Wiltshire and Swindon to 2026. The Core Strategy also guides the content of subsequent minerals DPDs and requires this Development Control Policies DPD to contribute to the delivery of the Vision and Strategic Objectives through the provision of more detailed, criteria based policies that will be used to manage the associated impacts of future minerals development.
- 1.5 Elements of the Core Strategy **strategic objectives**, relating to each chapter of this DPD, are set out **emboldened within quote marks** at the beginning of each chapter.

Getting Involved

- 1.6 If you wish to submit comments on the content of this Minerals Development Control Policies DPD, please complete the representation form and return it to us by **xxxday xx xxxxxx 2008**. You can do this by either:
- Downloading the document and response form from www.wiltshire.gov.uk/planning and e-mailing your comments to Mineralsandwastepolicy@wiltshire.gov.uk; or
 - Post your comments to:
Geoff Winslow, Team Leader, Minerals and Waste Policy Team
Environmental Services Department, County Hall, Trowbridge
Wiltshire, BA14 8JD.

Figure 1: Wiltshire and Swindon – The Plan Area



2. The Development Control Process

Who does what?

- 2.1 In areas where there are two tiers of local authorities, currently the case in Wiltshire, all decisions on minerals, waste and the councils own planning applications are taken by the County Council. All other planning applications are currently dealt with by the District Councils. Swindon Borough Council, as a unitary authority, deals with all planning applications made for land within the boundaries of the Borough.
- 2.2 Recent local government reorganisation has led to the decision to consolidate the County and District Authorities of Wiltshire to form one Unitary Authority. The formal adoption of the new unitary Wiltshire Council is timetabled to take place in April 2009. The existing arrangements are subject to change as a result of the local government reorganisation but it is not possible to speculate what these changes may or may not involve at this stage.

Planning Applications – Information Required, Planning Conditions and Planning Agreements

- 2.3 In order to determine applications for minerals development, the Minerals Planning Authorities (MPAs) must have sufficient information upon which to base their development control decisions, and will require submission of a *full* planning application for any such development.
- 2.4 Pre-application consultation with the MPAs is therefore essential in terms of establishing what supporting information is likely to be required and, as such, is strongly encouraged as an important element of applying for permission for minerals development – particularly where the need for an Environmental Impact Assessment may be a factor for consideration (see below). Such liaison will also help ensure that planning applications are processed efficiently and effectively.
- 2.5 In line with good practice, the MPAs would strongly encourage developers to consult on their proposals with the local community at the earliest stage. Further advice is provided in the general guidance notes accompanying the application forms for minerals development.
- 2.6 Due to the nature of minerals development, permissions are likely to be subject to a number of planning conditions designed to avoid nuisance and adverse impacts throughout, and in some cases beyond, the life of the development. Such conditions must be:
- necessary;
 - relevant to planning;
 - directly related to the proposed development;
 - enforceable;
 - precise;
 - reasonable in all other aspects
- 2.7 The use of planning conditions is a standard approach to ensuring that a development is acceptable and can therefore proceed. However, where a development cannot be made acceptable through planning conditions it may be necessary for the MPA and developer to enter into an agreement that will ensure

that wider environmental impacts that extend beyond the development site, and would otherwise lead to an application being refused, can be resolved.

- 2.8 A planning agreement may, for example, involve a developer providing a financial contribution towards the provision of additional / improvements to infrastructure or to the protection and enhancement of biodiversity. The MPAs must ensure that planning agreements are:
- necessary;
 - relevant to planning;
 - directly related to the proposed development;
 - fairly and reasonably related in scale and kind to the proposed development;
 - reasonable in all other aspects.
- 2.9 Planning Agreements are also often referred to as 'Planning Obligations' or 'Section 106 Agreements'.

Environmental Impact Assessment

- 2.10 Environmental Impact Assessment (EIA) is undertaken by developers as a means of drawing together in a systematic way an assessment of the likely significant environmental effects of certain types of development proposal.
- 2.11 The EIA process, including the method for determining whether an EIA is required for a particular development proposal, is set out in legislation and detailed national guidance¹. The result of an EIA is presented in an Environmental Statement and if required should be submitted with a planning application.
- 2.12 An EIA is mandatory for new minerals extraction sites, extensions to existing extraction sites, or reviews of permissions of existing extraction sites greater than 25 hectares. Below this threshold an EIA will be required if, without any mitigation measures, the development would be likely to have significant environmental effects.
- 2.13 Planning applications falling within the scope of the Regulations will not be determined until a satisfactory Environmental Statement has been submitted and its information taken into consideration. Developers should request a screening opinion from the planning authority, if they are in doubt as to whether an application will need to be supported by an EIA.
- 2.14 Where an EIA is required developers are encouraged to ask the MPAs for an opinion as to the scope and level of detail that should be covered, prior to submitting any application for planning permission. In such cases, and to ensure that all relevant environmental issues are identified and addressed, the MPAs will consult other relevant conservation and information-holding bodies (including the Environment Agency) before an opinion is given.

¹ Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999; and Circular 02/99 'Environmental Impact Assessment'

Monitoring, Enforcement and Liaison

- 2.15 The MPAs will ensure that the land-use implications of all minerals development are carefully monitored and carried out in accordance with the provisions of the valid planning permission, including compliance with associated conditions and any planning agreements. Land-use implications of minerals development can include, among others, the movement of minerals to, from and within a site; the provision of suitable screening measures; the erection of ancillary buildings and structures; and the final restoration and after-use of the site.
- 2.16 Where complaints from the public do arise concerning land use aspects of minerals developments they will be dealt with in accordance with relevant legislation, policy and guidance on enforcement, including any adopted by the MPAs². Monitoring and dealing with complaints helps to highlight where breaches of planning controls have or may have occurred and usually leads to problems being resolved quickly and effectively.
- 2.17 The MPAs will seek to rectify breaches of planning control (including conditional matters associated with planning permissions) and/or agreements through negotiation with the operator or landowner. Where this fails the MPAs have the powers to implement formal enforcement action to secure a stop to any unauthorised development and to direct appropriate remedial works. It is therefore in the interests of the minerals industry to work strictly in accordance with planning permissions and attached conditions and/or planning agreements. This will help to ensure that formal enforcement action will not be necessary and that the relationship between the minerals operator and the local community is not compromised.
- 2.18 Wherever minerals developments are located they are likely to create concern and anxiety in the neighbouring local community. Through their shared location, the operators of any minerals development will form a part of the local community, and as such are encouraged to develop links with that community. A recognised approach to creating such links is through community liaison committees, and where planning permission for minerals development is granted the MPAs encourage minerals operators to establish such committees.
- 2.19 Community liaison committees act as useful forums to ensure that the local community is kept up-to-date on the progress of the site and the compliance of the operations with the conditions attached to the planning permission. They also allow for constructive discussion about concerns or problems and to assist in their resolution to the satisfaction of both the local community and the minerals operator.

² Wiltshire County Council has produced specific Planning Enforcement Policy Guidance and Swindon Borough Council adopted an amended version of the Cabinet Office's Enforcement Concordat at the end of 2001.

3. Delivering Sustainable Minerals Development

“... Make a sustainable contribution to meeting the need for minerals... Proven mineral deposits which are, or may become, of economic importance will be safeguarded from non-mineral development....

“... Support opportunities that assist in the economic growth of Wiltshire and Swindon, recognising the important contribution that minerals development can make to the local economy...”

“... Maintaining and/or enhancing the quality of life of people living in proximity to minerals development...”

“... Provide clear guidance to the communities of Wiltshire and Swindon on minerals planning policy and proposals...”

“... Identify, develop and implement opportunities to work with all those with an interest in sustainable minerals planning in Wiltshire, Swindon and the surrounding areas...”

- 3.1 Minerals development incorporates minerals extraction and associated plant and ancillary structures, mineral recycling facilities, Rail Aggregate Depots and borrow pits. Policy MDC1 sets out the broad principles upon which planning application decisions for minerals development will be based; ensuring proposals for minerals development reflect the requirement to contribute to the achievement of sustainable development.³
- 3.2 The Minerals Core Strategy places a restoration led approach at the heart of delivering sustainable minerals development in Wiltshire and Swindon. This position acknowledges that what is essentially a temporary use of land should be returned to a beneficial afteruse in a timely and efficient manner, with minimum adverse impact upon local communities and the environment.
- 3.3 Policy MDC1 aims to ensure that this is achieved through encouraging applicants to adopt an integrated mitigation strategy for managing the adverse impacts that are likely to arise as a result of minerals development. The mitigation strategy should serve to bring together the requirements of all the policies within this document and the wider policy framework. Its effectiveness will depend upon the extent of pre-application discussions with and between key stakeholders (e.g. including local communities, the Environment Agency, English Heritage, Natural England, the Highways Agency, MoD etc) and the Councils.
- 3.4 Proposals should consider the wider context of possible adverse impacts, and the possible cumulative effect with other development within the vicinity of the site. The proposed scheme of minerals working, processing, transportation and the impact of ancillary structures associated with minerals development, all need to be fully considered and addressed at the earliest stage of the planning process, in order to ensure that any adverse impacts are reduced to an acceptable minimum.
- 3.5 Within the context of sustainable development, the need for the minerals development is an important consideration, recognising the vital contribution that is

³ The requirement to contribute to the achievement of sustainable development is set out in Section 39 of the Planning and Compulsory Purchase Act 2004.

made to the prosperity of Wiltshire and Swindon through the provision of construction materials to build new homes, schools, roads and hospitals etc. It is however, important to avoid over-provision of permitted reserves for a given mineral type, which could lead to more quarries than necessary operating at one time. In the case of primary aggregates, the need should be based upon the Government policy (MPS1) requiring the maintenance of a minimum 7 year 'stock' of planning permissions (known as a 'landbank') for aggregate extraction at the rate set in the Regional Spatial Strategy for the South West and reflected in the Minerals Core Strategy (Policy MCS 1).

- 3.6 Applicants are also encouraged to consider how waste can be minimised on site and the extent that the use of alternatives to primary aggregates can be promoted through the development. This information, in the form of a site waste management plan, should be submitted to support planning applications for minerals development that fall within the requirements of policy WCS6 of the Wiltshire and Swindon Waste Core Strategy.
- 3.7 In addition to the general demand for minerals, some major construction projects require substantial amounts of mineral to be supplied over relatively short periods of time. In order to meet these needs, and in the interests of sustainable development it can be preferable to open up a 'borrow pit' adjacent to the project site specifically to provide the required aggregate. In such circumstances it must be demonstrated that the environmental and amenity impacts associated with extracting and processing aggregates from a borrow pit will be lower than transporting the materials from existing quarries. As such, applications for borrow pits will be treated the same as any other proposal for mineral extraction.

