Wiltshire and Swindon

Minerals Development Control Policies

Development Plan Document

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Executive Summary

The principle aim of the Minerals Development Control Policies, Development Plan Document (DPD) is to ensure that applications for minerals development received by Wiltshire Council and Swindon Borough Council (the Councils), result in sites that are operated and managed to high standards with minimum impacts to local communities and the environment.

Emphasis is placed on the importance of pre-application discussions between the developer and key stakeholders (in particular the Councils, statutory consultees and local communities). Developers will now be encouraged to agree and adopt a mitigation strategy that aims to deliver a holistic approach to managing the impacts of minerals development.

The document builds upon the strategic policy framework set out in the Minerals Core Strategy, and forms part of the overall development plan for Wiltshire and Swindon. In this sense the Development Control Policies DPD should be read in conjunction with national and regional policy as well as local policies applicable to the plan area.

The document commences with an overarching policy (MDC1) that requires applications to adhere to the principles of sustainable minerals development. The remaining policies are designed to manage the following aspects of minerals development:

- Protection of residential amenity and the environment from impacts associated with noise, dust, lighting, vibration and emissions to air
- Impacts upon groundwater and surface water
- Enabling appropriate non-minerals development within minerals safeguarding areas
- Protection and enhancement of Wiltshire and Swindon's landscape character
- Protection and enhancement of Wiltshire and Swindon's biodiversity and geological interest
- Protection of Wiltshire and Swindon's historic environment
- Ensuring that minerals development minimises HGV miles for transporting minerals by road and minimises the impacts upon other transport networks
- A comprehensive approach to managing the restoration of minerals developments that will deliver a range of afteruses and provide tangible benefits to the local area.

To ensure that the policies are being implemented as intended, the document also includes a detailed policy monitoring framework.



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 Minerals Development Control Policies DPD is to ensure that applications received by the Councils for minerals development result in sites that 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 Council and Swindon Borough Council (the Councils) as part of the preparation of the 'Wiltshire and Swindon Minerals and Waste Development Framework' (MWDF).

