
Report to Wiltshire Council and Swindon Borough Council

by **Andrew S Freeman BSc(Hons) DipTP DipEM FRTPI FCIHT MIEnvSc**
an Inspector appointed by the Secretary of State for Communities and Local Government

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

REPORT ON THE EXAMINATION INTO THE WILTSHIRE AND SWINDON

AGGREGATE MINERALS SITE ALLOCATIONS

LOCAL PLAN

Document submitted for examination on 20 July 2012

Examination hearings held between 23 and 25 October 2012

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ABBREVIATIONS USED IN THIS REPORT AND IN THE APPENDICES

Core Documents (referenced in parentheses in the text) are prefixed by the letters
CON, CPP, LDS or MIN

AA	Appropriate Assessment
ha	hectare
HRA	Habitats Regulations Assessment
LDSs	Local Development Schemes
m	metres
MCS	Minerals Core Strategy
MM	Main Modification
mtpa	million tonnes per annum
NPPF	National Planning Policy Framework
Para	Paragraph
PRoW	Public Right of Way
RS	Regional Strategy
SA	Sustainability Appraisal
SCIs	Statements of Community Involvement
SCS	Sustainable Community Strategy

Non-Technical Summary

This report concludes that the Wiltshire and Swindon Aggregate Minerals Site Allocations Local Plan provides an appropriate basis for the planning of the County and Borough Area over the next 13 years providing a number of modifications are made to the Plan. The Councils¹ have specifically requested that I recommend any modifications necessary to enable them to adopt the Plan. All the modifications to address this were proposed by the local planning authorities and I have recommended their inclusion after full consideration of the representations from other parties on these issues.

The modifications can be summarised as follows:

- Adding reference to saved policies;
- Including a policy, and supporting text, on the presumption in favour of sustainable development;
- Justifying the absence of separate figures on soft sand;
- Amending the boundary of Inset Map 3: North Farm to exclude land not available for mineral extraction;
- Adding reference to a Zone of Sensitivity at Cox's Farm;
- Identifying a "stand-off" area at Blackburr Farm; and
- Justifying the loss of ancient woodland and strengthening the related provisions at Brickworth Quarry.

¹ Wiltshire Council and Swindon Borough Council

Introduction

1. This report contains my assessment of the Wiltshire and Swindon Aggregate Minerals Site Allocations Local Plan in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (Paragraph 182) makes clear that, to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authorities have submitted what they consider to be a sound plan. The basis for my examination is the Proposed Submission Draft (January 2012, MIN/01) which is the same as the document published for consultation in January 2012.
3. My report deals with the main modifications that are needed to make the Plan sound and legally compliant and they are identified in bold in the report (**MM**). In accordance with Section 20(7C) of the 2004 Act, the Councils requested that I should make any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. These main modifications are set out in the Appendices.
4. The main modifications that go to soundness have been subject to public consultation and, where necessary, Sustainability Appraisal (SA) and I have taken the consultation responses into account in writing this report.

Assessment of Duty to Co-operate

5. Section 20(5)(c) of the 2004 Act requires that I consider whether the Councils complied with any duty imposed on them by Section 33A of the 2004 Act in relation to the Plan's preparation. Section 33A requires constructive, active and ongoing engagement with local authorities and a variety of prescribed bodies in order to maximise the effectiveness of plan preparation.
6. Over the last 25 years, the Councils have been involved in a range of exercises concerning co-operative working on minerals planning matters. The main purpose of such co-operation has been to address issues relating to the long-term supply of minerals particularly in the Upper Thames Valley where there are shared interests with Gloucestershire County Council and Oxfordshire County Council. Examples of co-operation include:
 - Active and on-going involvement in the Aggregate Working Party;
 - Active involvement in the sub-regional apportionment process;
 - Active involvement in the preparation of minerals policies for inclusion in the draft Regional Spatial Strategy for the south west;
 - Working with Dorset County Council and Hampshire County Council on the completion of the Wessex Aggregates Study;

- Consultation and direct engagement on minerals plans prepared by neighbouring authorities; and
 - Adoption of policies relating to joint working in the adopted Minerals Core Strategy (CCP/54, Policies MCS 1 (C) and MCS 5).
7. Relevant bodies were involved in the preparation of the Aggregate Minerals Site Allocations Local Plan on more than a dozen occasions.² The Environment Agency, English Heritage and Natural England have been fully involved on a continuing basis in the preparation of documents to support the Plan. They have been involved in:
- Providing advice on the scope and content of the Site Selection and Site Appraisal Methodology;
 - Helping to inform the detailed assessments undertaken on all sites;
 - Helping to shape restoration objectives in the Plan; and
 - Responding to consultation on specific wording included in the Plan.
8. The Hydrogeological Impact Assessments on the sites in the Upper Thames Valley were specifically commissioned in response to concerns raised by the Environment Agency. In addition, specific wording regarding the Archaeology and Historic built environment sections of the Plan has been negotiated with English Heritage.
9. Liaison with neighbouring authorities and prescribed bodies has been embedded within the plan making process from its early stages. This has ensured that the approach to site selection and proposals of the Plan were in accordance with these bodies, plans and programmes from the outset. Consultation has been undertaken with neighbouring authorities and other prescribed bodies in order to understand the implications of the proposed Plan on the interests of these organisations.
10. Furthermore, a note was circulated (as an addition to the proposed submission consultation) to all neighbouring minerals planning authorities giving an additional opportunity to comment on the approach taken by the Councils in the preparation of the Plan and outlining the Councils' intention to proceed with a locally derived apportionment figure.
11. Evidence on all of the exercises that the Councils have undertaken in regards the duty to co-operate throughout the plan making process and the outcomes of these actions is detailed in Table 1 of the submitted Statement on the Duty to Co-operate (MIN/05).
12. I conclude that the Councils have worked collaboratively with other authorities and bodies and have co-operated effectively through a continuous period of engagement. The Local Planning Authorities have fulfilled the duty to co-operate with regard to the Wiltshire and Swindon Aggregate Minerals Site Allocations Local Plan.

² See Councils' Position Statement on Matter 1 (WC/SBC/PS/MSA - MM1, September 2012), Para 12.6

Assessment of Legal Compliance

13. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets all these requirements. However, I have comments to make on the Local Development Schemes, community involvement and saved policies.