MDC1: Key Criteria for Sustainable Minerals Development

Proposals for minerals development must contribute to the delivery of sustainable development in Wiltshire and Swindon by ensuring that the social, economic and environmental benefits of minerals development are maximised, and adverse impacts - including cross-boundary and cumulative impacts - are kept to an acceptable minimum. All proposals for minerals development will be assessed using the following key criteria:

- a) The need for the development;
- b) The extent to which adverse impacts associated with the development will be minimised and managed through an integrated mitigation strategy which has been developed through early and effective consultation with key stakeholders, including local communities and the Councils, prior to the submission of a planning application;
- c) The extent to which mineral waste generated on site is minimised, and where possible, the reception, processing and distribution of alternatives to primary aggregates is facilitated;
- d) The extent to which the visual / landscape impact of any structures and buildings is minimised in terms of the appropriate use of scale and form;
- e) The extent to which the development ensures the protection of soil resources throughout the life of the development;
- f) The extent to which adverse impacts on the water environment and flood risk can be avoided and / or mitigated;
- g) The quality and appropriateness of the restoration, aftercare and after-use proposals, considering the contribution that could be made to the UK, South West and/or Wiltshire, Swindon and Cotswold Water Park Biodiversity Action Plan targets, the South West Nature Map and Great Western Community Forest;

Policy Drivers

- MPS1: Planning and Minerals
- MPS2: Controlling and Mitigating the Environmental Effects of Minerals Extraction in England
- MPG7: The Reclamation of Mineral Workings
- PPS7: Sustainable Development in Rural Areas
- The First Soil Action Plan for England 2004 - 2006
- Draft South West Regional Spatial Strategy
- Comments received from previous consultations
- SA/SEA report.

4. Managing the Impacts of Minerals Development

“... Make a sustainable contribution to meeting the need for minerals... Proven mineral deposits which are, or may become, of economic importance will be safeguarded from non-mineral development....

“... Maintaining and/or enhancing the quality of life of people living in proximity to minerals development...”

“... Provide clear guidance to the communities of Wiltshire and Swindon on minerals planning policy and proposals...”

“... Identify, develop and implement opportunities to work with all those with an interest in sustainable minerals planning in Wiltshire, Swindon and the surrounding areas...”

- 4.1 Unless effectively and robustly controlled, the adverse environmental impacts of minerals development can be significant. Proposals for minerals development must therefore consider the extent to which adverse environmental impacts can in the first instance be avoided, before considering the adequacy of options for mitigation. Proposals that do not provide adequate protection of the environment will not normally be permitted.
- 4.2 The avoidance of impacts refers to the need to prevent impacts happening in the first place. It is acknowledged that this will be difficult due to the (often) large scale of minerals development. Mitigation measures should be incorporated in order to reduce any adverse impacts to the point where it no longer has significant effects.
- 4.3 The policies within this topic seek to manage the various operational impacts associated with all types of minerals development. Additionally, the approach to ensure safeguarding of existing minerals development, and land that may be required for minerals development in the future, is detailed.

Managing the impacts of Minerals Development

- 4.4 Policy MDC2 aims to manage the various operational impacts associated with minerals development proposals in order to minimise the adverse environmental impacts and maintain and/or enhance the quality of life of those people living in proximity to the development.
- 4.5 Additionally, there is a need to comply with other pieces of legislation associated with minerals development such as the requirements under the Environmental Permitting (England and Wales) regulations 2007⁴, which are not within the remit of the Minerals Planning Authority and are instead controlled and enforced by the Environment Agency.

⁴ The Environmental Permitting (England and Wales) regulations 2007 came into force on 6 April 2008 and consolidates the requirements of Waste Management Licensing Regulations 1994 and the Pollution Prevention and Control (England and Wales) Regulations 2000 .

- 4.6 Minerals development can lead to adverse impacts such as noise, dust, air emissions, lighting, and vibration, which can impact on the quality of life of those living, working and using facilities in proximity to the development. Some land uses are more sensitive than others to these impacts. For example hospitals, schools and residential areas have a high to medium sensitivity, whereas farms and industrial uses have a low sensitivity (as detailed in MPS2). Additionally, there may be impacts on the landscape, biodiversity/geological conservation, and the historic environment – covered in chapter 4.
- 4.7 The policy approach set out in MDC2 seeks to ensure that the potential adverse impacts associated with minerals development are managed in order to protect the environment and amenity. Possible impacts may include noise, vibration and emissions to air from quarry traffic and processing plant, debris on the roads, the raising of dust during dry periods, light pollution and visual intrusion. Minerals developments are often generators of high volumes of HGV traffic and, as well as being linked to many of the impacts listed above, air emissions from quarry traffic are referred to as being contributors to climate change and can adversely affect people's health. It is important that these impacts are kept to an acceptable minimum through the use of appropriate mitigation measures such as:
- The incorporation of a defensible separation distance between residents and mineral workings;
 - Landscaping to create bunds;
 - Using natural vegetation for screening purposes;
 - Restricting the hours of operation;
 - Water bowsers to suppress dust, and wheel washers to reduce the road debris caused by lorries;
 - The phasing of operations to reduce the impact on local residents;
 - The choice of route, location and suitability of access arrangements for vehicles entering and leaving the site.
 - The use of shields, louvers, baffles and restrictions on operational hours to prevent 'light spill', 'light trespass' and 'sky glow' in sensitive areas.
- 4.8 Government policy (MPS1, MPS2) states that the environmental effects of minerals extraction should, as far as possible, be controlled, mitigated or removed at source, so as to reduce potential adverse impacts to an acceptable level. EIA Regulations require an assessment of the likely significant environmental effects of some development (explained in chapter 2). Policy MDC2 compliments the EIA provisions by requiring assessments for minerals development that fall below the EIA threshold, where there is likely to be adverse impacts associated with noise, dust, air emissions, lighting and vibration. Where there is a residual adverse impact associated with the criteria listed in policy MDC2, that is permanent, the development will not be approved⁵.
- 4.9 The final paragraph of Policy MDC2 seeks to reduce the impacts of plant and machinery in the long term, by limiting the life of these structures to the mineral reserve it serves; except where the developer can demonstrate that the continued use of such plant/machinery will not lead to significant adverse impacts, in accordance with the provisions of MDC2.

⁵ As stated in paragraph 2 of MPS2

MDC2: Managing the Impacts of Minerals Development

Proposals for minerals development in Wiltshire and Swindon will be permitted where it can be demonstrated that the proposal avoids and / or adequately mitigates, significant adverse impacts associated with the following environmental considerations:

- **Noise levels**
- **Dust levels**
- **Air emissions**
- **Lighting**
- **Vibration levels.**

Proposals for mineral development should be accompanied, where necessary, by an assessment of the impact of the proposal in terms of noise, dust, air emissions, lighting, and vibration. Where a need for mitigation is identified, mitigation measures should be clearly defined and submitted as part of the development proposal.

All plant and machinery associated with the mineral development will be limited to the life of the mineral reserve it serves, except where it can be demonstrated that the adverse impacts associated with retaining the plant and machinery can be effectively managed.

Policy Drivers

- **PPS12: Local Development Frameworks**
- **MPS1: Planning and Minerals**
- **MPS2: Controlling and Mitigating the Environmental Effects of Minerals Extraction in England**
- **Draft South West Regional Spatial Strategy**
- **Comments received from previous consultations**
- **SA/SEA report.**

Managing the Impacts on Surface water and Groundwater

- 4.10 Minerals development in Wiltshire and Swindon, particularly sand and gravel extraction, is an activity that is likely to involve of interaction with surface and ground water resources. Whether it be through abstraction of water for mineral washing and processing, the culverting of water courses and dewatering of areas where minerals will be worked below the water table, or simply the storage of fuels and other chemicals necessary for the development, there will be potential for adverse impacts to water quality and water levels both within and beyond boundaries of a site. It is therefore important that these aspects of minerals development are assessed and properly managed.
- 4.11 In some areas of Wiltshire and Swindon, the Upper Thames Valley for example, a key consideration in the timing and phasing of operations will be the seasonal variations in surface and ground water levels, as it may be inappropriate or impractical for minerals extraction or restoration to occur at certain times of year. One of the effects of climate change could be more extreme weather events, including an increase in the risk of flooding at certain times of the year. For Wiltshire and Swindon this is likely to mean a 0-15% decrease in precipitation in the summer, and a 0-15% increase in precipitation in the winter months up to 2020. Therefore, managing the impact of minerals development upon the water environment will need to consider the possibility that flood risk in the future will be increased.
- 4.12 Government policy (PPS25) seeks to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas at highest risk. A potential impact of minerals extraction is an increase in flood water depths and velocities in adjacent areas. A Flood Risk Assessment is required for development proposals of one hectare or above in Flood Zone 1, and all proposals within areas at risk of flooding as identified by the Wiltshire and Swindon Strategic Flood Risk Assessment. Geological circumstances dictate that it is likely that sand and gravel extraction will take place in areas at a high risk of flooding.
- 4.13 Ancillary buildings and hard-standing associated with minerals development can also lead to increases in surface run-off and therefore could contribute to flooding. Sustainable Urban Drainage Systems (SUDS), that are capable of storing and controlling the discharge of water associated with these areas, should also be incorporated into the design of proposals.
- 4.14 The Environment Agency has an important role to play on hydrological issues and is the main body responsible for safeguarding the water environment. Its concerns include ground and surface water protection, pollution control, flood defence, land drainage, recreation, fisheries and conservation. The Environment Agency produces Standing Advice that developers should refer to when considering ways of dealing with the hydrological effects of minerals development.
- 4.15 The Environment Agency safeguards water resources and manages abstraction through Catchment Abstraction Management Strategies (CAMS). Currently CAMS affecting Wiltshire and Swindon all state that there are no ground and surface water resources available for new consumptive abstractions at low flows, or they are over licensed or over abstracted at low flows. However, water may be available at higher flows with appropriate restrictions. It is therefore essential that proposals for minerals developments include provisions for the efficient use of water resources.

- 4.16 Pre-application discussion with the Environment Agency and the Councils on matters likely to affect surface and groundwater protection will always be encouraged. Based on the advice of the Environment Agency applicants will be required to assess the potential impacts upon the water environment at both extraction and restoration phases, undertaking a hydrological/hydrogeological investigation where necessary.

MDC3: Managing the Impact on Surface Water and Groundwater Resources

Proposals for minerals development will only be permitted where it can be demonstrated that appropriate controls will be made available to protect and, where appropriate, enhance the water environment. This includes making provisions to ensure the protection and maintenance of:

- The quality of groundwater, water courses and other surface water; and
- The volume / levels of groundwater, water courses and other surface water

Flood Risk Assessments will be required for minerals development proposals in areas at risk of flooding or likely to contribute to flooding elsewhere, as appropriate to the nature and scale of the development. Where a risk of flooding and increased flood risk is identified through FRA, proposals must include measures to ensure the avoidance of and / or mitigation of that risk.

Where appropriate, development proposals will also be required to include provisions for the efficient use of water resources on site and the use of Sustainable Urban Drainage Systems.

Policy Drivers

- Draft South West Regional Spatial Strategy
- PPS25: Development and Flood Risk
- Comments received from previous consultations
- SA/SEA report.

