

RELEVANT PLANNING POLICIES

**WILTSHIRE STRUCTURE PLAN 2011 -
ADOPTED EXPLANATORY MEMORANDUM AND
WRITTEN STATEMENT**

C2 SITES IDENTIFIED FOR THEIR WILDLIFE OR EARTH SCIENCE IMPORTANCE AT INTERNATIONAL, NATIONAL, REGIONAL AND COUNTY LEVEL SHOULD BE PROTECTED FROM DEVELOPMENT UNLESS THE NEED FOR DEVELOPMENT OUTWEIGHS THE ADVERSE IMPACT, TAKING INTO ACCOUNT THE SIGNIFICANCE OF THE DESIGNATION.

C6 THE WILDLIFE VALUE OF THE COTSWOLD WATER PARK AS A WHOLE IS RECOGNISED TO BE OF SPECIAL SIGNIFICANCE. WILDLIFE AND THE FEATURES UPON WHICH IT IS BASED SHOULD BE MAINTAINED AND, WHERE POSSIBLE, ENHANCED.

MSP1 A CONTRIBUTION TO MEETING LOCAL, REGIONAL AND NATIONAL NEEDS FOR MINERALS WILL BE MAINTAINED AT A LEVEL WHICH IS APPROPRIATE TO THE NATURE AND EXTENT OF THE PLAN AREA'S MINERAL RESOURCES AND WHICH WOULD NOT GIVE RISE TO UNACCEPTABLE IMPACTS.

MINERAL DEVELOPMENTS AND ASSOCIATED DEVELOPMENT WHICH WOULD HAVE SIGNIFICANT ADVERSE EFFECTS ON THE ENVIRONMENT WILL BE RESISTED, UNLESS THE NEED FOR THE PARTICULAR MINERAL IS OVERRIDING.

ENCOURAGEMENT WILL BE GIVEN TO THE EFFICIENT USE OF ALL MINERALS AND MAXIMISING THE USE OF SECONDARY AND RECYCLED AGGREGATES WHEREVER PRACTICABLE TO REDUCE THE NEED FOR MINERAL EXTRACTION.

MSP3 LAND USED FOR MINERALS EXPLORATION OR WORKING OR FOR ASSOCIATED PLANT OR BUILDINGS SHOULD BE RESTORED AT THE EARLIEST OPPORTUNITY TO A STATE WHICH WILL PRESERVE OR ENHANCE THE OVERALL QUALITY OF THE ENVIRONMENT AND WHICH IS SUITABLE FOR A BENEFICIAL AFTER-USE APPROPRIATE TO THE LOCATION. IN PARTICULAR:

1. THE AGRICULTURAL POTENTIAL OF ANY AREA OF BEST AND MOST VERSATILE AGRICULTURAL LAND SHOULD BE MAINTAINED OR ENHANCED BY RESTORATION OF THE SITE; AND
2. WHERE APPROPRIATE, RESTORED LAND SHOULD BE SUBJECT TO A PERIOD OF AFTERCARE.

MSP5 THE MINERAL PLANNING AUTHORITIES WILL SEEK TO:

1. MAINTAIN A LANDBANK FOR SAND AND GRAVEL IN ACCORDANCE WITH GOVERNMENT GUIDANCE. IN DOING SO, SEPARATE LANDBANKS WILL BE MAINTAINED FOR SOFT SAND AND FOR SHARP SAND AND GRAVEL; AND
2. IDENTIFY PREFERRED AREAS, AREAS OF SEARCH AND SITE SELECTION CRITERIA FOR THE EXTRACTION OF SOFT SAND AND SHARP SAND AND GRAVEL IN THE MINERALS LOCAL PLAN BASED ON THE SUB-REGIONAL APPORTIONMENT AS AGREED BY THE REGIONAL AGGREGATES WORKING PARTY TO ENSURE THE MAINTENANCE OF THE LANDBANKS.

ADOPTED WILTSHIRE AND SWINDON MINERALS LOCAL PLAN

POLICY 1 - ASSESSMENT OF MINERALS DEVELOPMENT PROPOSALS

WHERE MINERAL OPERATIONS GIVE RISE TO MATERIAL PLANNING OBJECTIONS WHICH OUTWEIGH PLANNING BENEFITS, PLANNING PERMISSION WILL ONLY BE GRANTED WHEN:

THE NEED FOR THE MINERAL OUTWEIGHS ANY ADVERSE IMPACT THE DEVELOPMENT IS LIKELY TO HAVE; AND

THE REQUIREMENT FOR THE MINERAL CANNOT BE MET FROM AN ALTERNATIVE SOURCE WITH LESS ADVERSE IMPACT.