Local Development Schemes

14. The Local Development Scheme for Swindon (LDS/02), as submitted to the Secretary of State at the start of the examination process, referred to public examination of the Wiltshire and Swindon Aggregate Minerals Site Allocations Local Plan in Winter 2011/2012 with adoption in July 2012. In the event, hearing sessions were held in October 2012. Adoption in Spring 2013 is now anticipated. To reflect these revised dates, an updated Local Development Scheme for Swindon has been prepared (LDS/07). The content and timing of the Plan are compliant with the revised scheme.

Saved policies

15. Regulation 8(5) of the Town and Country Planning (Local Planning) (England) Regulations 2012 states that, where a local plan contains a policy that is intended to supersede another policy in the adopted development plan, it must state that fact and identify the superseded policy. In this regard, Appendix 2 of the Wiltshire and Swindon Minerals Core Strategy 2006-2026 (CPP/54) indicates that a number of policies from the Wiltshire and Swindon Minerals Local Plan (CPP/56) are to be replaced under the Aggregate Minerals Site Allocations Local Plan. Reference is made to Policies 35 and 49 of the former Local Plan; also Annex 1.
16. In the event, a planning application is at the time of writing being considered against the existing policy framework including Policy 35 (Preferred Areas for Sharp Sand and Gravel) of the former Local Plan. As such Policy 35 is to be saved until the first review of the Aggregate Minerals Site Allocations Plan. Annex 1, as referred to above, has been replaced by the adopted Policy Framework. Regarding Policy 49 (Preferred Areas for Proposals for Cement Raw Materials), extraction of chalk (and related clay) in the county has now ceased. The policy is redundant.
17. There are, therefore, no policies in the adopted development plan that are to be superseded under the provisions of the Wiltshire and Swindon Aggregate Minerals Site Allocations Local Plan. However, this is at variance with the expectations expressed in the Minerals Core Strategy. In order to regularise and clarify matters, main modifications (**MM1 and MM2**) are recommended.

Community involvement

18. With regard to community involvement, there are concerns from representors that the guidance, procedures and good practice of central and local government have not been followed, notably in the selection, assessment and elimination of individual sites. It is felt that discussions have taken place behind closed doors and democratic rights of involvement have been denied. In addition, communication with parties has been lacking.

19. I appreciate that the process of making decisions is involved and often difficult to understand. In addition, and particularly for those without internet access, keeping in touch with developments and accessing relevant documents can be a considerable difficulty. However, there has been compliance with the Statements of Community Involvement (SCIs). I do not find that the consultation process was flawed. The time periods of consultation met the requirements of the Regulations and the SCIs.

LEGAL REQUIREMENTS	
Local Development Schemes (LDSs)	The Local Plan is identified within the approved LDSs for Wiltshire (August 2012 update) and Swindon (November 2012) which set out expected adoption dates of December 2012 / Spring 2013. Preparation of the Local Plan has been in accordance with the LDSs.
Statements of Community Involvement and relevant regulations	The Statements of Community Involvement were adopted in February 2010 (Wiltshire) and January 2007 (Swindon). Consultation has been compliant with the requirements therein including consultation on the post-submission proposed "main modification" changes (MM).
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Habitats Regulations Assessment (HRA)	The Habitats Regulations AA Screening Report (January 2012) sets out why AA is not necessary.
National Policy	The Local Plan complies with national policy except where indicated and modifications are recommended.
Regional Strategy (RS)	The Local Plan is in general conformity with the RS.
Sustainable Community Strategies (SCSs)	Satisfactory regard has been paid to the SCSs.
2004 Act (as amended) and 2012 Regulations	The Local Plan complies with the Act and the Regulations.

Assessment of Soundness

Preamble

20. The main context for the Wiltshire and Swindon Aggregate Minerals Site Allocations Local Plan is set by the Wiltshire and Swindon Mineral Core Strategy as adopted in June 2009. Amongst other things, the Core Strategy sets a strategic policy framework for meeting the need for minerals and managing minerals development.
21. The Core Strategy identifies a number of Aggregate Resource Areas. These are Upper Thames Valley; Calne Area; South East of Salisbury; Bristol Avon; and Salisbury Avon. Sand and gravel development in the short and medium term is envisaged in the first three of these resource areas. The Site Allocations Local Plan draws on these provisions by proposing allocations in those same areas.

22. The majority of the allocations (five out of seven) are in the Upper Thames Valley. The allocated sites are known respectively as Cox's Farm; Blackburr Farm; North Farm; land east of Calcutt; and land at Cotswold Community. There is one proposed allocation within the Calne Area (land at Compton Bassett). The remaining allocation (extensions to Brickworth Quarry) is in the South East of Salisbury Area.
23. The preparation of the Wiltshire and Swindon Aggregate Minerals Site Allocations Local Plan and its examination have taken place at a time of change. For example, the Government intends to revoke regional strategies including the Regional Planning Guidance for the South West. Further, the National Planning Policy Framework, published in March 2012, now provides the main context for the preparation of local plans. Other relevant policy documents have also been published. The most recent is "Guidance on the Managed Aggregate Supply System" (October 2012).
24. Although there is an intention to abolish the Regional Planning Guidance for the South West, this regional strategy remains part of the development plan. For the time being, the Wiltshire and Swindon Aggregate Minerals Site Allocations Local Plan must be in general conformity with the regional strategy.
25. Much of the evidence base for the Regional Planning Guidance for the South West is considerably out of date. The same applies to that for the draft Regional Spatial Strategy for the South West 2006-2006. Evidence prepared for the Wiltshire and Swindon Aggregate Minerals Site Allocations Local Plan is more recent and presents an up-to-date picture on minerals issues. Nevertheless, key aims and principles from the Regional Planning Guidance for the South West remain relevant and are reflected in the Site Allocations Local Plan.
26. The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. Facilitating the sustainable use of minerals is addressed in the Framework and in the accompanying Technical Guidance.
27. Specific instances of accordance or otherwise with the National Planning Policy Framework are addressed in the body of my report. However, there are two matters for preliminary attention. These are the new presumption in favour of sustainable development; and a new soundness requirement, namely that local plans should be positively prepared.
28. With regard to the presumption in favour of sustainable development, the Councils are proposing to include, in the Site Allocations Local Plan, a policy based on the Planning Inspectorate's related model condition together with supporting text that reflects the wording in the Framework. These changes would be introduced through a main modification (**MM3**).
29. In terms of the new soundness requirement, the Framework requires that the Plan should be based on a strategy which seeks to meet objectively assessed development and infrastructure requirements. In this regard, a steady and adequate supply of minerals would be yielded from a variety of sources and locations. The provisions can be considered to be positive and enabling. They

set out the circumstances where development would be permitted rather than seeking to restrict growth.