Safeguarding Mineral Resources, Rail-head facilities and Mineral Recycling facilities

- 4.17 A balance needs to be struck between protecting the amenity of nearby sensitive land uses, for example local residents, and the need to prevent the sterilisation of proven mineral resources, operational land associated with rail-head facilities and minerals recycling facilities. To this end, Mineral Safeguarding Areas (MSAs) have been defined, as shown on the Proposals Map. Minerals Consultation Areas, based upon MSAs, should be reflected in the Local Development Documents currently being produced by the District Councils in Wiltshire. This mechanism ensures that the County Council is consulted when non-mineral development is proposed within a Mineral Consultation Area.
- 4.18 The Minerals Core Strategy provides strategic direction on the issue of safeguarding, setting out those areas within Wiltshire and Swindon that will be safeguarded. It would be unreasonable to oppose development where it can be proven that mineral resources will not needlessly become sterilised as a result of that development. It is therefore necessary to provide the criteria that should be met to enable certain non-mineral developments to proceed within MCAs.
- 4.19 The Councils will require the developers to provide sufficient information, in the form of borehole sample data, upon which to consider whether a non-mineral development proposal within a MCA should be approved. Boreholes samples should be taken to ensure that comprehensive data is available across the site and that will provide a clear indication of whether economically viable mineral is present, and if so where.
- 4.20 The Councils will support major developments in MCAs where they allow for minerals to be extracted prior to or in phase with the proposed non-minerals development. In such circumstances it is unlikely that all of the mineral contained within the site will be recoverable. The Councils will, however, require the developer to demonstrate that opportunities for maximising the potential yield for minerals have been taken into account.
- 4.21 The Councils will also support proposals for temporary non-minerals development in MCAs where there will be no long term sterilisation of mineral resources.

MDC4: Safeguarding Mineral Resources, Rail-head Facilities and Mineral Recycling Facilities

Proposals for development within Mineral Consultation Areas and Mineral Safeguarding Areas, as defined on the Proposals Map, that may prevent or adversely affect current or possible future mineral extraction and/or associated ancillary operations, rail-head facilities, and mineral recycling facilities within Wiltshire and Swindon will be opposed unless:

- **An appropriate quantity of mineral can be reasonably extracted prior to or in phase with the proposed non-mineral development such that the extraction does not unreasonably prevent or hinder the non-minerals development; or**
- **It can be proven that the mineral deposit is unlikely to be worked due to its quality or quantity; or**
- **The development is of a temporary nature and can be completed and the site restored to a condition that does not inhibit extraction within the timescale that the mineral is likely to be needed; or**
- **There is an overriding need for the proposed non-minerals development to commence without delay.**

Policy Drivers

- **MPS1: Planning and Minerals**
- **Draft South West Regional Spatial Strategy**
- **Comments received from previous consultations.**
- **SA/SEA report.**

5. Wiltshire and Swindon's Natural and Historical Environment

“... Protect and enhance the diverse and highly valued natural and historical environment of Wiltshire and Swindon, incorporating the landscape character, biodiversity and geological conservation interests, the water environment, and cultural heritage; and reduce and buffer the impacts of climate change on vulnerable habitats and species...”

- 5.1 Wiltshire and Swindon is highly valued for its landscape, biodiversity, geological, and historical significance. It is therefore important that these features of interest are afforded protection and that minerals development is managed in such a way that positive contributions can and will be made to Wiltshire and Swindon's character and heritage.

Landscape and the Countryside

- 5.2 Government policy (MPS1) advocates that major mineral developments should not take place in nationally designated landscape areas – National Parks and Areas of Outstanding Natural Beauty (AONB) – apart from in exceptional circumstances. With 43% of Wiltshire and Swindon designated as AONB, and the New Forest National Park on Wiltshire's southern boundary, it is important to ensure the impacts of minerals development upon these nationally important landscapes are effectively managed through an appropriate policy framework. Major proposals for minerals development within or adjacent to a landscape of national importance should be subject to the most rigorous examination in accordance with the requirements of PPS7 (paragraph 22). Any built structures and ancillary buildings associated with the minerals development should be designed to keep their visual impact to a minimum, through the appropriate use of scale and form.
- 5.3 The Minerals Core Strategy supports, in principle, proposals for small-scale building stone extraction that demonstrate a need for the material locally. In Wiltshire and Swindon, small-scale mines and quarries located within AONBs provide sources of building stones that have historically made a valuable contribution to the local built environment and therefore intrinsically form part of the landscape character. These factors relating to the nature and scale of development proposals within an AONB will be taken into account by the Councils when determining planning applications.
- 5.4 Landscape Character Assessments (LCAs) are used to describe and map the landscape, and provide information to inform judgements about what aspects of the landscape are important and why. LCAs can help to inform the way in which new minerals development can fit within the landscape and assist with the design of restoration proposals (covered in chapter 7). The Wiltshire Landscape Character Assessment has been published covering the whole of Wiltshire and Swindon. Assessments have also been produced for the three AONBs; the Districts of Kennet, Salisbury, North and West Wiltshire; Swindon Borough; the Army Training Estate on Salisbury Plain and the Cotswold Water Park.
- 5.5 The majority of Wiltshire and Swindon mineral workings occur in rural areas where they can impact upon the visual amenity of local residents and the setting and character of rural villages and towns. Landscape and Visual Effects Assessments are used to understand how a development will change the local landscape character and the appearance of key views, and to inform the design of an

appropriate mitigation strategy for the duration of operations, the restoration scheme and final afteruse.

- 5.6 Other land uses such as canal routes, public open space, Public Rights of Way, Bridleways and outdoor recreational facilities all contribute to the landscape setting of an area and are an important consideration for minerals development proposals. Minerals development should not result in the loss or degradation of such features and the quality and character of the wider countryside should be protected and, where possible, enhanced in accordance with Government policy (PPS7).
- 5.7 Additionally, the agricultural quality of land must be considered alongside other sustainability considerations (as set out in PPS7). The use of poorer quality agricultural land in preference to 'best and most versatile agricultural land' should occur where significant development of agricultural land is unavoidable, except where this would conflict with other sustainability considerations.

MDC5: Protection and Enhancement of Wiltshire and Swindon's Landscape Character

Proposals for minerals development should include an assessment of the adverse impacts upon Wiltshire and Swindon's landscape character and the landscape character of adjacent areas, as deemed appropriate to the scale and nature of the development, and in particular in relation to the following designated areas:

- The New Forest National Park
- The Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty
- The Cotswolds Area of Outstanding Natural Beauty
- The North Wessex Downs Area of Outstanding Natural Beauty.

The assessment should be informed by the Wiltshire Landscape Character Assessment, as a minimum, and where the proposed development falls within or in proximity to an AONB or in proximity to the New Forest National Park, the relevant Management Plan.

Proposals for minerals development should include appropriate provisions to protect and where possible enhance the quality and character of the countryside and landscape. Proposals in proximity to settlements must safeguard their character, setting and rural amenity through the implementation of mitigation measures that incorporate an acceptable separation distance, landscaping and planting, appropriate to the existing landscape setting and that is consistent with the proposed afteruse of the site.

Policy Drivers

- MPS1: Planning and Minerals
- PPS7: Sustainable Development in Rural Areas
- Draft South West Regional Spatial Strategy
- Comments received from previous consultations
- SA/SEA report.

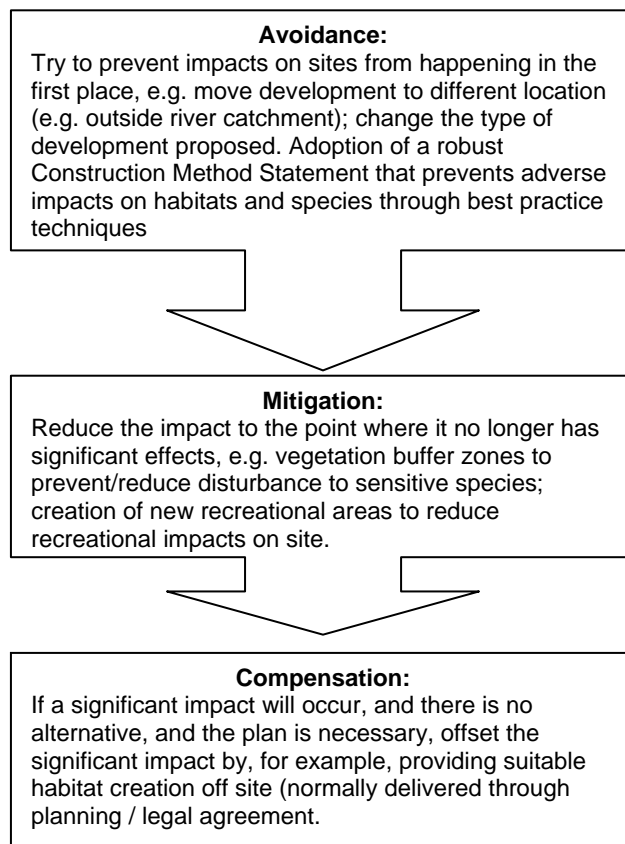
Biodiversity and Geological Conservation

- 5.8 Wiltshire and Swindon is home to a rich source of biodiversity and geodiversity with 12 internationally protected nature conservation sites, over 130 Sites of Special Scientific Interest (SSSIs), 60 Regionally Important Geological and geomorphological Sites, around 1,500 County Wildlife Sites, and 13 Local Nature Reserves.
- 5.9 The Government's approach to planning policy on biodiversity and geological conservation (PPS9) seeks to maintain and enhance, restore or add to biodiversity and geological interests. A number of areas of biodiversity interest in Wiltshire and Swindon are already afforded significant European and national protection and therefore their inclusion in local level planning policy is not warranted as it would not provide any greater protection than already exists. Any proposal that could potentially impact upon a site protected by the Habitats Directive is legally required to be subject to an appropriate assessment, in accordance with the Habitats Regulations 1994 (as amended). However, European Protected Species, found outside of a SAC / SPA, are the responsibility of the competent authority (i.e. in minerals planning matters the Minerals Planning Authority), and therefore the need for developers to survey for these species should be reflected in local policy. The exception to this is where European Protected Species are a feature of European designated sites (SAC or SPA) when Natural England must have the final word on whether the proposal can be allowed to happen. International and national designations are identified on the Proposals Map.
- 5.10 Additionally, nationally designated SSSIs are also afforded statutory protection. MPS1 advises that proposals for minerals development that are likely to result in an adverse effect upon SSSIs should not normally be permitted. Developments that would result in the loss or deterioration of non-statutory ancient woodland should also not be permitted.
- 5.11 To ensure that sufficient information is provided for planning officers to efficiently determine a planning application, Policy MDC6 requires minerals developers to undertake an assessment of the potential effects of their development proposals on areas of biodiversity and/or geological interest, including those of local importance. The assessment should identify whether a proposal is likely to result in a significant adverse impact (i.e. resulting in unacceptable loss or harm of species or habitat), and set out clearly the options considered for avoiding, mitigating or compensating for the adverse impact.
- 5.12 Not all proposals for minerals development are likely to impact upon biodiversity or geodiversity. Some minor applications for ancillary developments on existing sites, for example, may not present any significant ecological issues and therefore would not necessarily need to be supported with a detailed assessment. However, other applications could relate to small scale development in isolated areas where there is a realistic possibility of an adverse impact upon flora and fauna (noise, disturbance through frequent access to site, etc). It is important that developers engage in early and effective pre-application discussions with the Councils to establish the potential issues associated with a proposed development.
- 5.13 Wiltshire's County Ecologist will be able provide advice on whether a particular proposal will need to be accompanied by an assessment of the impacts on biodiversity and the level of detail an assessment will need to cover. Where an assessments is required it must incorporate an appropriate ecological survey

(additional details on the requirements of an ecological assessment are set out in Appendix 5).