POLICY 2 - MINIMISING THE IMPACT OF MINERALS DEVELOPMENT

PLANNING PERMISSION WILL BE GRANTED FOR MINERALS DEVELOPMENT ONLY WHEN ALL ITS LIKELY ADVERSE IMPACTS WILL BE KEPT TO AN ACCEPTABLE MINIMUM.

POLICY 3 - CONSIDERATIONS IN THE ASSESSMENT OF MINERALS DEVELOPMENT PROPOSALS

PROPOSALS FOR MINERALS DEVELOPMENT WILL BE ASSESSED AGAINST THE FOLLOWING CONSIDERATIONS, WHERE THEY ARE RELEVANT:

1. EVIDENCE THAT THERE IS A NEED FOR THE DEVELOPMENT, INCLUDING AN ASSESSMENT OF THE QUANTITY AND QUALITY OF THE MINERALS TO BE EXTRACTED AND/OR PROCESSED, AND THE END USES FOR WHICH THEY ARE SUITABLE;

2. ANY SIGNIFICANT ADVERSE IMPACT THAT PROPOSALS FOR ANY STRUCTURES AND BUILDINGS AND THE PROPOSED SCHEME OF WORKING, PROCESSING AND TRANSPORTATION OF THE MINERAL WOULD HAVE;
3. THE ACCEPTABILITY OF THE PROPOSALS FOR THE RESTORATION OF THE SITE AND ITS AFTER-USE(S); AND
4. ANY SIGNIFICANT ANTICIPATED ADVERSE ENVIRONMENTAL IMPACTS INCLUDING CUMULATIVE IMPACTS, (WHEN TAKEN TOGETHER WITH OTHER EXISTING PERMITTED DEVELOPMENTS) THAT THE DEVELOPMENT IS LIKELY TO HAVE, AND THE EXTENT TO WHICH PROPOSED MITIGATION MEASURES WOULD MAKE THEM ACCEPTABLE.

POLICY 7 - MINIMISING THE IMPACT OF MINERALS TRAFFIC

MITIGATION OF UNACCEPTABLE ADVERSE IMPACTS OF MINERALS TRAFFIC WILL BE SOUGHT THROUGH APPROPRIATE TRAFFIC MANAGEMENT MEASURES, WITH PRIORITY GIVEN TO PROTECTING THE LOCAL NATURAL AND BUILT ENVIRONMENT AND RESOLVING ROAD SAFETY PROBLEMS.

WHERE APPROPRIATE MITIGATION CANNOT BE ACHIEVED, PLANNING PERMISSION WILL BE REFUSED.

POLICY 8 - HIGHWAY REQUIREMENTS OF NEW MINERALS DEVELOPMENT

MINERALS DEVELOPMENT WILL ONLY BE PERMITTED WHEN THE PROVISION FOR VEHICLE MOVEMENT WITHIN THE SITE, THE ACCESS TO THE SITE AND THE LOCAL HIGHWAY NETWORK ITSELF, ARE SUITABLE TO ACCOMMODATE THE TRAFFIC MOVEMENTS LIKELY TO BE GENERATED BY THE DEVELOPMENT.

POLICY 15 - WATER FLOWS, LEVELS AND QUALITY

PROPOSALS FOR MINERALS DEVELOPMENT, INCLUDING THE RESTORATION OF MINERAL WORKINGS, WILL ONLY BE PERMITTED WHEN THE PROPOSALS (INCLUDING ANY MITIGATION MEASURES) WILL NOT HAVE A SIGNIFICANT IMPACT ON:

THE FLOW, QUANTITY OR QUALITY OF GROUNDWATER, WATER ABSTRACTIONS, WATERCOURSES, OTHER WATER BODIES AND ASSOCIATED WETLAND AREAS; AND

THE DRAINAGE OF THE SITE OR OTHER LAND WILL NOT UNACCEPTABLY INCREASE THE RISK OF FLOODING EITHER ON SITE OR ELSEWHERE.

POLICY 16 - DE-WATERING OF MINERAL WORKINGS

THE DE-WATERING OF MINERAL SITES WILL ONLY BE PERMITTED WHEN ANY CONSEQUENT LOWERING OF GROUNDWATER LEVELS AROUND THE SITE CAN BE CONTROLLED SO AS NOT TO UNACCEPTABLY AFFECT:

1. FLOWS AND LEVELS IN NEARBY WATERCOURSES AND CANALS;
2. LEVELS IN NEARBY LAKES;
3. EXISTING WATER ABSTRACTIONS;
4. NATURAL HABITATS OR LAND USES; AND
5. THE BUILT ENVIRONMENT.