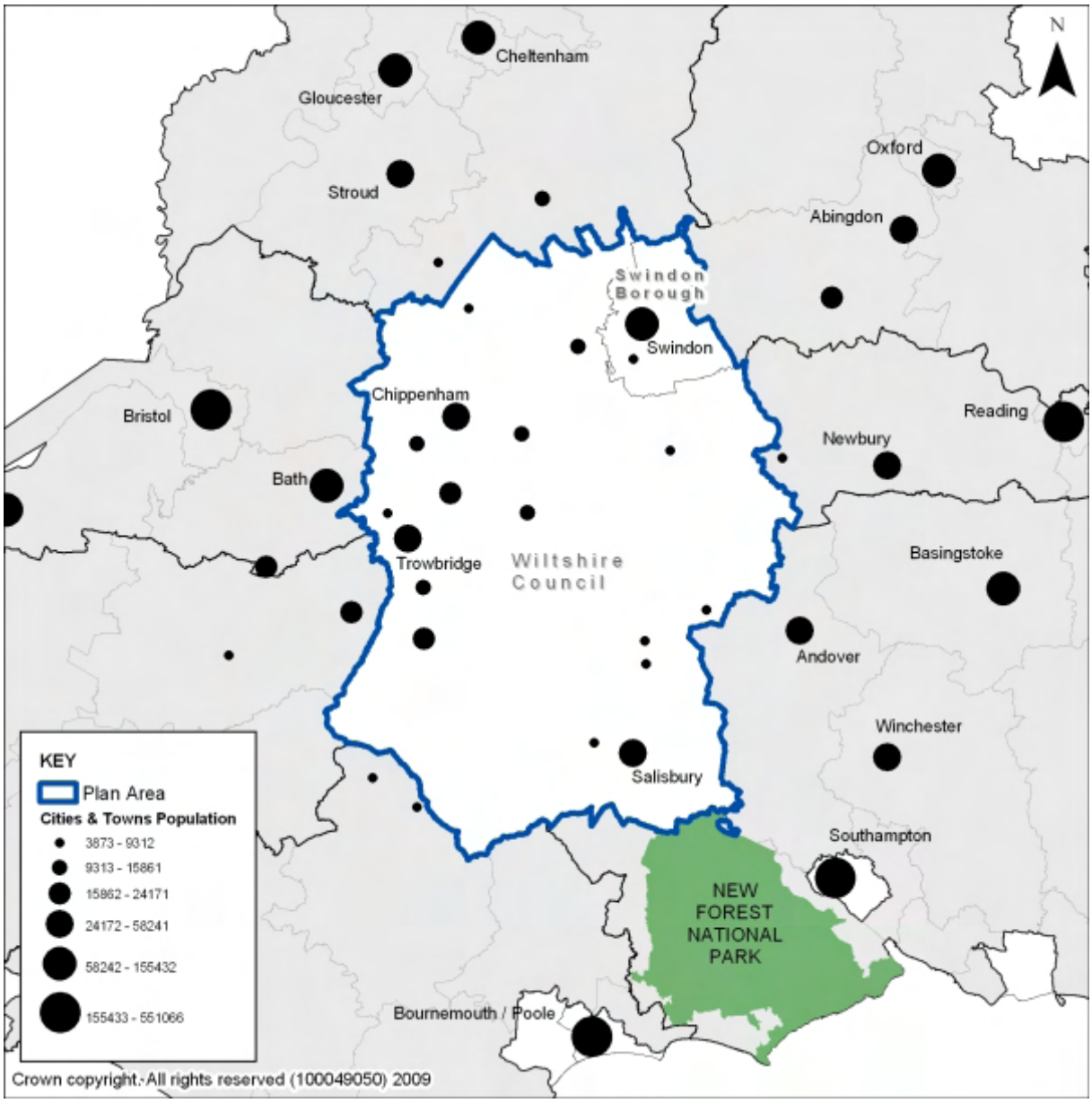
1.3 In the interests of brevity the Councils have prepared a separate Evidence Base (available on the Wiltshire Council website: www.wiltshire.gov.uk/environmentandplanning). This has been produced to underpin the Minerals and Waste Development Framework, and allows a substantial amount of information 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 the 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 impacts of future minerals development. In turn, the policies within the Minerals Core Strategy DPD and this Development Control Policies DPD will be used to determine the location and delineation of allocated sites for minerals development in subsequent Site Allocations DPDs (as deemed appropriate).

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.

Figure 1 Wiltshire and Swindon - the 'Plan' area



2 The Development Control Process

Planning applications – information required, planning conditions and planning agreements

2.1 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.

2.2 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 overleaf). Such liaison will also help ensure that planning applications are processed efficiently and effectively.

2.3 In line with good practice, and the Councils' Statements of Community Involvement, 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.

2.4 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.

2.5 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 planning agreements 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.

2.6 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.

2.7 Planning Agreements are also often referred to as 'Planning Obligations' or 'Section 106 Agreements'.

Environmental Impact Assessment

2.8 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.

2.9 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 guidance[(1)]. The result of an EIA is presented in an Environmental Statement and if required should be submitted with a planning application.

2.10 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.

2.11 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.

2.12 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.

Habitats Regulations Assessment / Appropriate Assessment

2.13 A Habitats Regulation Assessment (HRA), often referred to as Appropriate Assessment (AA) of spatial development plans is a requirement of the Habitats Directive (92/43/EEC) as transposed in UK legislation by the Habitats Regulations (2007). The primary aim of HRA is to ensure that a development proposal, on its own or in combination with other developments, will not compromise the integrity of European designated areas, collectively known as Natura 2000 sites. There are three stages to HRA and AA:

- Stage 1: Screening
- Stage 2: Appropriate Assessment
- Stage 3: Assessment where no alternatives and adverse impacts remain.