- 5.14 Government policy⁶ affords great importance on the need to ensure that biodiversity can adapt to the impacts of climate change. An assessment of the effect of minerals development upon biodiversity should also consider the likely local changes in the distribution of species and habitats in response to a changing climate.
- 5.15 Based on the outcomes of the biodiversity / geodiversity assessment a sequential approach to managing the predicted impacts of minerals development is required. In the first instance applicants should make every effort to ensure that significant harm to protected species and features is **avoided**; including ensuring the development cannot be reasonably located on any alternative sites that would result in less or no harm. In the absence of alternatives, **mitigation** measures should be designed and implemented in order to reduce the impact to the point where it no longer has significant effects. Finally, as a last resort, **compensation** in the form of a legal agreement should be sought where significant harm cannot be avoided or adequately mitigated against. Compensatory measures should result in at least 'like for like' habitat creation either within or in proximity to the proposed development. If significant harm cannot be avoided, mitigated against, or adequately compensated for, planning permission should be refused. This process is outlined in the figure 3.

Figure 3: Preventing harm to Biodiversity and Geological Conservation interests⁷



⁶ Consultation on PPS: Planning and Climate Change – Supplement to PPS1.

⁷ Adapted from 'Appropriate Assessment of Plans: Discussion Paper,' Scott Wilson et al, June 2006.

- 5.16 Where a proposal identifies a need for mitigation and / or compensation, full details of mitigation and / or compensation measures to be implemented should be incorporated into the design of the proposal. Applicants should make provisions for the need for long term aftercare and management of the site. It is therefore imperative that the ecology of the site has been properly assessed at an early stage, so that mitigation or compensation measures can be presented as part of the planning application.

MDC6: Biodiversity and Geological Interest

Proposals for minerals development in Wiltshire and Swindon should be accompanied by an objective assessment of the potential effects of the development on areas of biodiversity and/or geological interest, taking into account cumulative impacts with other development and the potential impacts of climate change.

Proposals should maintain and / or enhance internationally and nationally designated features of biodiversity and/or geological interest, species of principal importance and the following features of local and regional and international importance:

- European Protected Species
- Wiltshire's Biodiversity Action Plan habitats and species
- County Wildlife Sites (including Semi Natural Ancient Woodlands).
- Regionally Important Geological and Geomorphological Sites
- Local Nature Reserves.
- **The Great Western Community Forest**

Proposals for minerals development will only be permitted where adverse impacts will be:

- a) Avoided; or
- b) Where an adverse impact cannot be avoided, the impact will be adequately mitigated; or
- c) Where adverse impacts cannot be avoided or adequately mitigated, compensation will result in the maintenance or enhancement of

Policy Drivers

- MPS1: Planning and Minerals
- PPS9: Biodiversity and Geological Conservation
- Draft South West Regional Spatial Strategy
- Comments received from previous consultations
- SA/SEA report.

The Historic Environment

- 5.17 The diverse historic environment of Wiltshire and Swindon includes many features of national and international importance and therefore warrants significant consideration by applicants preparing and submitting proposals for minerals development. The World Heritage Site of Stonehenge and Avebury comprises Wiltshire and Swindon's best known historic landscape and monuments, and there are numerous other highly valued examples of evidence from our past including the Roundway Down Battlefield, over 2000 Scheduled Ancient Monuments, and over 21,000 sites of archaeological or historical remains recorded on the Sites and Monuments Record. Additionally, there are more than 250 Conservation Areas and thousands of listed buildings.
- 5.18 If inappropriately designed and managed, minerals extraction can result in the disturbance and loss of archaeological remains that have been locked away in the soils and underlying strata for hundreds if not thousands of years. National policy (PPG16) outlines a preference for undisturbed archaeological remains to be preserved *in situ*. However, minerals can only be worked where they exist and this can lead to conflicts of interest between developers providing an essential resource and those responsible for protecting the evidence of Wiltshire and Swindon's past for future generations.
- 5.19 To ensure that the appropriate level of protection, investigation and management is given to archaeological remains within and in proximity to proposed minerals development, the Confederation of British Industry have produced a code of practice⁸ for mineral developers. The Councils support the principles of the code and will require developers submitting proposals to:
- Consult the relevant Sites and Monuments Records (SMRs) - in areas such as the Upper Thames Valley, depending on the proximity to the Wiltshire and Swindon boundary, developers may be required to consult both the Wiltshire / Swindon and Gloucestershire SMRs - this should form the basis for pre-application discussions between the Councils and developers;
 - Based on the advice of the relevant Archaeological Body (e.g. Wiltshire's County Archaeologist), and the existing or potential archaeological importance of the proposed site, undertake an appropriate initial archaeological evaluation (e.g. site inspection, remote sensing, trial trenching) prior to the submission of a planning application; and
 - Where initial investigations indicate archaeological remains are likely to be disturbed and based on the advice of the relevant Archaeological Body, agree to a scheme of preservation in situ or further archaeological mitigation measures to take place prior to or concurrently with the minerals development. Depending on the importance of the findings of the initial archaeological assessment, the Councils may seek financial contributions from the developer in the form of a legal agreement, to ensure that archaeological evidence is further investigated, recorded, preserved and managed⁹ to an appropriate standard and to an appropriate timescale.

⁸ Confederation of British Industry, *Archaeological Investigations Code of Practice for Minerals Operators*, April 1991

⁹ Where long term management is needed for public access and display for future enjoyment and educational purposes.

- 5.20 Where initial investigations reveal that the mineral development will result in the loss of archaeological features of significant importance (e.g. of national or international significance), it is unlikely that a proposal will be permitted.
- 5.21 The impacts of minerals development can be evident, not only in terms of the potential disturbance of archaeological remains through extraction but also upon the character and setting of many of the surviving examples of our past. English Heritage has developed an Historic Landscape Characterisation Project that can be used to inform development proposals and in particular the restoration and afteruse of minerals development. In addition to archaeological assessment, proposals should assess the potential adverse impacts on the historic landscape and cultural heritage assets, including historic parks and gardens, registered battlefields, listed buildings and conservation areas, taking into account the English Heritage Historic Landscape Characterisation Project¹⁰.
- 5.22 Archaeological and Historic Landscape Assessments should be used to inform a mitigation strategy (Policy MDC1) for the proposed minerals development.

MDC7: The Historic Environment

In the interest of protecting the rich historic character of Wiltshire and Swindon, proposals for minerals development will only be permitted where it can be demonstrated that areas of archaeological or cultural heritage importance and their settings can be protected, enhanced and/or preserved.

Proposals affecting sites of known or potential archaeological importance must be accompanied by an appropriate archaeological evaluation. Where the findings of the initial assessment indicates necessary, preservation in situ of nationally important remains may be necessary, or developers will be required to agree to a scheme of further archaeological mitigation prior to commencement of the development or as part of the overall development scheme. In the interests of recording, preserving and the future management of important archaeological features affected by a proposal the Councils may seek contributions from the developer in the form of a legal agreement.

Proposals affecting the setting of the World Heritage Site of Stonehenge and Avebury will not be permitted.

Policy Drivers

- **MPS1: Planning and Minerals**
- **PPG15: Planning and the Historic Environment**
- **PPG16: Archaeology and Planning**
- **Draft South West Regional Spatial Strategy**
- **Comments received from previous consultations**
- **SA/SEA report.**

¹⁰ Currently the HLC does not have coverage for Wiltshire and Swindon but it is expected that this will be achieved by 2010.

6. Sustainable Transport and Minerals Development

“... Options for sustainable transportation will be encouraged and pursued in order to reduce the environmental impacts of transporting minerals across Wiltshire and Swindon...”

- 6.1 Quarries are often generators of Heavy Goods Vehicle (HGV) traffic, which can lead to adverse environmental impacts such as noise, air pollution, vibration, dust and a road safety hazard for other vehicles, pedestrians and cyclists. These effects are exacerbated in areas designated for their environmental importance. Additionally, lorries used to transport minerals will also produce carbon emissions that are believed to contribute to global warming. The transportation of minerals between sites for processing or to their end-use destination is therefore an important consideration for managing the impacts of minerals development.
- 6.2 In order to minimise the impacts of HGV traffic associated with minerals development the reduction of transportation distances and the use of rail and water to transport minerals should be encouraged wherever possible. For ultra short distances i.e. for transport of mineral within or between adjacent or nearby quarries, short-haul conveyors can be utilised.
- 6.3 Crushed limestone aggregate is currently imported into the Plan area to a rail aggregate depot located in Wootton Bassett and the Minerals Core Strategy (Policy MCS9) seeks to steer proposals for new rail aggregate depots towards the Swindon area. However, the Councils appreciate that, for economic reasons, there is a limited possibility for transport of minerals by rail or water from within Wiltshire and Swindon as most of the mineral extracted is used locally due to it being of a relatively low value available from relatively short-term quarries (precluding use of rail), and there is a lack of a suitable water infrastructure.
- 6.4 The Wiltshire HGV Route Network sets out the most appropriate routes for HGVs to use, making the distinction between ‘strategic’ and ‘local’ lorry routes. The adverse impacts of minerals transportation, including those upon residential amenity, should be minimised if development is located in close proximity to this network. Close proximity is not defined within planning policy but sites will be supported where they offer direct access to, or have good links with the HGV route network or the primary route network. Sites will not be encouraged where access is required through residential areas, sensitive land uses or via roads which are not considered suitable by the Highway Authority for HGV use.
- 6.5 The impact of lorries on the road network can be reduced if the operator takes mitigation measures such as using water bowsers to suppress dust during spells of dry weather; wheel washers to prevent debris from being deposited on the road network; and through consideration of the choice of route, location and suitability of access arrangements for vehicles entering and leaving the site.
- 6.6 A comprehensive Transport Assessment will be required to be submitted with a planning application where a development is likely to have significant transport and related environmental impacts. It should identify the measures that will be taken to adequately mitigate or compensate for the anticipated transport impacts of the proposal and improve accessibility and safety for all travel modes. Where a development will have relatively limited transport implications, a full Transport Assessment may not be required and a simplified Transport Statement can be produced instead. This will be the case where a proposed development is

expected to generate relatively low numbers of trips or traffic flows, with minor transport impacts. Finally, where the issue of transport is considered to be of limited significance, no formal assessment is necessary.¹¹ Pre-application discussions with the Minerals Planning Authority will be critical to establish the scope of assessment required when considering the transport impacts of minerals development proposals.

- 6.7 Government policy (MPS1, PPG13) has introduced the concept of voluntary mineral site transport plans. Minerals site operators are encouraged to establish these plans where there will be significant impacts from minerals transportation. Mineral site transport plans should be produced in consultation with the local community, in order to reduce the impact on nearby residents, thus promoting the sustainable transportation of minerals. These plans should deal with matters including routeing, offsite parking, hours of movement, considerate driving, and complaints procedures. The establishment of mineral site transport plans should be incorporated into pre-application discussions and/or planning agreements (as detailed in chapter 2); and as part of the mitigation measures outlined in transport assessments accompanying proposals for minerals development. Many impacts can be controlled through use of appropriate conditions attached to a permission. However, developers will be encouraged to consider routing restrictions controllable by agreement to ensure the potential transport impacts of new minerals development are minimised.
- 6.8 There may be cases where the existing road network is not adequate for the amount of lorry movements associated with a minerals development. This has the potential to cause damage to the road structure and adversely affect residential amenity. Where this is the case, legal agreements¹² will be sought to achieve appropriate road network improvements in order to mitigate the adverse impacts of the increased lorry traffic due to the minerals development. It may also be possible to limit vehicle sizes in certain circumstances, for example when a minerals development is located in a sensitive area (e.g. AONB) where a local source of stone is required and improving the road network could harm the landscape character of lanes and roads.
- 6.9 In addition to the networks used for the transportation of minerals, minerals development can also impact upon other transport and recreational routes such as public rights of way, canals (used and disused), railways, footpaths, bridleways and cycle-ways. It is important to safeguard, and where possible improve, these valued assets for their continued enjoyment. Some routes, public rights of way for example, may require temporary diversion for the duration of the development or a permanent diversion where this would be preferable to reinstatement of the original line. Where minerals development will impact upon a disused canal route, provisions should be made to reinstate the original line of the canal or to secure an alternative route that will be acceptable to the relevant Canal Trust.