30. I find that the Plan has been positively prepared and is sound in this regard. In addition, with the incorporation of main modification **MM3**, there would be a clear statement of the Councils' intention to take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. As such, there would be accordance with this important new strand of national policy.
31. As noted above, "Guidance on the Managed Aggregate Supply System" was published in October 2012. This was after the effective close of the examination hearings. Representations from interested parties were invited as part of the consultation on the post-hearing modifications. I have taken the consultation responses into account in writing this report.

Main Issues

32. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings, I have identified two main issues upon which the soundness of the Plan depends.

Issue 1 – Whether appropriate provision is made for the steady and adequate supply of sharp sand, gravel and soft sand; whether there is flexibility regarding the availability of sites; and whether additional allocations should be made

Appropriate apportionment

33. One of the controversial matters discussed at the examination hearings was the amount of sand and gravel that should be produced each year. Certain owners and industry representatives were concerned that the "apportionment" was too low and that greater provision should be made or that a higher contingency figure should be included as part of the proposed provision.
34. In this regard, the Minerals Core Strategy anticipates provision at a rate of 1.85 million tonnes per annum (mtpa). A more recent figure can be found in the National and Local Guidelines for Aggregate Provision 2005-2020, September 2011. These propose a local guideline figure of 1.41 mtpa. In contrast, the rate envisaged under the Minerals Allocations Plan is 1.20 mtpa.
35. National policy on aggregate supply is now set out in the National Planning Policy Framework. This post-dates the Minerals Core Strategy. Paragraph 145 of the Framework indicates that supply should be based on a rolling average of 10 years' sales data and other relevant local information. Planning for a steady and adequate supply of aggregates would be informed by the preparation of an annual Local Aggregates Assessment.
36. The Councils have produced a Local Aggregates Assessment which has, in turn, been used to inform preparation of the Site Allocations Plan. The Assessment demonstrates that, over the last 10 years (2002-2011 inclusive) the average annual production in Swindon and Wiltshire is the equivalent of 1.02 mtpa.

37. Given uncertain economic times, the Assessment suggests that a local forecast figure of 1.20 mtpa should be used. This would offer the flexibility required to increase production as and when economic conditions dictate and would factor in any discrepancies between estimated reserves and actual reserves.
38. Critics point out that the deposits in Wiltshire, notably in the Upper Thames Valley, are part of a shared resource that covers a wide catchment including parts of Gloucestershire and Oxfordshire. Wiltshire is in fact a "shortfall authority" where there is evidence of consumption being above local output. In addition, attention is drawn to the commercial strategies of extraction companies. These strategies have a bearing on levels of output in Wiltshire.
39. As to the Local Aggregates Assessment, there are criticisms of the way that this has been carried out. In addition, it is felt that the results merely give an average of previous production, not necessarily an indication of future requirements. In particular, it is felt that too much emphasis is placed on the past three years when there has been a major economic recession. Further, the landbank would be below the seven year requirement referred to in the National Planning Policy Framework.
40. For my part, I recognise that the minerals in Wiltshire are a shared resource, that commercial strategies are at play and that production in Wiltshire and Swindon falls short of actual consumption. However, these are not new factors. They are reflected in the sand and gravel production figures which, in the Local Aggregates Assessment, are shown over a 21-year period. The landbank picture also reflects local circumstances.
41. As to the Local Aggregates Assessment, I appreciate that the way in which it was prepared was not in complete accordance with current guidance and best practice. Nevertheless, I do not consider that the results are flawed. They are based on the rolling average of 10 years' sales data as now required by the National Planning Policy Framework. In addition, a reasonably healthy contingency is included for unforeseen circumstances. The figure would also be the subject of monitoring and management under Minerals Core Strategy Policy MCS 11.
42. I am aware that the sales data presents a mixed picture including a decline in sales notably over the last three years. However, the work follows the approach advocated in the National Planning Policy Framework. In addition, the recent "Guidance on the Managed Aggregate Supply System" states that mineral planning authorities should look at the average 3 year sales to identify the general trend of demand.³ I do not consider that average sales will differ markedly from those assessed by the Councils certainly in the foreseeable future.

Soft sand landbank

43. The key outstanding matter concerns the necessity or otherwise for a separate soft sand landbank. National policy as expressed in the National Planning Policy Framework states that minerals planning authorities should plan for a steady and adequate supply of aggregate by, amongst other things, calculating and maintaining separate landbanks for any aggregate materials of

³ NPP/162, footnote on Page 2

a specific type or quality which have a distinct and separate market. Soft sand would be a case in point. However, in common with the Minerals Core Strategy, the Site Allocations Plan does not make separate provision for soft sand.

44. The local evidence indicates that, in Wiltshire and Swindon, there are only two operational soft sand quarries. This raises the question of the need to maintain commercial confidentiality. Having a separate landbank calculation for soft sand would not protect the commercial interests of the current operating companies. If such information were included it would be relatively easy to calculate the remaining reserves.
45. In addition, I note that the Plan is essentially seeking to maintain existing patterns of supply from current mineral working areas. Soft sand-type minerals are produced from traditional sharp sand and gravel-producing quarries. The sales of soft sand are dictated by market forces.
46. I conclude that regard has been paid to national policy but there are local circumstances that militate in favour of an approach slightly different from that in the National Planning Policy Framework. However, the justification for the different approach is not set out in the Proposed Submission Draft. This omission would be corrected through a main modification (**MM4**).