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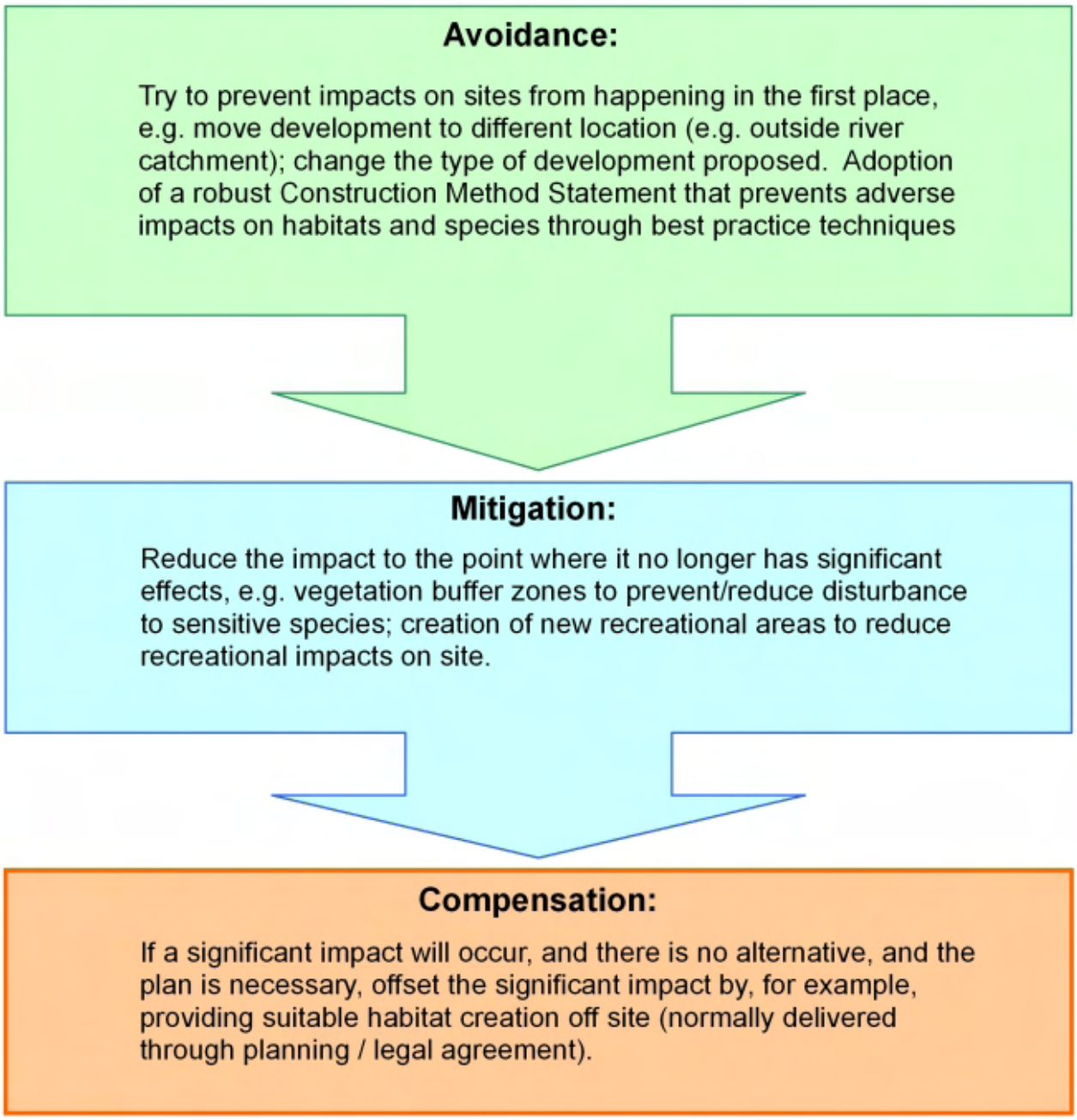
1 Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999; and Circular 02/99 'Environmental Impact Assessment'

Figure 3: Preventing harm to biodiversity and geological conservation interests[12]



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

MDC6: Biodiversity and geological interest

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

The assessment must have particular regard to the need to maintain and / or enhance sites and species of international and national importance in accordance with the relevant statutory requirements.