¹¹ Government guidance on this matter is detailed within the document 'Guidance on Transport Assessment' DCLG, DfT, March 2007.

¹² Section 59, Highways Act 1980, allows the highway authority to seek costs for maintaining the highway as a result of road damage caused by excessive weight or other extraordinary traffic. Also Section 106, Town and Country Planning Act 1990.

- 6.10 Transport Assessments should consider the impacts of the minerals development upon all modes of travel likely to be affected by the development. Where there is likely to be significant adverse impacts that cannot be avoided or mitigated, legal agreements may be required to protect and where necessary make improvements to the relevant network.

MDC8: Sustainable Transport and Minerals Development

Minerals development will only be permitted where it is demonstrated that the proposals facilitate sustainable transport by:

- **Minimising transportation distances wherever possible;**
- **Maximising the use of rail or water to transport minerals where practicable and environmentally acceptable;**
- **Ensuring a proposal is in close proximity to the Wiltshire HGV Route Network or primary route network;**
- **Establishing mineral site transport plans, where deemed necessary;**
- **Mitigating or compensating for any adverse impact on the safety, capacity and use of a highway, railway, canal route, bridleway, cycleway or public right of way, through improvements to the appropriate network where necessary.**

Where appropriate, applications for minerals development will need to be accompanied by a Transport Assessment. The Transport Assessment will need to:

- **Consider the impact of the development upon the highway network (and where relevant the local railway, canal route, bridleway, cycleway or public right of way), in the local area;**
- **Consider the potential cross-boundary impacts and cumulative impacts of the development with other local developments; and**
- **Identify any mitigation or compensatory works directly related to the development that may need to be funded by the developer in conjunction with the proposal.**

Policy Drivers

- **MPS1: Planning and Minerals**
- **PPG13: Transport**
- **Draft South West Regional Spatial Strategy**
- **Comments received from previous consultations**
- **SA/SEA report.**

7. The Restoration, Aftercare and After-use of Minerals Development

“... A restoration-led approach to mineral workings will make a contribution to Biodiversity Action Plan targets and the implementation of the South West Nature Map. Within the Cotswold Water Park/Upper Thames Valley, this approach will need to consider the potential for open water restoration to increase the risk of bird strike at RAF Fairford...”

“... The restoration of mineral workings will deliver tangible benefits to the communities of Wiltshire and Swindon...”

- 7.1 The restoration-led approach advocated within the Minerals Core Strategy gives primary importance to the restoration, aftercare and after-use in proposals for minerals development. This approach is supported by evidence that the restoration of mineral sites can make an important contribution to enhancing biodiversity and meeting Biodiversity Action Plan targets. This will prove to be especially important in helping to sustain biodiversity, recognising that the distribution of habitats and species will be affected by climate change.
- Restoration***
- 7.2 The Councils encourage the phased restoration of mineral sites, where land is restored as extraction progresses through the development. This will minimise the area of land disturbed at any one time, limit the impacts upon sensitive areas (please refer to Policies MDC2 and MDC5) and reduce the overall time period of working. Phased restoration also helps to gauge the initial success of the restoration scheme by showing what aspects have worked well; and those aspects that may have been less successful.
- 7.3 Proposals for minerals development should be accompanied by a restoration scheme that provides comprehensive details of the order and timings of phases of mineral working, restoration and of the final primary afteruses. Where possible the scheme should aim to integrate and facilitate the delivery of any relevant mitigation measures, as identified through the relevant assessments undertaken to support the planning application. It is strongly advised that these matters are discussed with the Councils at the pre-application stage, and where possible involve input from relevant key stakeholders to aim resolve any potential conflicts of interest.
- 7.4 Where practicable, restoration schemes should incorporate haul roads that facilitate the effective and logical progression of the restoration scheme, avoiding passing through earlier phases of the development that have already been worked and restored. Areas used for mineral processing and storage should form part of the final phase of the development.
- 7.5 In the interests of conforming to the principles of sustainable development it is important to retain the potential for a minerals development site to be returned to a range of after-uses. It is therefore imperative that soils are adequately protected and maintained throughout the life of the development. This is particularly important if a site comprises land that qualifies as best and most versatile agricultural land.

- 7.6 Where necessary proposals for minerals development should be supported by a site specific Land Classification Survey, undertaken by an independent expert to determine the grading and agricultural value of the proposed site. The survey should incorporate a Statement of Physical Characteristics Report providing detailed information about the soils, subsoils and overburden within the boundaries of the site. The results of the assessment should then be used to inform the restoration scheme, identify potential afteruses and provide details of the measures that will need to be undertaken to ensure the adequate protection of these soil resources during stripping, storage and management. The Councils will be able to inform applicants at the pre-application discussion stage as to whether a proposal will require a Land Classification Survey.
- 7.7 In many cases resources (such as inert waste) will need to be brought on to a site to ensure that the minerals development can be restored and returned to a beneficial after-use. A phased restoration of a site requires an adequate and timely supply of suitable material in order to ensure that the development can proceed on schedule. For this reason the Councils will require developers to demonstrate that materials to be imported to the site for restoration purposes are both suitable for the development (based on the advice of the Environment Agency) and are available in sufficient quantity to deliver the proposed restoration scheme.
- 7.8 The restoration of quarries needs to be considered carefully if the importation of controlled waste is considered. This will require approval by the Environment Agency as part of the restoration scheme in the form of an Environmental Permit, or an exemption from Environmental Permitting Regulations. This has long term engineering and financial implications for any operator or landowner facing aftercare requirements, and is dependent on factors such as the location of the development in relation to the Environment Agency Groundwater Source Protection Zones. The Environment Agency will not normally issue an Environmental Permit for infilling of waste in Groundwater Source Protection Zone 1.
- 7.9 As stated previously, biodiversity gains can be made in the restoration of mineral sites, through contributing to Biodiversity Action Plan targets. It may be possible for an active quarry Biodiversity Action Plan to be produced for a particular site, outlining in detail how the site will seek to enhance biodiversity.

After-care

- 7.10 An appropriate period of aftercare will be needed to ensure mineral sites are restored to a standard suitable for its intended use.¹³ Different after-uses may require different periods of aftercare; for example nature conservation management may require an aftercare period of up to 20 years or more, whilst agriculture may only need a 5 year aftercare period¹⁴.

¹³ A separate planning permission is likely to be required for any after-use apart from agriculture, forestry; and also nature conservation and informal recreation which do not involve substantial public use.

¹⁴ Paragraph 7 of Schedule 5 of the Town and Country Planning Act 1990 stipulates the minimum 5 year period for after-care.

- 7.11 It is important that management responsibilities are identified and agreed between the developer and those taking on the post extraction / restoration management of the site, to ensure that the proposed after-use can and will be delivered. Where necessary the Councils will encourage developers to enter into agreements to ensure that the appropriate aftercare provisions remain in effect for the required aftercare period.

After-use

- 7.12 The after-use should give consideration to the wider context of the area within which restoration proposals are planned in order to ensure the most appropriate after-use is achieved, considering its potential beneficial contribution to a local, regional, or even national level.
- 7.13 Minerals developments in Wiltshire and Swindon generally occur in rural areas where agriculture is the predominant land use and often will be restored to agriculture / forestry or involve habitat creation for nature conservation. In the Upper Thames Valley, where the water table is relatively close to the ground surface level, restoration to a water-based afteruse is often the most practicable approach. However, proposals for mineral extraction in the Upper Thames Valley also fall within a Ministry of Defence Airfield Safeguarding Area (see policy MDC10) and restoration schemes must therefore resolve any issues in relation to the potential for an after-use to increase the risk of birdstrike to aircraft. Pre-application discussions with the MoD are advised to highlight where there might be issues regarding birdstrike and identify potential solutions for the development.
- 7.14 The reclamation of mineral sites must consider the potential impacts upon landscape character. Landscape Character Assessments (LCAs) can be used to describe and map the landscape and provide information on which judgements can be made about what is important and why. The Wiltshire Landscape Character Assessment (and other locally produced LCAs) should be used to inform the type and design of restoration, aftercare and after-use proposals, in order to ensure the scheme is appropriate in terms of its effects upon the landscape.
- 7.15 In order to simplify long term management and reduce potential conflicts, the Councils encourage after-use proposals that incorporate a primary after-use, whilst recognising that a mix of different after-uses is often the most appropriate way forward in providing a wide range of benefits to the community. By encouraging after-use proposals that contribute to the level of amenity and open space, including Public Rights of Way, the health and well being of communities will be enhanced.
- 7.16 Policy MDC10 encourages after-use proposals which benefit the local economy. It is acknowledged that the after-use of mineral sites will not always provide economic benefits, especially where restoration will lead to habitat creation, but the provision of employment and opportunities for inward investment associated with recreation and tourism may well be possible in after-use proposals.
- 7.17 One of the potential impacts of climate change will be more extreme flooding events. The reclamation of mineral workings could provide a possible mitigation measure against this through using mineral sites to provide storage capacity during extreme flood events, protecting areas at risk of flooding.

MDC9: Management, Restoration, Aftercare and After-use of Minerals Development

Proposals for minerals development will be permitted where it can be demonstrated that a high quality and appropriate restoration scheme will enable the long term maintenance and enhancement of the environment after the minerals development has ceased and at the earliest practicable opportunity.

Where possible, the proposals must demonstrate that:

1.

- i) The restoration scheme incorporates phased restoration of the site that will minimise the period of operations in sensitive areas to protect settlements and residential amenity, taking into account the phasing and operations of nearby development;
- ii) Measures will be taken to ensure that soil quality will be adequately protected and maintained throughout the life of the development and in particular during stripping, storage and management of soils, subsoils and overburden arisings as a result of site operations;
- iii) There is an available supply of appropriate materials to be used for restoration purposes, as required to implement the proposed restoration scheme.
- iv) The restoration scheme will not impede the successful adoption of the proposed after-use and will offer flexibility for a range of potential afteruses.

2.

- i) The aftercare scheme incorporates an aftercare period of at least five years commensurate with the proposed after-use; and
- ii) Those responsible for the on going management and aftercare of restored sites have been identified and agreed.

3.

- i) Where the proposed after-use will achieve habitat creation it aims to deliver the objectives of the relevant National, Regional or Local Biodiversity Action Plan, and where applicable, contribute to the delivery of the South West Nature Map and / or the Great Western Community Forest;
- ii) The after-use will be compatible with the wider context of the site, in terms of the character of the surrounding landscape (informed by the Wiltshire Landscape Character Assessment), existing land uses in the area, having considered the relative potential benefits of alternative after-uses in local, regional or national terms;
- iii) the site is designed for a primary after-use that will simplify and minimise long-term management; and
- iv) the after-use will benefit the local and/or wider community, for example by creating employment opportunities or contributing to recreation/amenity open space.