Additional allocations

47. Few representors put forward sites that they would wish to see allocated through the mechanism of the Site Allocations Local Plan. There are four sites in total. Two of the sites (known as Sites U15 and U17) are in the Upper Thames Valley Resource Area, south of Ashton Keynes. The other two sites are in the Calne Area. One is north of Bromham (Site C8). The other is adjacent to Sahara Sand Pit (Site C16).
48. Whilst in all cases there could be issues of viability, I have not read or heard any evidence that would demonstrate that any one of these sites is unacceptable in principle. Nevertheless, having regard to the site assessment process and my conclusions below on the second main issue, I would not judge any of the sites to be better than those already allocated. More particularly, given my conclusions on the adequacy of the sand and gravel "apportionment", I conclude that there is no need for additional allocations. The requirements of the Plan area would be met by the Councils' proposals.
49. It is not necessary for me to conclude on the detailed merits of the objection sites. There is no need for allocations beyond those identified by the Councils. In such circumstances, it would be open for owners or mineral operators to take forward proposals for mineral extraction under the provisions of the Minerals Core Strategy (Policy MCS 1 (B)) and this Site Allocations Plan as proposed to be modified (Policy MSA 1 – MM3 refers).

Issue 2 - Whether the allocated sites are acceptable in environmental terms and in other respects; and whether the sites are deliverable

Deliverability

50. Dealing first with the matter of deliverability, general concern was expressed in the representations about whether the resource yield envisaged for each allocated site would be realised in practice. In some cases, as at North Farm, it was felt that the nature of the deposits in parts of the site would render extraction uneconomic. Elsewhere, the concern related to the "loss" of deposits that would not be worked. Examples include land at North Farm, the proposed Zone of Sensitivity at Cox's Farm and a heritage standoff area at Blackburr Farm.
51. For my part, I recognise that there are uncertainties regarding the amounts of sand and gravel that could be extracted from the various sites. However, I have no reason to suppose that the yields would be materially different from the amounts assumed in the Proposed Submission Draft. In any event, and as stated above, a certain contingency has been built into the proposed local forecast figure. The sites would make an essential contribution to the requirements of Wiltshire and Swindon. There are no overriding considerations.
52. There is one particular instance where I find that the provision of the Plan would not be deliverable. This is at North Farm where, at the examination hearings, it became clear that the boundary proposed for the allocated site would include land in the ownership of representors and would not be available for mineral extraction. The area involved is limited. However, to the extent that the proposals would not be deliverable, the Plan would not be effective. It would be contrary to national policy. The boundary would need to be changed through a main modification (MM5).

Acceptability in environmental terms

53. There are a number of matters that relate to the acceptability or otherwise of the various allocated sites in environmental terms. Broad topics include the water environment; traffic; noise and dust; heritage; landscape and visual impact; and biodiversity.

Water environment

54. The water environment in the Thames Valley and the possibility of cumulative flood effects is an important concern. In this regard, although a Strategic Flood Risk Assessment has been carried out, the Environment Agency cannot comment on unacceptable flood risk without seeing specific flood risk assessments. This is understandable. The design of individual schemes would have a bearing on matters such as storage capacity and water impedance.
55. As to national policy, sand and gravel working are regarded as water-compatible developments. Nevertheless, a site-specific flood risk assessment would be necessary for proposals of 1 ha or greater in Flood Zone 1 and all proposals for new development in Flood Zones 2 and 3.

56. The Proposed Submission Draft is in line with national policy. Flood risk assessments would need to be submitted with any subsequent planning application. If the environment could be significantly compromised as a result of the specifics of the developments, I would expect applications for sand and gravel extraction to be refused.

Traffic

57. Traffic effects are of potential importance in all areas. However, there are particular concerns in the Upper Thames Valley and in the Calne area.
58. In the Upper Thames Valley, there would be heavy goods vehicle movements to and from various proposed extraction sites along C-class roads. However, I observed that such roads are of a reasonable width and alignment. Necessary improvements and alterations could be carried out as part of the development management process. Bearing in mind the safeguards contained within the Plan and in the policies of the Minerals Core Strategy, I find that the provisions are soundly based.
59. With regard to the allocated site near Compton Bassett, the principal concern is the effect on the market town of Calne and its road network. This is in circumstances where there have been a number of significant developments and others are in prospect. Again, I find that the proposals are sound. Any application would have to be accompanied by a Transport Assessment. The aim would be to identify the measures that would need to be taken to adequately mitigate or compensate for the anticipated transport and related environmental impact of the proposals.

Noise and dust

60. In terms of noise and dust, there would be a potential effect on individual properties at all sites. In this regard, I recognise that noise, dust and other environmental impacts are difficult to mitigate completely. However, under the terms of the Plan and the Minerals Core Strategy, I would expect controls to be exercised such that impacts would be contained within acceptable limits.
61. An exception would be the site at Cox's Farm where the land is fringed by the village of Marston Meysey to the west and by a cluster of properties at Cox's Farm and by the village of Dunfield to the east. Without further controls in the Plan, I find that the amenity of residential occupiers could be significantly affected. The setting of Marston Meysey and Dunfield could also be compromised.
62. The solution has been to identify a Zone of Sensitivity. This would be effected through a series of main modifications (**MM6 – MM12**). In accordance with national policy, this would help safeguard residents' amenities. There would also be benefits in terms of safeguarding the rights of way network and the historic character and landscape setting of Marston Meysey and Dunfield.

Heritage

63. The setting of the Marston Meysey and Dunfield Conservation Areas would be protected through the mechanism of the Zone of Sensitivity referred to above. However, heritage issues are also of concern at Blackburr Farm. Here, areas of the landscape are of historic importance and sensitivity; there is evidence of features of archaeological interest; and the setting and heritage significance of St Mary's Church (Grade 1 listed) and the Castle Eaton Conservation Area need to be protected.
64. Following discussions with English Heritage, and to accord with national policy, it is agreed that protection should be afforded through the definition of a stand-off area in the southeastern corner of the Blackburr Farm site, close to Castle Eaton. The revised wording and inset map are the subject of main modifications (**MM13 – MM16**).

Landscape and visual impact

65. The potential impact of mineral extraction on the landscape of the Upper Thames Valley is a particular concern. Although not a protected landscape, the flood meadows and other local features such as ancient trees and hedgerows are highly valued. There are long views and wide vistas notable along the river itself and towards rising ground and woodland planting to the south. Views from the elevated ground are of equal importance.
66. Exposed mineral workings, bunds, screening and the like have the potential to mar the landscape and to be visually intrusive. Unsympathetic restoration could lead to an industrially influenced or other landscape incongruous to the character of the area.
67. I recognise that short-term works and poorly conceived restoration could cause significant visual impact and harm landscape character. However, the Site Allocations Local Plan sets out clear and appropriate restoration objectives for all the sites. In addition, detailed schemes would be the subject of conditions and obligations and would be judged against the adopted environmental policies in the Minerals Core Strategy. Detailed proposals would be tested at the planning application stage. I am satisfied that, given the various provisions and safeguards, there are no overriding objections to the principle of sand and gravel extraction at the allocated sites.