The assessment must also consider carefully the need to maintain and / or enhance the following features of local and regional importance:

- **Local 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 biodiversity / geodiversity.**

Policy drivers

- **Wiltshire and Swindon Minerals Core Strategy: Policies MCS1 (B) and MCS7**
- **MPS1: Planning for Minerals**
- **PPS9: Biodiversity and Geological Conservation**
- **Planning for Biodiversity and Geological Conservation: A Guide to Good Practice**
- **Circular 06/2005: Biodiversity and Geological Conservation - statutory obligations and their impact within the planning system**
- **Regional Spatial Strategy for the South West**
- **The Councils' SA/SEA/HRA Reports**
- **Comments received from previous consultations**

The historic environment

5.20 The historic environment can be broadly defined as incorporating all designated historic assets of archaeological or cultural heritage importance, including features of local historic and / or architectural interest and value, since these can make an important contribution to creating a sense of place, local identity and distinctiveness. Other important elements of the historic environment, some of which are often without any statutory protection, include locally significant, but as yet, un-designated other archaeological remains, locally listed buildings, conservation areas, registered parks and gardens, historic battlefields, historic landscape and townscape features[13], the historic character of the wider landscape/ built environment, as well as the potential for as yet unrecorded archaeology.

5.21 The diverse historic environment of Wiltshire and Swindon includes many features of local, 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.

5.22 If inappropriately designed and managed, minerals extraction can result in the disturbance and loss of archaeological remains. National policy (PPG16) outlines a presumption in favour of the preservation in situ of nationally important remains and their settings, whether scheduled or not. It is important to note that archaeological sites and features do not have to be formally scheduled to be of national importance.

13 Townscape features can include: historic bridges, street furniture of historic and/or architectural interest (e.g. Pillar boxes, railings, street lights, market crosses, clocks etc) and many other features that add to the quality and distinctiveness of local towns and villages.

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.

5.23 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 practice[14] for mineral developers to apply when planning proposals for minerals development. In addition the Minerals and Historic Environment Forum have recently built upon this advice and produced a practice guide[15] setting out clear and practical advice on the archaeological evaluation of mineral development sites. The Councils support the principles of both documents and will require developers submitting proposals for new minerals development 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 CountyArchaeologist), 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 non-financial contributions from the developer in the form of a legal agreement, to ensure that archaeological evidence is further investigated, recorded, preserved and managed[16] to an appropriate standard and to an appropriate timescale.

5.24 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.

5.25 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 for new minerals development should assess the potential adverse impacts on the historic landscape

14 Confederation of British Industry, *Archaeological Investigations Code of Practice for Minerals Operators*, April 1991.
15 Minerals and Historic Environment Forum, *Mineral Extraction and Archaeology: A Practice Guide*, 2008.
16 Where long term management is needed for public access and display for future enjoyment and educational purposes.

and cultural heritage assets, including registered historic parks and gardens, registered battlefields, listed buildings and conservation areas, taking into account the English Heritage Historic Landscape Characterisation Project[17]

5.26 The principle objective of Policy MDC7 seeks to ensure that Wiltshire and Swindon's historic environment is afforded the appropriate level of protection, enhancement and / or preservation in conformity with national and regional policy. The policy also provides advice to developers on how to assess the potential impacts of their proposals on known (i.e. designated) and / or potential features of archaeological importance. As part of the process of preparing planning applications for new development, archaeological and Historic Landscape Assessments should be used by developers to inform the preparation of a mitigation strategy (please refer to Policy MDC1) for proposed minerals development.