Policy Drivers

- MPS1: Planning and Minerals
- MPG7: The Reclamation of Mineral Workings
- PPS9: Biodiversity and Geological Conservation
- Draft South West Regional Spatial Strategy
- Comments received from previous consultations
- SA/SEA report.

Airfield Safeguarding

- 7.18 The risk of bird strike is important when considering the after-use of mineral workings, and is of particular significance in Wiltshire and Swindon with the presence of 10 Airfield Safeguarding Areas. These are designated within 13km (8 miles) of an airfield, where the owner or operator of civil or military aerodromes are required to be consulted where restoration is through landfill or to a wetland habitat (as stated in MPS1) in order to consider the potential bird strike hazard.
- 7.19 The Minerals Core Strategy (Policy MCS10) recognises that restoration which enhances biodiversity Restoration to wetland is a particular issue in Wiltshire and Swindon, which may lead to the creation of nature reserves that attract birds. However, careful planning will ensure that it will be possible to enhance biodiversity. For example, creating reed beds, instead of open water, which generally do not attract the flocking birds that cause a bird strike hazard; and also using smaller expanses of water such as fragmented ponds.

MDC10: Restoration within Airfield Safeguarding Areas

Proposals for minerals development within the following Airfield Safeguarding Areas, as identified on the Proposals Map, will be permitted when the applicant can demonstrate that the proposed extraction and after-use will not cause an unacceptable risk of bird strike:

- **Boscombe Down**
- **Colerne**
- **Fairford**
- **Hullavington Barracks**
- **Keevil Airfield**
- **RAF Lyneham**
- **Middle Wallop**
- **Netheravon**
- **South Cerney**
- **Upavon (Trenchard Lines).**

Policy Drivers

- MPS1: Planning and Minerals
- MPG7: The Reclamation of Mineral Workings
- Draft South West Regional Spatial Strategy
- Comments received from previous consultations
- SA/SEA report.

8. Monitoring and Implementation

- 8.1 An essential part of DPD preparation is the establishment of a monitoring system that will enable the Councils to assess the effectiveness and performance of their planning policies. This section introduces the Minerals Development Control Policies proposed monitoring and implementation plan.
- 8.2 The monitoring and implementation plan comprises a set of indicators linked to each of the policies included in this document, and is set out as a table on the following pages. Where relevant, the indicators are supported by targets and thresholds, that if met will trigger policy review.
- 8.3 As the Development Control Policies DPD is specifically related to planning applications and does not include any strategic elements, this monitoring and implementation plan is much more target driven than that of the Minerals Core Strategy.

Policy MDC1: Key criteria for sustainable minerals development

In brief, policy MDC1 seeks to ensure that minerals development in Wiltshire and Swindon contributes to the delivery of sustainable development. Developers must demonstrate that a proposal represents a realistically sustainable option at that time.

Indicator	Target	Threshold for review ¹⁵
Number of developments permitted that result in aggregates landbank exceeding 7 year minimum.	7 years (minimum)	a) landbank at 7 – 10 years no need to review b) 10 – 15 years (an assessment will be made as to whether a review will be required) c) 15 + years (policy should be reviewed)
Number of applications that have been subject to pre-application discussion with: a) the Councils; b) local communities; c) At least 1 other key stakeholder	a) 100% b) 100% c) 100%	80% - Where applications that have not been informed by pre-application discussion are being permitted.
Number of applications for minerals development supported by a waste management plan.	100% (check criteria for waste audits)	80% unless WMP has been requested by the Council and not provided, and the development has been refused.
Indicators for policies MDC2 – MDC10	See relevant tables below	

¹⁵ Due to the relatively small number of applications for minerals development received by the Councils, the threshold for review will not be above 80%

Policy MDC2: Managing the Impacts of Minerals Development

Policy MDC2 seeks to ensure that there will not be an unacceptable residual noise, dust, air emissions, lighting or vibration impact associated with any aspect of a minerals development.

Indicator	Target	Threshold for review ¹⁶
Number of applications informed by an Environmental Statement.	100%	80%
Number of applications providing clear details of mitigation measures that will be implemented to make the proposal acceptable.	100%	80%

Policy MDC3: Managing the impacts on Surface Water and Groundwater Resources

Policy MDC3 seeks to protect the water environment and prevent minerals development from contributing to flooding, based on the advice of the Environment Agency.

Indicator	Target	Threshold for review
Number of planning applications granted contrary to the advice of the Environment Agency on either water resources, flood defence or water quality.	0	2 per year
Number of planning application supported by a Flood Risk Assessment, where required.	100%	80%
Number of planning applications that include provisions for the efficient use of water on site.	100% (where relevant)	80%

Policy MDC4: Safeguarding Mineral Resources, Rail-head Facilities and Mineral Recycling Centres

Policy MDC4 provides criteria that will allow non-minerals development to proceed within MSA/MCAs. It is essential for the delivery of this policy that the advice of the MPA is requested and taken into account in determining application for non-mineral development in MSA/MCAs.

Indicator	Target	Threshold for review
Number of applications for non-minerals development within MSA / MCAs	n/a	n/a
Number of applications for non-minerals development within MSA/ MCAs permitted contrary to the advice of the MPA.	0%	20%

¹⁶ Due to the relatively small number of applications for minerals development received by the Councils, the threshold for review will not be above 80%

Policy MDC5: Protection and Enhancement of Wiltshire and Swindon's Landscape Character

Policy MDC5 ensures that developers rely upon pre-application dialogue to ensure that landscape and visual impacts are fully taken into account for planning applications.

Indicator	Target	Threshold for review
Percentage of applications for minerals development permitted within an AONB	0%	20%
Number of applications for minerals development that lie adjacent to an AONB or the New Forest National Park.	n/a	n/a
Number of applications for minerals development permitted contrary to the advice of the Wiltshire Landscape Officer.	0	20%

Policy MDC6: Biodiversity and Geological Interest

The key purpose of Policy MDC6 is to ensure that developers request and accept expert advice on biodiversity and geodiversity at the pre-application stage.

Indicator	Target	Threshold for review
Number of applications for minerals development located within: a) European Designated SAC/ SPA b) SSSI c) Ancient Woodland d) National Nature Reserve e) County Wildlife Sites f) RIGS g) Local Nature Reserve	0 (unless proposal will lead to improvement of designated area)	20%
Number of applications for minerals development that will connect or enhance designated habitats.	n/a	n/a
Number of applications for minerals development permitted contrary to the advice of the County Ecologist.	0	20%
Number of applications for minerals development subject to a section 106 agreement in relation to biodiversity.	n/a	n/a

MDC7: The Historic Environment

Similarly with Policy MDC6, Policy MDC7 ensures that developers take the opportunity to discuss matters relating to the historic environment with the appropriate expert and resolve any potential issues prior to the submission of a planning application.

Indicator	Target	Threshold for review
Number of applications for minerals development that share a boundary with or overlie a SAM	n/a	n/a
Number of applications for minerals development within or adjacent to the World Heritage Site of Stonehenge and Avebury	0	1 permitted application
Number of applications for minerals development permitted contrary to the advice of the County Archaeologist.	0	20%

MDC8: Sustainable Transport and Minerals Development

Policy MDC8 ensures that all relevant aspects relating to transport are considered in a planning application for minerals development. The policy not only seeks to reduce the impacts of the transport of minerals but also the impacts upon other travel networks.

Indicator	Target	Threshold for review
Number of applications for minerals development within 16km of a SSCT.	n/a	n/a
Number of applications for minerals development supported by site transport plans.	100% (where relevant)	80%
Number of applications for minerals development permitted contrary to the advice of Highways / Transport Policy.	0	20%

MDC9: Management, Restoration, Aftercare and After-use of Minerals Development

Policy MDC9 should ensure that the restoration led approach to managing minerals development advocated in the Minerals Core Strategy is delivered. The policy seeks to bring together many of the mitigation measures into a single integrated scheme.

Indicator	Target	Threshold for review
Number of restoration schemes incorporating phased restoration of site.	100%	80%
Number of restoration schemes that incorporate the protection of soil resources.	100%	80%
Number of applications for minerals development permitted where resources to deliver restoration scheme have not been identified.	0	20%

Indicator	Target	Threshold for review
Number of after-care schemes permitted that extend for less than minimum 5 year period.	0	20%
Number of proposed after-uses that will achieve habitat creation in line with relevant BAP targets.	At least 40%	<40%

MDC10: Restoration within Airfield Safeguarding Areas

Policy MDC10 ensures that the advice of the Ministry of Defence regarding minerals development in Airfield Safeguarding Areas is taken into account when determining planning applications.

Indicator	Target	Threshold for review
Number of applications for minerals development within and Airfield Safeguarding Areas	n/a	n/a
Number of applications for minerals development within Airfield Safeguarding Areas permitted contrary to the advice of the MOD.	0	1

Appendix 1: Glossary of Terms

Acronym	Term and Definition
	Aftercare - An agreed programme of work designed to bring a restored mineral or waste site to a satisfactory standard for agriculture, amenity or nature conservation use; normally imposed in the form of a planning condition once a site has been granted permission to operate.
	After-use - The use to which a mineral or waste site is put to on completion of restoration and any aftercare provisions. Unless the proposed after-use is to agriculture or nature conservation, planning permission will be required to develop more formal uses of land (e.g. change of use of land to create a leisure facility).
	Aggregate - Sand, gravel, crushed rock and other bulk materials which are suitable for use in the construction industry as concrete, mortar, finishes or roadstone, or for use as a constructional fill or railway ballast.
	Area of Search - An extensive area of land believed to contain significant, but generally unproven mineral resources within which the Mineral Planning Authority would have no objection in principle to mineral working, subject to satisfactory proposals to protect the range of interests of acknowledged importance within and adjoining the area (see also "Preferred Areas").
AMR	Annual Monitoring Report - A report that principally describes how a Local Planning Authority is performing in terms of meeting the targets and aspirations for LDD preparation as set out in its three year project plan (the MWDS / LDS). If, as a result of monitoring performance, the Authority's MWDS / LDS requires modification, the AMR will be used to justify why targets have not been met within the monitoring year.
AONB	Area of Outstanding Natural Beauty - A nationally important landscape area of high natural beauty within which major development will not be permitted, unless there are exceptional circumstances. Designated under the 1949 National Parks and Access to the Countryside Act.
BAP	Biodiversity Action Plan - An initiative to maintain and enhance biodiversity incorporating a strategic framework for the conservation and enhancement of a wealth of habitats and species, produced at a national, regional and local level.
	Borrow pit - Short term excavation adjacent to, or near, major works sites to provide construction material for a specific project.
	Community Plan - The Local Government Act 2000 requires local authorities to prepare a community strategy. " A County Fit for our Children - A Strategy for Wiltshire 2004-2014 ", produced by the Wiltshire Strategic Board in October 2003, sets the broad vision for the future of the County and proposals for delivering that vision.
	Core Strategy Development Plan Document - The most important Development Plan Documents to be produced, the Councils will produce both minerals and waste Core Strategies to define the long term strategic vision and policies for minerals and waste development in the plan area.
DCLG	Department of Communities & Local Government - The Government department responsible for planning and local government.
DPD	Development Plan Documents - spatial planning documents that are subject to independent examination. They will have 'development plan' status.
EIA	Environmental Impact Assessment - A means of drawing together an assessment of the likely significant environmental effects of certain types of development proposal.
GOSW	Government Office for the South West - The Government's regional office. The Councils will liaise with GOSW as a first point of contact to discuss the scope and content of Local Development Documents and procedural matters.
	Landbank - A stock of permitted reserves (active or dormant) for the winning and working of minerals generally expressed in 'years worth of supply'.
LDF	Local Development Framework - comprises a portfolio of LDDs that will provide the