Biodiversity

68. The grazing marshes in the Upper Thames Valley floodplain are the subject of flooding that has been described as a "seasonal spectacular". However, these and other habitats would be the subject of loss and direct disturbance by sand and gravel workings. The continuity of the habitat corridor along the River Thames is also threatened. There would be a potential effect on creatures that include otters, water vole, bats, badgers and nationally important birds.
69. For my part, I find that the Site Allocations Plan provides a considered response. For example, there is reference to meeting the targets of Biodiversity Action Plans, providing habitats for creatures such as farmland birds, harvest mice, otters, water vole and curlew. Improving connectivity

between habitats and movement for mammals, birds and bats across or around allocated sites is also specifically mentioned.

70. There is always the possibility that the conditions upon restoration would be at odds with those of the creatures currently using the sites. However, it appears to me that clear objectives and safeguards are in place through the provisions of the Sites Allocations Plan and the related Minerals Core Strategy. In addition, the statutory protection afforded to key species and habitats would still have force. I see no overriding objection to the principle of allocating the various sites for the extraction of sand and gravel.
71. With regard to the proposed extensions to Brickworth Quarry, there is a different key consideration. This concerns the presence of ancient woodland within the boundaries of the two extension sites. The National Planning Policy Framework, at Paragraph 118, advises that development resulting in the loss or deterioration of ancient woodland should be refused. In addition, Paragraph 9 of the Framework seeks positive improvements in the quality of the natural environment; and Paragraph 109 calls for contributions to the enhancement of the natural and local environments.
72. Having regard to the evidence before me, and my own site inspection, I note that extraction would affect areas that are by definition ancient woodland. However, within these areas, there are no ancient or veteran tree specimens. The area is currently in use as agri-forestry and is planted with conifers under a woodland management scheme. The trees on this part of the estate are felled regularly. Planning permission has already been granted for the felling of parts of the woodland in the area to allow mineral working to take place.
73. In the circumstances, I feel that priority should be given to protecting the quality and integrity of the soils on the site as they represent the potential seed bank for typical ancient woodland species. Benefits would be maximised through restoration to lowland mixed deciduous woodland with retention and conservation of the ancient woodland soils carefully managed through the extraction process. In addition, a suitable soil handling strategy would help conserve the seed bank.
74. Bearing in mind the important contribution that the land at Brickworth Quarry would make to the needs of Wiltshire and Swindon, I find that there is a clear case for the loss of what is defined as ancient woodland. However, there needs to be clearer justification of this departure from national policy; and also strengthening of the provisions relating to the protection and retention of the soils. In addition, and in order to provide greater consistency with Paragraphs 9 and 109 of the National Planning Policy Framework, the entire site should be restored to priority habitat. Main modifications **MM17 and MM18** refer.

Overall Conclusion and Recommendation

- 75. The Plan has a number of deficiencies in relation to soundness and/or legal compliance for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored in the main issues set out above.**

76. The Councils have requested that I recommend main modifications to make the Plan sound and/or legally compliant and capable of adoption. I conclude that, with the recommended main modifications set out in the Appendices, the Wiltshire and Swindon Aggregate Minerals Site Allocations Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

Andrew S Freeman

INSPECTOR

This report is accompanied by Appendix A below containing Main Modifications. The modified inset maps for North Farm (Inset Map 3), Cox's Farm (Inset Map 1) and Blackburr Farm (Inset Map 2) are illustrated in Appendices B, C and D (separate).

Appendix A – Main Modifications

The modifications below are expressed either in the conventional form of ~~strikethrough~~ for deletions and underlining for additions of text or by specifying the modification in words in *italics*. The page numbers and paragraph numbering refer to the Proposed Submission Draft and do not take account of the deletion or addition of text.

Ref	Page	Policy/ Paragraph	Main Modification				
MM1	After Page 60	New Appendix 2	<p>Add a new Appendix: <u>Appendix 2: Policies of the Minerals Local Plan to be continued to be saved</u></p> <table border="1" style="width: 100%;"> <tr> <td style="width: 50%;"><u>Minerals Local Plan policy</u></td> <td style="width: 50%;"><u>To be saved or replaced by the Aggregate Minerals Site Allocations Plan</u></td> </tr> <tr> <td><u>Policy 35</u></td> <td><u>To be saved until the first review of the Aggregate Minerals Site Allocations Plan.</u></td> </tr> </table>	<u>Minerals Local Plan policy</u>	<u>To be saved or replaced by the Aggregate Minerals Site Allocations Plan</u>	<u>Policy 35</u>	<u>To be saved until the first review of the Aggregate Minerals Site Allocations Plan.</u>
<u>Minerals Local Plan policy</u>	<u>To be saved or replaced by the Aggregate Minerals Site Allocations Plan</u>						
<u>Policy 35</u>	<u>To be saved until the first review of the Aggregate Minerals Site Allocations Plan.</u>						
MM2	After Page 60	New Appendix 2	<p>Immediately after the heading for new Appendix 2 (MM1 above), insert the following text: <u>Annex 1 is replaced by the adopted Wiltshire and Swindon Minerals Policy Framework. As such, those residual preferred areas listed in Policy 35 (currently the subject of a planning application) will be considered against the current adopted policy framework.</u> <u>Regarding policy 49, the decision by Lafarge Cement UK to</u></p>				