MDC7: The historic environment

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

Proposals affecting historic assets known or potential archaeological importance must be accompanied by an appropriate archaeological evaluation. Based on the findings of the initial evaluation, preservation of nationally important remains in situ 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 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.

Policy drivers

- Wiltshire and Swindon Minerals Core Strategy: Policies MCS1 (B) and MCS7
- MPS1: Planning and Minerals
- PPG15: Planning and the Historic Environment
- PPG16: Archaeology and Planning
- CBI Archaeological Investigations Code of Practice for Mineral Operators
- Mineral Extraction and Archaeology: A Practice Guide
- Regional Spatial Strategy for the South West
- Avebury World Heritage Site Management Plan (English Heritage)
- The Councils' SA/SEA/HRA Reports
- Comments from previous consultations

17 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

Links to Minerals Core Strategy Strategic Objectives

"... 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 should 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 currently 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 material, 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 (TA) 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 TA 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 will be necessary.[18] 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 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.

6.8 Government policy (PPG13) 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 (MPSI). 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 (avoiding weight restricted roads), 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 TAs 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.

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

6.9 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 agreements[(19)] 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.

6.10 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 (including footpaths and bridleways), canals (used and disused), railways 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 and landowner.

19 Section 59 of the 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. Section 278 of the Highways Act allows a highway authority to seek costs from a developer, where the developer would derive a special benefit for necessary modifications to be made to a strategic road network as part of the highway authority's proposed works. Also, Section 106 of the Town and Country Planning Act 1990 allows a local planning authority to enter into an agreement with developers for the purposes of restricting or regulating a development.

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;**
- **Maximising the use of rail or water to transport minerals where practicable and environmentally acceptable;**
- **Ensuring a proposal has direct access or has suitable links with the Wiltshire HGV Route Network or primary route network;**
- **Establishing mineral site transport plans;**
- **Mitigating or compensating for any adverse impact on the safety, capacity and use of a highway, railway, canal route, 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 rail infrastructure, canal route, 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

- Wiltshire and Swindon Minerals Core Strategy: Policies MCS1 (B) and MCS9
- MPS1: Planning and Minerals
- PPG13: Transport
- Regional Spatial Strategy for the South West
- The Councils' SA/SEA/HRA Reports
- Comments received from previous consultations

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

Links to Minerals Core Strategy Strategic Objectives

"... 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 for proposals for minerals development. This approach is supported by evidence that among other benefits such as returning the land to agriculture and uses that provide employment opportunities, 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 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 and restoration of the site.

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 restored to a state suitable for supporting 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 potential 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[20], 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, materials (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. Phased restoration of a site may require 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, in accordance with proposed timescales.

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 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 One.

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20 Information on Agriculatural Land Classification and Land Classification Surveys can be found on the DEFRA website specifically Agricultural Land Classification of England and Wales, MAFF 1988 and DEFRA Guidance for Successful Reclamation of Minerals and Waste Sites.

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. Where appropriate phased restoration schemes should incorporate measures such as advanced tree planting, to ensure that biodiversity benefits are realised at the earliest opportunity.

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 after-use.[21] 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 period.[22]

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 planning agreements to ensure that the appropriate aftercare provisions remain in effect for the required aftercare period.

After-use

7.12 After-use proposals should give consideration to the wider context of the area within which restoration proposals are planned. This will ensure the most appropriate afteruse is achieved, taking into account the wider development plan policies for the area and considering potentially beneficial contributions at a local, regional, or even national level.

7.13 Minerals development in Wiltshire and Swindon generally occurs in rural areas where agriculture is the predominant land use and often sites 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 after-use is often the most practicable approach. However, proposals for mineral extraction, particularly in the Upper Thames Valley, will 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 managing risks with the development proposal.