POLICY 17 - HYDROLOGICAL/HYDROGEOLOGICAL MONITORING

MINERALS DEVELOPMENT IN HYDROLOGICALLY/HYDROGEOLOGICALLY SENSITIVE AREAS WILL ONLY BE PERMITTED WHEN THE HYDROLOGICAL/HYDROGEOLOGICAL IMPACT OF THE DEVELOPMENT BOTH ON AND OFF SITE IS SUBJECT TO A SCHEME OF REGULAR ONGOING MONITORING AND THE MONITORING DATA IS PROVIDED FOR INDEPENDENT ANALYSIS.

CONTINGENCY PLANS WILL ALSO BE REQUIRED TO MITIGATE ANY UNACCEPTABLE IMPACTS ON THE WATER ENVIRONMENT. THESE PLANS SHALL BE IMPLEMENTED WHEN MONITORING INDICATES THAT SUCH ACTION IS REQUIRED.

POLICY 18 - RIPARIAN BUFFER ZONES

RIVERS, WATERCOURSES AND OTHER WATERBODIES WILL REQUIRE PROTECTION FROM MINERALS DEVELOPMENT. WHERE APPROPRIATE, A BUFFER ZONE, UNDISTURBED BY MINERAL OPERATIONS, SHALL BE PROVIDED BETWEEN THE DEVELOPMENT AND THE WATERCOURSE/WATERBODY WHERE NATURE CONSERVATION AND ECOLOGICAL INTERESTS CAN BE RETAINED.

POLICY 19 - SITES OF INTERNATIONAL/NATIONAL NATURE CONSERVATION IMPORTANCE

MINERALS DEVELOPMENT THAT IS LIKELY TO MATERIALLY REDUCE THE NATURE CONSERVATION VALUE OF A NATIONALLY DESIGNATED NATURE CONSERVATION SITE WILL ONLY BE PERMITTED WHEN IT CAN BE DEMONSTRATED THAT OTHER MATERIAL CONSIDERATIONS OUTWEIGH THE SPECIAL INTERESTS OF THE SITE AND THE PROPOSALS INCLUDE MITIGATION MEASURES TO PREVENT UNACCEPTABLE DAMAGE.

MINERALS DEVELOPMENT THAT IS LIKELY TO MATERIALLY REDUCE THE NATURE CONSERVATION VALUE OF AN INTERNATIONALLY DESIGNATED NATURE CONSERVATION SITE WILL ONLY BE PERMITTED WHERE THE DEVELOPMENT CANNOT BE MET FROM AN ALTERNATIVE EXISTING SOURCE WITH LESS ADVERSE IMPACT AND WHERE THERE ARE IMPERATIVE REASONS OF OVERRIDING PUBLIC INTEREST. WHERE PRIORITY SPECIES AND HABITATS ARE AFFECTED, DEVELOPMENT SHOULD PROCEED ONLY IF REQUIRED FOR REASONS OF HUMAN HEALTH AND SAFETY, OR WHERE THEY WOULD RESULT IN BENEFICIAL WIDER CONSEQUENCES OF PRIMARY IMPORTANCE TO THE ENVIRONMENT.

POLICY 20 - SITES OF LOCAL NATURE CONSERVATION IMPORTANCE

MINERAL DEVELOPMENTS WHICH ARE LIKELY TO RESULT IN DAMAGE TO THE OVERALL NATURE CONSERVATION VALUE OF A LOCAL NATURE RESERVE OR ANY OTHER SITE OF RECOGNISED LOCAL NATURE CONSERVATION VALUE; OR IN SIGNIFICANT ADVERSE LOSS OF WILDLIFE HABITATS IN THEM, WILL ONLY BE PERMITTED WHEN:

1. MATERIAL PLANNING CONSIDERATIONS ARISING FROM THE DEVELOPMENT OUTWEIGH THE ADVERSE IMPACTS ON THE NATURE CONSERVATION VALUE OF THE SITE; AND
2. THE PROPOSALS MINIMISE ANY SIGNIFICANT ADVERSE UNACCEPTABLE ECOLOGICAL/NATURE CONSERVATION IMPACT OF THE DEVELOPMENT TO ACCEPTABLE LEVELS.

POLICY 31 - RESTORATION

MINERALS DEVELOPMENT WILL ONLY BE PERMITTED WHEN THE PROPOSALS (INCLUDING THOSE FOR AMENDED WORKING AND RESTORATION) PROVIDE FOR THE SATISFACTORY RESTORATION OF THE SITE AT THE EARLIEST PRACTICABLE OPPORTUNITY TO AN APPROPRIATE LANDFORM AND LANDSCAPE CHARACTER, WHICH IS CAPABLE OF SUPPORTING A BENEFICIAL AFTER-USE, IN ACCORDANCE WITH AN APPROVED SCHEME.