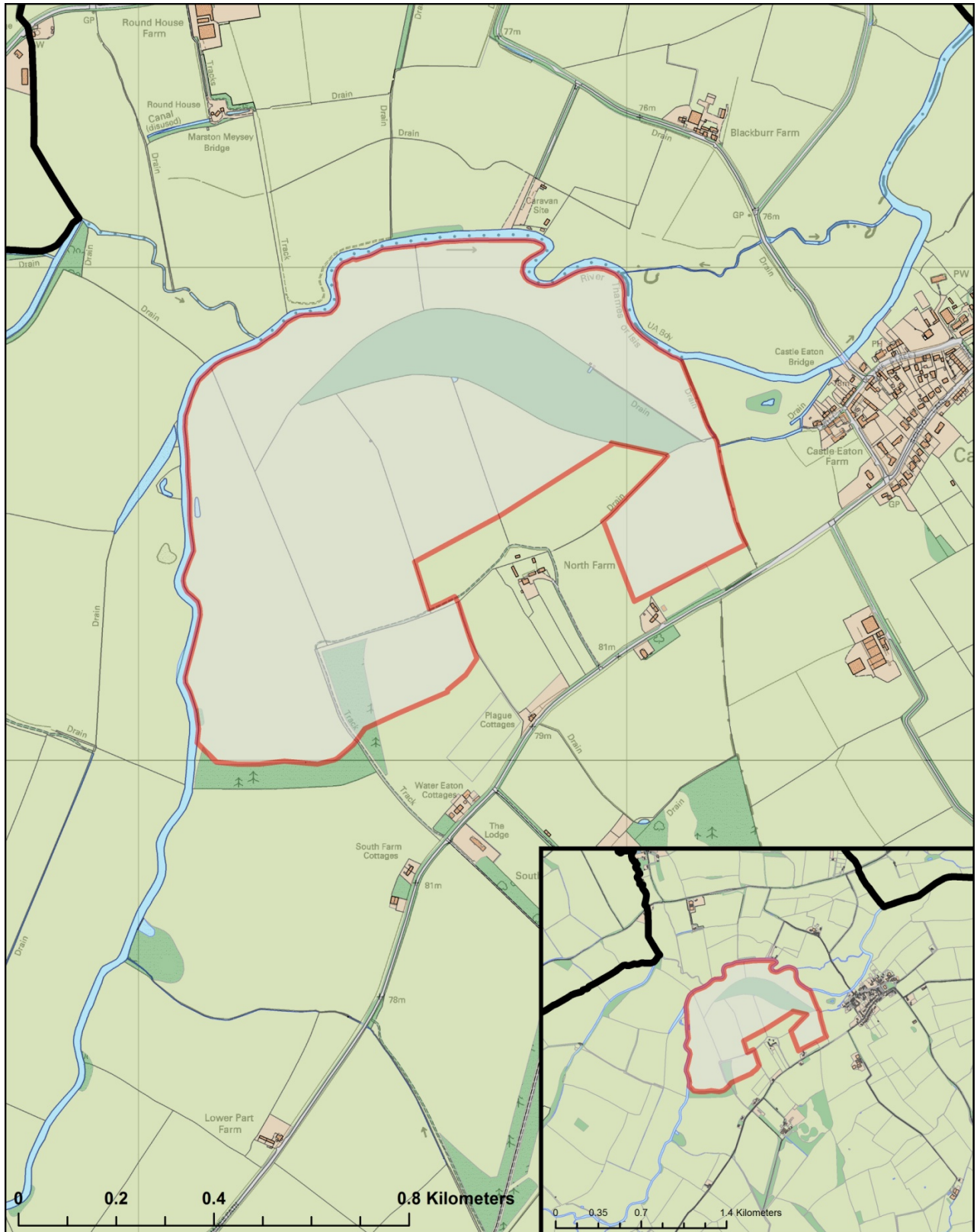
Ref	Page	Policy/ Paragraph	Main Modification
			<u>cease mineral extraction (chalk and clay) at Westbury essentially renders the policy redundant.</u>
MM3	Page 2	Para 1.8	<p>Delete Paragraph 1.8. By way of replacement, insert the following heading and text at the end of the Introduction:</p> <p><u>Compliance with the National Planning Policy Framework (NPPF)</u></p> <p><u>In principle the councils will be supportive of appropriate applications for minerals development within the locations set out in this document. However this should not be viewed as a guarantee that development will be permitted in all cases.</u></p> <p><u>In compliance with the requirements of the NPPF (paragraph 15) and to adhere to the presumption in favour of sustainable development, proposals for mineral development on sites not included within this document or in areas that lie outside of the identified Minerals Resource Zones will still be considered on their own merits, if they demonstrate that they are in keeping with national policy and the policies of the development plan (see policy MSA 1). (Footnote)</u></p> <p><u>Footnote text: In line with policies MCS1 and MCS1(A) of the adopted Wiltshire and Swindon Minerals Core Strategy Development Plan Document (DPD) (June 2009).</u></p> <p><u>Policy MSA 1:</u></p> <p><u>When considering proposals for minerals development the councils will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). Each council will work pro-actively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.</u></p> <p><u>Planning applications that accord with the policies in this Local Plan (or policies in other adopted Local Plans of the councils) will be approved without delay, unless material considerations indicate otherwise.</u></p> <p><u>Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then planning permission will be granted unless material considerations indicate otherwise taking into account whether:</u></p> <ul style="list-style-type: none"> <u>• Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or</u> <u>• Specific policies in the NPPF indicate that development should be restricted.</u>
MM4	Page 7	Para 1.29	<p>After the words "should be treated flexibly" add the following italicised text:</p> <p><i>In the interests of protecting commercial confidentiality in the plan area and to accord with policy MCS1 of the Minerals Core</i></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<i>Strategy, the councils do not...purposes of landbank maintenance. In line with government guidance on the Managed Aggregate Supply System, the plan is principally seeking to maintain existing patterns of supply from current mineral working areas. In part this is due to the fact that soft sand type product has been known to be produced from traditional sharp sand and gravel producing quarries in the plan area.</i>
MM5	Page 22	Inset Map 3	For Inset Map 3: North Farm, substitute the Inset Map illustrated in Appendix B attached.
MM6	Page 12	Inset Map 1	For Inset Map 1: Cox's Farm, substitute the Inset Map illustrated in Appendix C attached.
MM7	Page 13	Preferred restoration objective	Delete the sixth sentence. Replace with the following italicised text: <i>In addition, there should be no net loss or degradation of the important PRow network in the area. These features should, where possible, be maintained during working and enhanced during restoration. The 'Zone of Sensitivity' (see Inset Map 1) should also be integrated into the wider restoration scheme and PRow network.</i>
MM8	Page 14	Human health and amenity	Add the following text at the end of the human health and amenity section: <u>To protect the historic character and residential amenity of Marston Meysey, Dunfield and Cox's Farm (see Inset Map 1) a 'Zone of Sensitivity' incorporating a proposed minimum 100m 'stand off distance' and precise details concerning the boundaries of the Zone, the treatment of those boundaries, the phasing of works within the site and other amelioration measures during the operations will need to be negotiated and agreed at the planning application stage.</u>
MM9	Page 14	Landscape and visual	Amend the second sentence to read: <i>However, further detailed assessment through the planning application process will be required to identify and develop a scheme of working to protect the historic landscape setting of Marston Meysey, Dunfield and Cox's Farm.</i>
MM10	Page 14	Landscape and visual	Add a new third sentence: <u>A 'Zone of Sensitivity' (see Inset Map 1) incorporating a proposed minimum 100m 'stand off distance' and precise details concerning the boundaries of the Zone, the treatment of those boundaries, the phasing of works within the site and other amelioration measures during the operations will need to be negotiated and agreed at the planning application stage.</u>
MM11	Page 14	Historic built environment	Amend the first sentence to read: <i>Mitigation will need to offer robust buffer and landscape screening to the west and east of the site in order to protect the setting of Cox's Farm and the Marston Meysey and Dunfield</i>