7.14 The reclamation of mineral sites must consider the potential impacts upon landscape character (as set out in Chapter 5). 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

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

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

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 schemes are appropriate in terms of 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.

7.16 Policy MDC9 encourages after-use proposals that benefit local communities, which includes, for example creating employment opportunities or contributing to recreation/amenity open space, including public rights of way. 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: Restoration, aftercare and after-use management 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.

The proposals must demonstrate that:

1. **Restoration**

    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; and**
    iv. **The restoration scheme will not impede the successful adoption of the proposed after-use and will offer flexibility for a range of potential after-uses.**

2. **Aftercare**

    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. **After-use**

    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.**

Policy drivers

- **Wiltshire and Swindon Minerals Core Strategy: Policies MCS1 (B) and MCS10**
- **MPS1: Planning and Minerals**
- **MPG7: The Reclamation of Mineral Workings**
- **PPS9: Biodiversity and Geological Conservation**
- **MAFF Agricultural Land Classiofication of England and Wales**
- **DEFRA Guidance for Successful Reclamation of Minerals and Waste Sites**
- **Environment Agency: State of Soils in England and Wales Report**
- **Regional Spatial Strategy for the South West**
- **The Councils' SA/SEA/HRA Reports**
- **Comments received from previous consultations**

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 involving creation of wetland habitat is a particular issue in Wiltshire and Swindon, where it 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
- Regional Spatial Strategy for the South West
- The Councils' SA/SEA/HRA Reports
- Comments received from previous consultations



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 polices. 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. All indicators and associated targets and thresholds for review will be measured on an annual basis for the period 1st April to 31st March, and reported each year in the Councils Annual Monitoring Reports.

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[23]
Landbank of permitted reserves for sand and gravel	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;	a) 100% b) 100% c) 100%	80% - Where applications that have not been informed by pre-application discussion are being permitted.

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

Indicator	Target	Threshold for review[23]
c) At least 1 other key stakeholder.		
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.	

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
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%

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

Indicator	Target	Threshold for review
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 MSAs. It is essential for the delivery of this policy that the advice of the respective MPA is requested and taken into account in determining applications for non-mineral development in MSAs. Essentially, the process of development management requires policy and development control officers to communicate effectively in order to ensure that mineral resources are not needlessly sterilised by development such as housing and employment uses. Further advice on this matter can be found with the Minerals Core Strategy and on request from the respective Councils.

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

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 submitted with a landscape character assessment.	100%	80%
Percentage of applications for minerals development, that lie adjacent to or within an AONB or adjacent to the New Forest National Park, that are informed by the relevant management plan.	100%	80%

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% of total applications received.
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% of total applications received.
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	0	1 permitted application.

Indicator	Target	Threshold for review
World Heritage Site of Stonehenge and Avebury		
Number of applications for minerals development permitted contrary to the advice of the County Archaeologist.	0	20% of total applications received.

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% of total applications received.
Number of applications for minerals development permitted contrary to the advice of Highways / Transport Policy.	0	20% of total applications received.

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% (of total applications received).
Number of restoration schemes that incorporate the protection of soil resources.	100%	80% (of total applications received).
Number of applications for minerals development permitted where	0	20% (of total applications received).

Indicator	Target	Threshold for review
resources to deliver restoration scheme have not been identified.		
Number of after-care schemes permitted that extend for less than minimum 5 year period.	0	20% of total applications received.
Number of proposed after-uses that will achieve habitat creation in line with relevant BAP targets.	At least 40%.	<40% of total applications received.
Percentage of applications for minerals development permitted where the proposed after-use will benefit the local and/or wider community.	100%	80% (of total applications received).

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 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 outs 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 Council, 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 three year programme for the preparation of LDDs. Wiltshire Council has prepared a Minerals and Waste Local Development Scheme, (the details of which in relation to minerals and waste DPDs have been incorporated into Swindon Borough Council's Local Development Scheme to reflect current joint working arrangements between the two Councils).