	framework for delivering the spatial planning strategy for the area. District / Unitary Authorities will prepare LDF's for their area.
LDD	Local Development Document - forms part of the Local Development Framework and can either be a Development Plan Document (DPD) or a Supplementary Planning Document (SPD). Wiltshire County, and Swindon Borough, Council are responsible for producing a Minerals and Waste Development Framework containing Minerals and Waste LDDs.
LDS	Local Development Scheme - sets out a 3 year programme for the preparation of LDDs for District and Borough Councils. Wiltshire County Council (and Swindon Borough) has prepared a Minerals and Waste Development Scheme.
LSP	Local Strategic Partnership - Non-statutory, non-executive body bringing together representatives of the public, private and voluntary sectors. The LSP is responsible for preparing the Community Strategy.
MPA	Mineral Planning Authority - The Local Planning Authority responsible for overseeing all aspects of mineral operations.
MWDF	Minerals and Waste Development Framework - The County and Borough equivalent of the Local Development Framework dealing specifically with policies for minerals and waste development.
MWDS	Minerals and Waste Development Scheme - A 3 year project plan sets out the preparation milestones of the Minerals and Waste Development Framework. The procedures for approving monitoring and reviewing the MWDS involves dialogue with the Secretary of State
MPG	Minerals Planning Guidance notes - have been produced by successive Governments for many years. They are now being systematically replaced by more refined statements of national policy – Minerals Policy Statements.
MPS	Minerals Policy Statement - these documents, produced by the Government, replace the old series of Minerals Planning Guidance Notes.
	The Planning and Compulsory Purchase Act 2004 - (commenced September 2004) ushered in and implemented sweeping reforms to the Town and Country Planning system.
	Permitted Reserves - Mineral reserves for which planning permission has been granted. The MPA will not release details of reserves for individual quarries or quarry operators to ensure 'commercial confidentiality'.
	Planning Aid - A voluntary service offering independent professional advice and help on planning matters which aims to give people the confidence to help themselves in a planning context and to become involved in wider planning issues.
PINS	Planning Inspectorate - The Government agency responsible for scheduling independent examinations. The Planning Inspectors who sit on independent examinations are employed by PINS.
PPG	Planning Policy Guidance note - Like MPGs, PPGs have been produced by successive Governments. They aim to inform the planning system by providing guidance and policies on planning issues. These documents are now being systematically replaced by more succinct statements of national policy – Planning Policy Statements.
PPS	Planning Policy Statement - these documents, produced by the Government, replace the old series of Planning Policy Guidance Notes.
	Proposals Map - A separate Local Development Document which illustrates on an Ordnance Survey base map all policies and proposals contained in Minerals and Waste Development Plan Documents and 'saved policies' (where applicable). It must be revised each time a new Development Plan Document is approved for adoption.
	Preferred Areas - Areas of land with reasonable evidence for the existence of commercially extractable minerals, which are largely unaffected by substantial planning constraints. Preferred Area boundaries do not necessarily represent acceptable extraction boundaries. They represent areas within which there is a presumption in

	favour of extraction, subject to detailed criteria including, where appropriate, details of buffer zones, advance planting and landscaping and other matters.
RAD	Rail Aggregate Depot - Facility to which minerals are transported by rail, prior to distribution to local markets.
	Recycled Aggregate - Aggregates produced from recycled construction and demolition wastes such as crushed concrete, road planings, etc.
RSS	Regional Spatial Strategy - The RSS for the South West is being prepared by the South West Regional Assembly and will replace the Regional Planning Guidance for the South West. It will have statutory 'development plan' status.
	Saved Plan & Saved Policies - Under the Planning and Compulsory Purchase Act 2004 the Wiltshire and Swindon Minerals and Waste Local Plans have been 'saved' for a period of three years (either from the date of adoption or September 2004 as appropriate).
	Secondary Aggregate - Aggregates derived from by-products of the extractive industry, e.g. china / ball clay waste, colliery spoil, blast furnace slag, pulverised fuel ash, etc.
SPZ	Settlement Protection Zones - Land designated (within the current Minerals Local Plan) between proposed or existing mineral operations and settlements in the Upper Thames Valley, identified as being of importance to the landscape setting and character of the settlement, where minerals development will not be permitted.
	Stakeholder - Anyone who is interested in or affected by planning proposals that are being considered.
SMART	A technique to ensure policy objectives are Specific, Measurable, Achievable, Realistic & Time-bound.
SEA	Strategic Environmental Assessment - Local Planning Authorities must comply with European Union Directive 2001/42/EC which requires a high level, strategic assessment of local development documents (DPDs and, where appropriate SPDs) and other programmes (e.g. the Local Transport Plan and the Municipal Waste Management Strategy) that are likely to have significant effects on the environment.
SPD	Supplementary Planning Document - Whilst not having 'development plan' status, SPDs can form an important part of the local development framework of an area. They can be used to expand policy or provide further detail to policies in development plan documents. Community involvement will be important in preparing SPDs but they will not be subject to independent examination.
SA	Sustainability Appraisal - Local Planning Authorities are bound by legislation to appraise the degree to which their plans and policies contribute to the achievement of sustainable development. The process of Sustainability Appraisal is similar to Strategic Environmental Assessment but is broader in context, examining the effects of plans and policies on a range of social, economic and environmental factors. To comply with Government policy, the Councils are producing a Sustainability Appraisal that incorporates a Strategic Environmental Assessment of its Minerals and Waste LDDs.
	The Development Plan - The Government is committed to ensuring that planning decisions on proposals for development or the change of use of land should not be arbitrary. The statutory development plan will continue to be the starting point in the consideration of planning applications (Section 38(6) of the Planning and Compulsory Purchase Act 2004). The development plan for Wiltshire and Swindon consists of: <ul style="list-style-type: none"> (i) the Regional Spatial Strategy prepared by the South West Regional Assembly ("the Regional Planning Body"); and (ii) Development Plan Documents prepared by the Borough, District and County Council.
	Wiltshire COMPACT - A partnership agreement between statutory agencies and membership organisations from the voluntary and community sector. It sets out a number of principles within which the members of the COMPACT agree to work.

Appendix 2: Links to Other Plans, Policies and Strategies

The Government's objectives for minerals planning are set out in Minerals Policy Statement 1: Planning and Minerals, as:

- To ensure, so far as practicable, the prudent, efficient and sustainable use of minerals and recycling of suitable materials, thereby minimising the requirement for new primary extraction;
- To conserve mineral resources through appropriate domestic provision and timing of supply;
- To safeguard mineral resources as far as possible;
- To prevent or minimise production of mineral waste;
- To secure working practices which prevent or reduce as far as possible, impacts on the environment and human health arising from the extraction, processing, management or transportation of minerals;
- To protect internationally and nationally designated areas of landscape value and nature conservation importance from minerals development, other than in exceptional circumstances;
- To secure adequate and steady supplies of minerals needed by society and the economy within the limits set by the environment, assessed through sustainability appraisal, without irreversible damage;
- To maximise the benefits and minimise the impacts of minerals operations over their full life cycle;
- To promote the sustainable transport of minerals by rail, sea or inland waterways;
- To protect and seek to enhance the overall quality of the environment once extraction has ceased, through high standards of restoration, and to safeguard the long-term potential of land for a wide range of after-uses;
- To secure closer integration of minerals planning policy with national policy on sustainable construction and waste management and other applicable environmental protection legislation; and
- To encourage the use of high quality materials for the purposes for which they are most suitable.

The table on the following page gives a brief outline of some of the relevant plans, policies and strategies that have been used to inform the preparation of the Minerals Development Control Policies DPD.

Other Plan / Strategy	Links to the Minerals Development Control Policies DPD
Draft Regional Spatial Strategy for the South West	<ul style="list-style-type: none"> • Policy RE10: Supply of Aggregates and Other Minerals; • Policy RE11: Maintaining a Landbank of Aggregates; • Policy RE12: Recycled and Secondary Aggregates
Wiltshire Community Strategy 2004-2014	<ul style="list-style-type: none"> • To maintain a working, attractive and wildlife rich, countryside; • To keep Wiltshire's heritage, landscape, local diversity and distinctive character special;
Swindon Community Strategy 2004-2010	<ul style="list-style-type: none"> • Inspiring and engaging everyone in improving our environment; • Protecting, maintaining and enhancing our natural environment and open spaces;
Wiltshire Local Transport Plan 2006-2011	<ul style="list-style-type: none"> • To reduce the impact of traffic on people's quality of life and Wiltshire's built and natural environment; • Encourage and support maximum use of the rail network for the movement of freight (Policy FT1); • Encourage HGVs to use the network of strategic and local lorry routes to minimise environmental damage.
Swindon Local Transport Plan 2006-2011	<ul style="list-style-type: none"> • To manage the impact of transport on the built and natural environment
Wiltshire Biodiversity Action Plan	<ul style="list-style-type: none"> • Contains 9 habitat action plans and 1 species action plan; • Create and restore at least five water bodies per district per year.
Swindon BAP	<ul style="list-style-type: none"> • Contains 14 habitat action plans and 1 species action plan; • Identify two sites for wetland restoration or creation projects each year; • No further loss of hedgerows without appropriate mitigation
Cotswold Water Park BAP	<ul style="list-style-type: none"> • Contains 8 habitat action plans and 9 species action plans; • Create large lakes of 30 hectares or more to be managed for wintering wildfowl; • Create three large (10-20ha.) reed beds in the Cotswold Water Park by 2020
North Wessex Downs AONB Management Plan	<ul style="list-style-type: none"> • Identifies strategic views into and out of the AONB where intrusive or unsympathetic development should be controlled
Cotswold AONB Management Plan	<ul style="list-style-type: none"> • Quarrying at an appropriate scale to provide continued supplies of local stone for local building materials throughout the AONB is supported, so long as impacts are acceptable and restoration schemes safeguard landscape, biodiversity and geodiversity; • The use of high quality Cotswold limestone is encouraged
Cranborne Chase and West Wiltshire Downs AONB Management Plan	<ul style="list-style-type: none"> • The need to safeguard local identity and distinctiveness through the use of local materials should be balanced against the visual and other impacts resulting from the extraction of material to achieve this.
Wiltshire Landscape Character Assessment	<ul style="list-style-type: none"> • Wiltshire's landscape is largely of strong character and good condition; • Those areas of strong character and good condition should be conserved; • Areas with less strong character or moderate condition should see conservation combined with restoration, strengthening or improvement.