Ref	Page	Policy/ Paragraph	Main Modification
			<i>Conservation Areas.</i>
MM12	Page 14	Historic built environment	Add a new second sentence: <u>A 'Zone of Sensitivity' (see Inset Map 1) incorporating a proposed minimum 100m 'stand off distance' and precise details concerning the boundaries of the Zone, the treatment of those boundaries, the phasing of works within the site and other amelioration measures during the operations will need to be negotiated and agreed at the planning application stage.</u>
MM13	Page 17	Inset Map 2	For Inset Map 2: Blackburr Farm, substitute the Inset Map illustrated in Appendix D attached.
MM14	Page 19	Landscape and visual	Before the final sentence, insert the following text: <u>No minerals extraction (including associated activity) shall take place within the 'stand-off' area marked on Inset Map 2 due to its historic landscape importance and sensitivity. Within this area the existing open arable/pastoral character should be retained. Strategic screening of the site should be achieved through the planting of native species along the 'stand-off' area boundaries to strengthen existing hedgerows.</u>
MM15	Page 20	Archaeology	Add the following wording at the end of the amended section: <u>Evidence of the remains of an undated settlement in the south east corner of the site, in addition to the significance of the historic landscape and built environment, has contributed to the identification of a "stand-off" area (as illustrated on Inset Map 2) to ensure those archaeology features of such importance are preserved in situ.</u>
MM16	Page 20	Historic built environment	Add the following wording at the end of the section: <u>The site is adjacent to the Castle Eaton Conservation Area and St Marys Church (Grade 1 Listed). The adjacent open low lying area in the south eastern part of the site contributes to an appreciation of the significance of these heritage assets. Therefore, if not appropriately and sensitively designed, minerals development on this site would cause substantial harm to these heritage assets.</u> <u>In response to this important issue and following dialogue with English Heritage, a 'stand-off' area has been identified (as marked on Inset Map 2) to protect the setting and heritage significance of St Marys Church. No minerals extraction (including associated activity) shall take place within this 'stand-off' area and the existing open arable/pastoral character should be retained. Strategic screening of the site should be achieved through the planting of native species along its boundaries to strengthen existing hedgerows.</u> <u>Any subsequent planning application relating to the development of this site will have to appropriately address the need to safeguard the cultural and historic assets identified and adhere to the requirements of the necessary "stand-off" area. Due to the national importance of St Marys Church,</u>

Ref	Page	Policy/ Paragraph	Main Modification
			<u>English Heritage should be consulted on any future application.</u>
MM17	Page 48	Site description	At the end of the third sentence in the first paragraph, add the following text: <u>However, the site is currently in agri-forestry use and planted with conifers under a woodland management scheme and so the trees on site cannot technically be considered ancient. The vitally important aspect of this site, and the basic prerequisite that will have to be secured before the sites (Areas A and B on Inset Map 7) can be worked for minerals is the need to robustly protect and retain the soils (structure and quality) as they contain the potential seed bank for re-establishing typical Ancient Woodland species post-restoration.</u>
MM18	Page 48	Preferred restoration objective	In the second sentence of the first paragraph, delete the following words: "whilst agricultural grazing could also be delivered in places"