POLICY 32 - AFTER-USE

ON COMPLETION OF EXTRACTION, MINERAL SITES SHOULD BE RESTORED TO A BENEFICIAL AFTER-USE, WITH PRIORITY GIVEN TO USE FOR EITHER NATURE CONSERVATION, FORESTRY, OR (IN ACCORDANCE WITH POLICY 14) AGRICULTURE.

POLICY 33 - WIDER BENEFITS OF RESTORED MINERAL WORKINGS

WHERE APPROPRIATE, PLANNING OBLIGATIONS TO PROVIDE ENVIRONMENTAL AND OTHER PUBLIC BENEFITS WILL BE SOUGHT IN THE FORM OF VOLUNTARY AGREEMENTS TO:

1. SECURE THE LONG TERM MANAGEMENT AND FUTURE OF RESTORED MINERAL WORKINGS TO A BENEFICIAL AFTER-USE; AND
2. CONSERVE AND ENHANCE THE ENVIRONMENT OF THE SITE AND THE SURROUNDING AREA, INCLUDING THE PROVISION OF REPLACEMENT HABITAT AND FACILITIES FOR IMPROVED PUBLIC ACCESS AND RECREATION.

SUCH BENEFITS SHOULD BE NECESSARY, RELEVANT TO PLANNING AND DIRECTLY, FAIRLY AND REASONABLY RELATED TO THE PROPOSED DEVELOPMENT IN BOTH SCALE AND KIND.

POLICY 34 - AGGREGATE LANDBANKS

STOCKS OF PERMITTED RESERVES OF CRUSHED ROCK, SHARP SAND AND GRAVEL AND SOFT SAND (LANDBANKS) WILL BE MAINTAINED THROUGHOUT THE PLAN PERIOD IN ACCORDANCE WITH GOVERNMENT GUIDANCE WHEN DEVELOPMENT PROPOSALS ACCORD WITH ALL OTHER RELEVANT POLICIES OF THIS PLAN.

POLICY 38 - EXTENSIONS TO SAND AND GRAVEL WORKINGS

NOTWITHSTANDING THE REQUIREMENTS OF POLICY 36, EXTENSIONS TO EXISTING SOFT SAND AND SHARP SAND AND GRAVEL WORKINGS WILL BE PERMITTED PROVIDED THAT EITHER:

1. THE DEVELOPMENT WILL MEET AN ACTUAL OR FORECAST SHORTFALL IN THE SOFT SAND OR SHARP SAND AND GRAVEL LANDBANK; OR
2. THE MINERAL WOULD BE STERILISED IF PLANNING PERMISSION WERE NOT GRANTED; AND

IN ALL CASES THE PROPOSALS COMPLY WITH ALL OTHER RELEVANT POLICIES OF THIS PLAN.

NORTH WILTSHIRE LOCAL PLAN 2001 (ADOPTED)

POLICY RC15A - NATURE CONSERVATION SITES OF NATIONAL IMPORTANCE

DEVELOPMENT AFFECTING A SITE OF SPECIAL SCIENTIFIC INTEREST WILL BE SUBJECT TO SPECIAL SCRUTINY AND WILL ONLY BE PERMITTED:

1. WHERE DAMAGING IMPACTS ON WILDLIFE HABITATS, OR IMPORTANT PHYSICAL FEATURES, CAN BE PREVENTED; OR
2. WHERE OTHER MATERIAL PLANNING CONSIDERATIONS ARE SUFFICIENT TO OVERRIDE THE IMPORTANCE OF PROTECTING THE NATURE CONSERVATION IMPORTANCE OF THE SITE.

POLICY RC17 - NATURE CONSERVATION AREAS IN THE COTSWOLD WATER PARK

DEVELOPMENT ON AND AROUND THOSE LAKES IDENTIFIED ON THE PROPOSALS MAP AS BEING OF INTERNATIONAL OR NATIONAL IMPORTANCE FOR NATURE CONSERVATION IN THE COTSWOLDS WATER PARK WILL BE SUBJECT TO POLICIES RC15 AND RC15A.

DEVELOPMENT ON OTHER AREAS WITHIN THE WATER PARK WILL ONLY BE PERMITTED WHERE:

1. THE VALUE OF THE SITE FOR NATURE CONSERVATION, AND ITS LOCAL CONTRIBUTION TO BIODIVERSITY, WOULD NOT BE SERIOUSLY HARMED, OR COULD BE MITIGATED BY PLANNING CONDITIONS, OBLIGATIONS OR THE CREATION OF NEW, EQUIVALENT WILDLIFE FEATURES; OR WHERE
2. OTHER MATERIAL PLANNING CONSIDERATIONS ARE SUFFICIENT TO OVERRIDE THE IMPORTANCE OF PROTECTING THE LOCAL NATURE CONSERVATION VALUE OF THE SITE.