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 equivalent of the Local Development Framework dealing specifically with policies for minerals and waste development, usually prepared at the county/former county level.

MWDS **MINERALS AND WASTE DEVELOPMENT SCHEME -** A three 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.

MINERAL WASTE - Any material that arises as a residual product of extraction and processing of primary mineral resources that is not reused or utilized as a resource.

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 - 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 - derived from by-products of the extractive industry, e.g. china/ball clay waste, colliery spoil, blast furnace slag, pulverised fuel ash, etc.

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 Plan 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::

1. the Regional Spatial Strategy prepared by the South West Regional Assembly ("the Regional Planning Body"); and
2. Development Plan Documents prepared by the Borough and Unitary 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 if 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 tables on the following pages provide 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
Regional Spatial Strategy for the South West	• Policy RE10: Supply of Aggregates and Other Minerals • Policy RE11: Maintaining a Landbank of Aggregates • Policy RE12: Recycled and Secondary Aggregates
Wiltshire Sustainable Community Strategy 2007-2016	• More competitive tourism business balancing the environment, communities, industry and visitor satisfaction while realising long term economic and social benefit for Wiltshire; • To improve the condition of County Wildlife Sites; • Local people involved in influencing design and delivery of public and voluntary services that address their local priority and support community cohesion; • A developed sense of place; • Community cohesion built through bringing people together to address environmental issues.
Swindon Sustainable Community Strategy 2008-2030	• Seeks to achieve a sustainable community that: balances and integrates the social, economic and environmental components of their community; meet the needs of existing and future generations; respect the needs of other communities in the wider region, nationally or even internationally; • To invest in leisure and cultural offering; • To balance the needs of a growing population in a way that protects the natural environment as much as possible; • Safeguard and enhance the built and natural environment for future generations; • The landscaping and open spaces in new developments will be designed to look attractive and be havens for wildlife.
Wiltshire Local Transport Plan 2006-2011	• To reduce the impact of traffic on people's quality of life and Wiltshire's built and natural environment; • Encourage and support maximum use 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	• To manage the impact of transport on the built and natural environment.
Wiltshire Biodiversity Action Plan	• Contains 9 Habitat Action Plans and 1 Species Action Plan; • Create and restore at least five water bodies per district per year.
Swindon BAP	• Contains 14 Habitat Action Plans and 1 Species Action Plan;

Other Plan / Strategy	Links to the Minerals Development Control Policies DPD
	• Identify two sites for wetland restoration or creation projects each year; • No further loss of hedgerows without appropriate mitigation.
Cotswold Water Park BAP	• 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	• Identifies strategic views into and out of the AONB where intrusive or unsympathetic development should be controlled.
Cotswold AONB Management Plan	• 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	• 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	• 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

Minerals Local Plan Policy	To be replaced by Minerals Development Control Policy:
5	MDC4
7	MDC8
10	All policies contained in the DPD except policy MDC4
11	MDC2
12	MDC8
13	All policies contained in the DPD except policy MDC4
15	MDC3
16	MDC3
17	MDC3
18	MDC3
33	MDC9
37	MDC1
40	All policies contained in the DPD except policy MDC4
41	All policies contained in the DPD except policy MDC4
44	MDC8
50	All policies contained in the DPD except policy MDC4
51	All policies contained in the DPD except policy MDC4



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 (incorporating accurate site drainage plans).
- 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.
- Accurate site drainage plans.
- A Flood Risk Assessment on sites greater than 1 hectare in Flood Zone 1, and all sites within Flood Zones 2 and 3. Sites greater than 1 hectare should also include a surface water strategy as part of the FRA.
- 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 relevant species and the criteria that must be met to satisfy the granting of a licence.

The county ecologist will review and approve mitigation designs for all proposals. If the mitigation is unlikely to satisfy the licensing criteria (i.e. a licence for development is likely to be refused), then planning permission must be refused.

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.