Appendix 3: Saved Policies to be Replaced by the Policies in the Minerals Development Control Policies DPD

Appendix 4: Summary of information required within a planning application for Minerals Development

In order to accurately determine proposals for minerals development, where relevant, each planning application will require the following information:

- Accurate plans and a description of the site.
- An assessment of the need for the development.
- A full description of the quality and quantity of workable mineral reserves on the site, and the end uses for which they are proposed.
- An appraisal of the existing landscape and nature conservation value of the site and adjacent land, the impacts on it, and statements of proposals to maintain and protect and enhance existing features on the site and mitigate adverse impacts. An Appropriate Assessment will be required for proposals affecting a SPA/SAC.
- An assessment of the agricultural land quality of the site.
- A description of archaeological remains and other features of historic interest and, where appropriate, a statement of the impacts of the proposal on these features and safeguards to be undertaken.
- A detailed hydrological/hydrogeological description of the site, based on pre-application hydrological monitoring of the site and surrounding area undertaken for a period of not less than two years, an assessment of the impacts of working on hydrology/hydrogeology and mitigation measures, including cumulative impacts (when taken together with other existing or permitted developments), where relevant, and proposed monitoring.
- A Flood Risk Assessment on sites greater than 1 hectare in Flood Zone 1, and all sites within Flood Zones 2 and 3.
- An assessment of the impacts (including cumulative impacts when taken together with other existing or permitted developments) of noise, dust, and air pollution, illumination and blasting on the surrounding area.
- Details of services/public rights of way across the site and measures for their protection and/or diversion.
- A statement of working proposals with suitably scaled plans indicating all aspects of the extraction operation, including phasing and stand off distances between quarry slopes and the site boundary.
- A description of the methods of transportation of the mineral to and from the site including anticipated vehicle type, movement and proposed routing, and details of any wheel cleaning facility to be provided on site. Where the development would result in a material increase in traffic using a trunk road or a junction with it, an assessment of the traffic impact of development on the road

will be required for scrutiny by the Highways Agency, through a Transport Assessment/Transport Statement.

- Details and methods of restoration/management of the site following restoration, and after-use proposals. Restoration/after-use schemes shall where relevant include details of:
 - The phasing of restoration;
 - The source, nature and quantity of any infill materials to be used;
 - Measures to monitor and control landfill gas and leachate;
 - The final levels of the site and nature of any retained quarry slopes;
 - The size, shape and depth of lake or water areas;
 - Replacement of subsoil and topsoil and subsequent cultivation;
 - Provision of land drainage (including any pumping required);
 - Sowing of seeds and the planting and maintenance of trees and shrubs;
 - Nature conservation after-use information including habitat to be created, levels and contours, mechanism and type of long-term habitat management.

Appendix 5: Requirements of Ecological Survey to inform the Planning Decision

1. Why Survey?

The purpose of the survey is to examine what habitats and species exist at the site BEFORE development takes place, in order to protect wildlife from injury during development and to ensure that there is no adverse impact on local biodiversity as a result of the development. Carrying out appropriate ecological survey of the site will ensure that:

- Both the developer/applicant and the planning authority will be informed of the ecological issues at the site.
- The development can be designed so that it has the least possible effect on the biodiversity of the site.
- The presence of species that are afforded special protection under European or British legislation will be known for the site and immediate surrounding area and so the development can be designed to result in minimum impact on these populations, or direct injury to individuals that may result in prosecution.
- By knowing the existing ecology on the site, the design of mitigation and enhancement can complement existing habitats and species and can also feed directly into specific targets in the Wiltshire Biodiversity Action Plan (WBAP)

2. Who should carry out the survey

A competent consultant field ecologist should be engaged to carry out the field survey work and to write the report

The consultant ecologist should hold the relevant species licences appropriate to the type of habitats and species expected to be encountered on the site

A list of consultant ecologists who are able to carry out work within Wiltshire can be obtained from the LPA. This list is in alphabetical order, is no indication of preference and is not an endorsement by the LA of the standard of work of any of the individuals listed. It is the responsibility of the developer/applicant to seek assurance before engagement, that the consultant ecologist will be competent to carry out the survey required. They should make it clear that the survey is required to inform a planning application and give an outline of the nature of the development.

If the developer is in any doubt as to how to select a suitable ecologist from the list, they may seek guidance from the County ecologist, however, they will only be given advice on the criteria to use in deciding who will be best and individual names/companies/consultancies will not be discussed.

3. Informing the surveyor in relation to the proposal

The consultant ecologist should be fully informed of the proposed location and the exact nature of the development, so that they are fully able to judge the effect of that development against the biodiversity of the site.

The consultant ecologist should also consult the local Biological Records Centre for details of existing species records within 2km of the site, before the survey work commences.

The consultant ecologist must have access to suitable OS maps and aerial photographs of the site and surrounding area in order to make a preliminary assessment of the scope of the survey.

The consultant ecologist and the developer should engage in pre-application consultation with the LA's County Ecologist to agree the appropriate scope of the survey

4. Level of survey required

The consultant ecologist will carry out the agreed surveys at the appropriate time of year, in line with recognised species and habitat survey guidelines.

The developer MUST be guided by the consultant ecologist and the County Ecologist as to the optimum timing of surveys and the number of surveys required for each species as adequate to inform the planning application.

The number of surveys or survey days per species may be agreed at the scoping meeting, however, in some circumstances this may alter once the initial surveys have been completed and the Consultant Ecologist may recommend that further survey is necessary to determine ecological issues at the site.

In case of uncertainty in relation to the need for further survey, the County Ecologist should judge whether or not sufficient survey has been undertaken to inform the planning decision.

5. The survey report

The consultant ecologist will produce a report detailing the survey findings, together with an assessment of how the proposed development could be expected to impact on the habitats and species that exist at the site and suggested mitigation designed to reduce those impacts. The report would be expected to contain the following components:

- Summary sheet
- Site Grid Reference
- List of designated sites and their proximity to the proposed development
- List of records obtained from the Local Biological Records Centre
- Date of survey
- Conditions at time of survey (weather, visibility, cloud cover, wind speed, temperature and any other relevant information)
- Limitations of survey
- Methods (including specific Survey Guidelines followed)
- Description of site (including photographic representation as appropriate)
- Survey results (raw data e.g. from bat counts or botanical target notes etc., should be included as an appendix)
- Assessment of impact on site of the proposed development
- Suggested mitigation to reduce impact
- Suggested compensation (ONLY where neither avoidance of impact OR mitigation are possible)
- Suggested ecological enhancement of the site for biodiversity benefit
- Recommendations for further survey necessary to inform the planning decision, based on the findings of the initial survey – for instance, where a particular species is unexpectedly encountered on the site during the survey, which requires specialist or individual survey to determine its presence at and use of the site, or where further observation of a species is required to determine its use of the site to a level where successful mitigation can be designed.

6. The requirement for Further Survey

If the consultant ecologist finds that further survey is required to determine the ecology of the site in relation to the proposal, this must be clearly stated in the ecology report, together with justification and recommendations for the nature of further survey. The scope of further survey will be drawn up between the County Ecologist, the Consultant Ecologist and the Applicant/Developer.

7. The Construction Method statement

The Construction Method Statement (CMS) will describe how each element of the proposal is to be carried out and what measures are taken at each stage to ensure the protection of biodiversity both within the site and in the surrounding area, where it is possible that an impact may occur off site as a result of on site processes. E.g. the CMS

could state that “Sedimats”™ will be used on the site to prevent silt and pollutant run-off into nearby watercourses, which could result in a change in water quality and an impact to fish and aquatic plants and animals. Other examples include the protection of tree roots and hedges from impact as a result of heavy machinery being driven or stored too close, bunding of refuelling areas to prevent pollution from hydrocarbons getting into surrounding soil or watercourses.

The CMS will describe the order in which each element of the project is carried out and take account of the necessity to design some processes around “optimum timings” for wildlife, e.g. hedges should not be removed or severely trimmed during the bird nesting season; some work involving reptile habitat is better carried out in winter, etc.

It is strongly recommended that the Consultant Ecologist has input into the design of the CMS.

The CMS must satisfy the County Ecologist that all elements of the proposed procedures have been assessed for their potential impact on the ecology of the site and measures put in place to reduce (and where possible delete) the impact.

The CMS must be achievable by relevant construction workers at all stages of the development.

Before the development is commenced, all construction workers involved with the site will be made aware of the contents of the CMS and their legal duty to carry out processes as detailed therein. This is best carried out as an on-site “toolbox talk” at the very start of the first day of project commencement

8. Avoidance of Impacts

Avoidance of potential impacts should be a major factor in the design of the proposal. Consideration should be given as to how this might be achieved, e.g. by moving the site boundary or by altering the construction method. Only if potential impacts cannot be avoided should mitigation of potential impacts be considered.

9. Design of Mitigation

Design of mitigation to reduce the impacts of the development on the ecology of the site should be detailed in a specified section of the Environmental Statement.

The rationale for the design of mitigation should cite similar situations where mitigation works have been carried out and make an assessment of their success. Innovative mitigation designs will be welcome providing they can demonstrate a high level of confidence that they will succeed.

Design of mitigation should aim to build on cumulative national and international knowledge of habitats and species and adverse impacts that may affect them.

Mitigation must be designed around the specific ecological systems on the site and not as broad brush “worst case scenario” solutions.

The mitigation must be designed to maintain the environmental conditions that exist at the site, that are paramount to the existence of the habitats and species that the site supports e.g. temperature, slope aspect, availability of natural light, avoidance of light pollution, prevailing wind etc..

A monitoring schedule should be built into the design of mitigation, that details how often and for how long the mitigation will be monitored. It must also include prescriptions for review of monitoring data and a mechanism by which the mitigation can be altered if found to be ineffective IN ANY WAY.

The developer should ensure that the necessary funding is set aside specifically to address any necessary alteration to mitigation measures, if found by monitoring to be ineffective.

Where European protected species are present at a proposed site, the consultant ecologist should advise the developer on the requirement to obtain development licences for

The County Ecologist will review and approve mitigation designs for all proposals

10. Ecological Compensation

In a very small percentage of cases it will not be possible either to avoid adverse impact on the ecology of the site, or to mitigate to reduce the adverse impact. In these cases, the Local Authority will consider proposals for Ecological Compensation designed to be placed off site, however, this must be strictly as a last resort, after the first two options have been thoroughly explored.

The basis of Ecological Compensation will be to produce “like for like” habitat. It will not be acceptable, for instance, to create an area of chalk grassland in compensation for an area of woodland lost to development.

The location of compensation sites must be appropriate to habitats and species they are designed to support, taking into account the soil substrate, slope aspect etc., and the long term integrity of the location.

Compensation sites must be subject to management agreements as part of a legal document, to ensure the long term integrity of the site for wildlife benefit.

The consultant ecologist and the developer should liaise on the design of the compensation and the resulting design must be approved by the County Ecologist.

11. Design of Habitat Enhancement

Within PPS 9 paragraph 12 states the requirement that Local Authorities should aim to maintain connectivity of habitats, avoiding or repairing their fragmentation and isolation.

Similarly, paragraph 14 refers to biodiversity enhancement within developments.

Wherever possible, opportunities should be actively sought to include habitat enhancement for biodiversity benefit within all development proposals, over and above any proposals for mitigation to reduce adverse impacts.

The Consultant Ecologist should input into the design of habitat enhancement and the design should be approved by the County Ecologist.

Habitat enhancement should be specifically designed to fall within and to help meet targets set out in the Wiltshire Biodiversity Action plan (BAP), i.e. it should name the species it is designed to benefit and give justification as to its appropriateness.