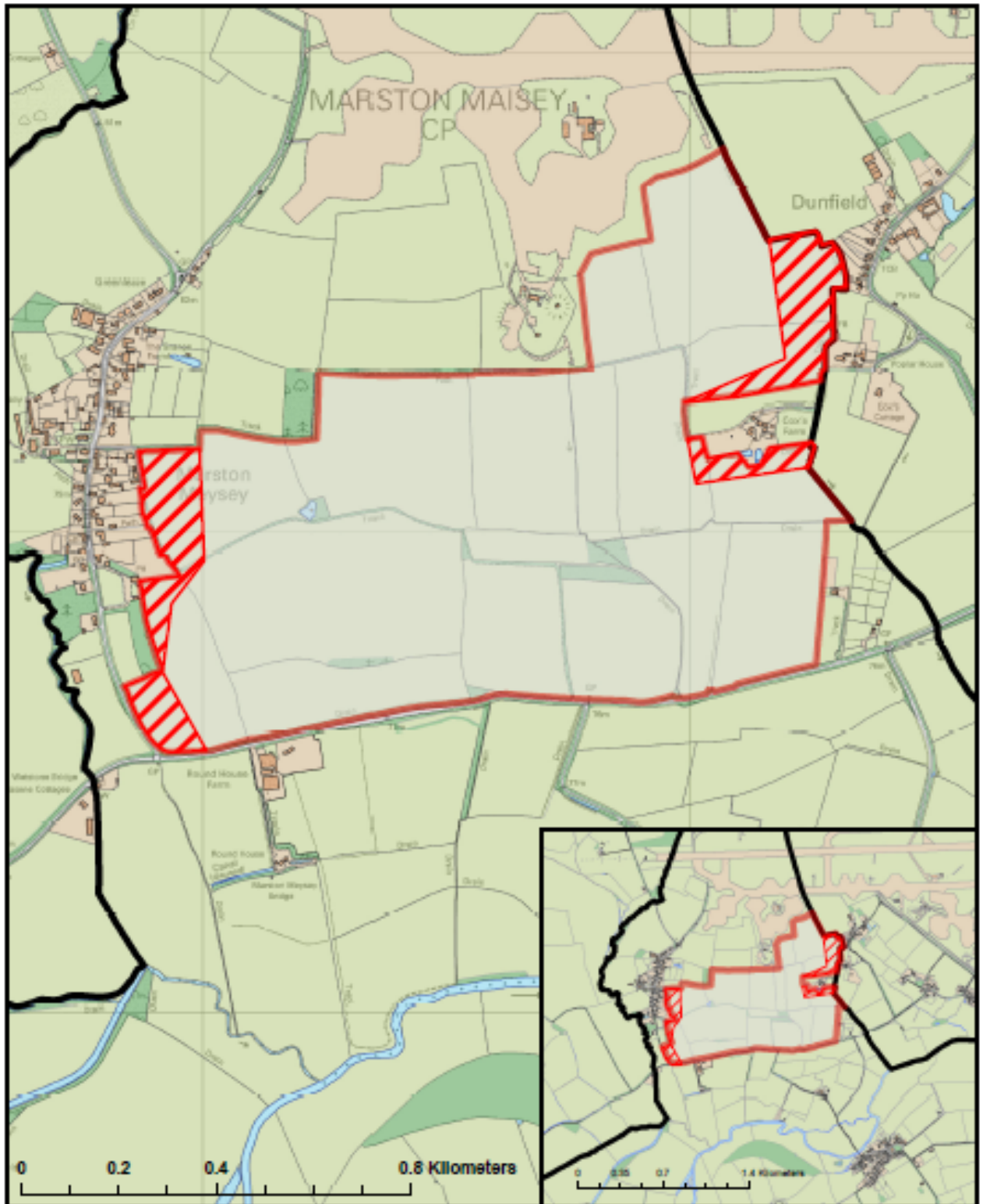
Appendix B – Main Modification Ref MM5 – Replacement Inset Map 3: North Farm






-  North Farm
-  Plan area



Appendix C – Main Modification Ref MM5 – Replacement Inset Map 1: Cox's Farm

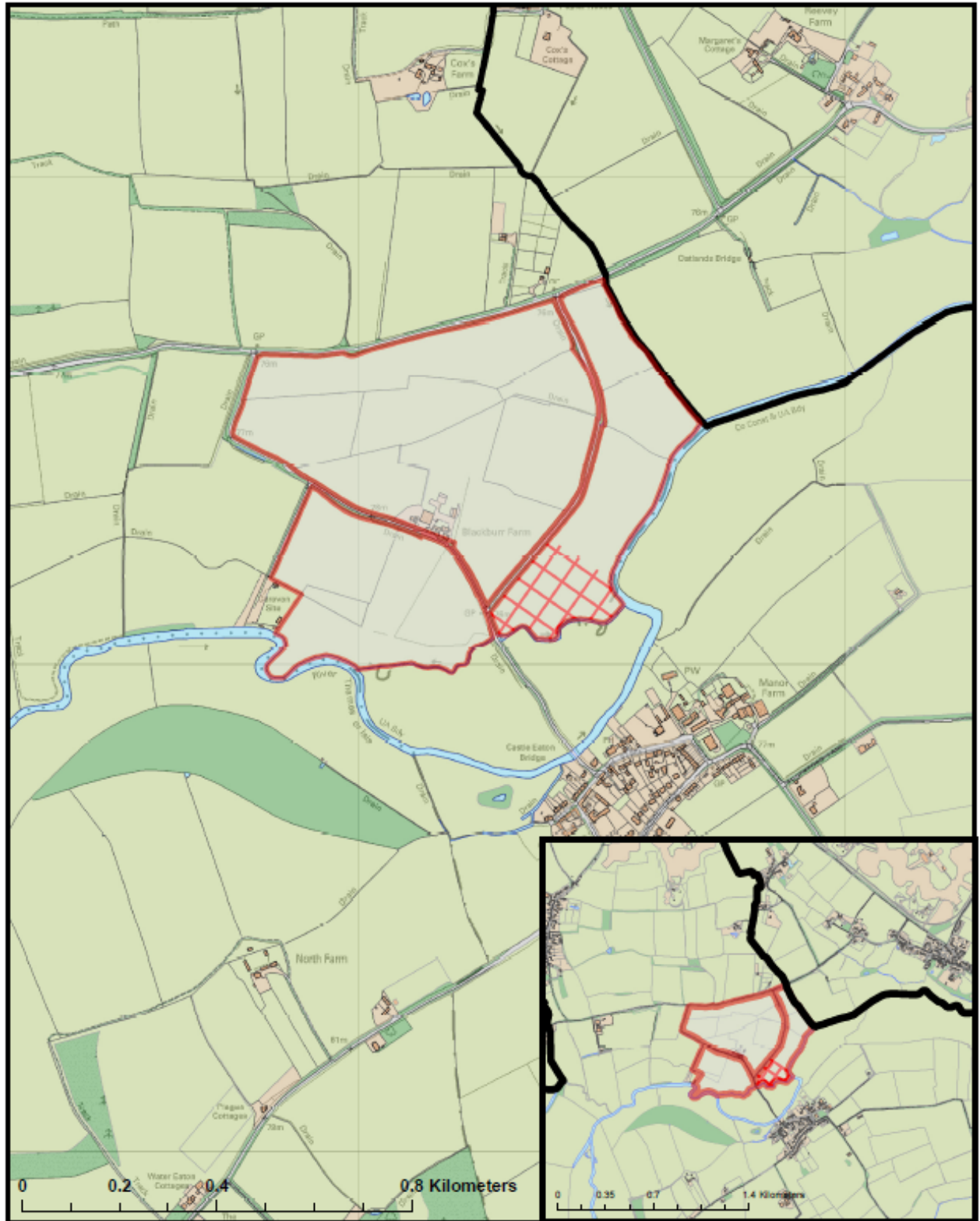


-  Cox's Farm
-  Indicative Zone of Sensitivity
-  Plan area

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Appendix D – Main Modification Ref MM13 – Replacement Inset Map 2: Blackburr Farm



- Blackburr Farm
- Standoff Area
- Plan area

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