CHAPTER 3

CONTROLLING THE IMPACT OF MINERAL WORKING

3.1 Introduction

3.1.1 This chapter deals with the various impacts mineral working can have on the natural environment of the Plan Area and the living conditions of its residents. The following policies seek to protect these interests from unnecessary and avoidable adverse impacts.

3.2 People and Settlements

3.2.1 Mineral working is a disruptive activity that can have serious impacts on the quality of life for people living and working nearby. The most commonly cited complaints of mineral workings relate to noise and dust generation, traffic nuisance and visual intrusion.

3.2.2 The potential for conflict between the minerals industry and the local community is clearly greater where mineral working takes place close to homes and workplaces. The MPA's try to ensure that such conflicts will not occur in the future by opposing proposals for residential, or other sensitive development close to potentially workable mineral deposits. Mineral Consultation Areas have been defined and notified to the District Councils for this purpose (see Policy 5), while Mineral Safeguarding Areas have been identified in Swindon.

3.2.3 Mineral working can impact significantly on the setting and character of both individual properties and settlements thereby affecting the amenity of those who live nearby. However, in the right location mineral working can be made acceptable and the MPA's will do all in their power to ensure that the adverse effects of mineral working do not impinge on the quality of life of people in the area. For example, the degree of impact can be greatly reduced by good site design, including appropriate siting of plant and any areas of illumination, minimising the time period of mineral operations in sensitive areas, undertaking appropriate landscaping and allowing for the provision of a suitable buffer zone between the workings and the properties or settlements affected, in which no operations would be permitted.

3.2.4 Policy 13 includes the provision for such buffer zones. These should be of such extent that all extraction and processing of mineral, together with other ancillary plant and machinery, haul routes and access roads, are a sufficient distance from residential accommodation, and other sensitive property, to ensure that any potential amenity impacts, such as noise, dust and visual intrusion are kept to acceptable levels. Such buffer zones should extend 100 metres from the nearest point any sensitive dwelling, though a larger or smaller scale buffer zone may be justified, and required by condition on individual planning permissions, depending on the circumstances of each case. Landscaping, screening mounds and acoustic bunds, and the engineering operations necessary to create them, would be allowed within buffer zones.
POLICY 13: RESIDENTIAL AMENITY

MINERALS DEVELOPMENT WILL ONLY BE PERMITTED WHEN THE PROPOSALS SAFEGUARD THE AMENITY AND CHARACTER OF ANY NEARBY DWELLINGS AND SETTLEMENTS BY INCLUDING:

1. A SCHEME OF WORKING TO MINIMISE THE PERIOD OF OPERATIONS IN SENSITIVE AREAS; AND,

2. PROVISION FOR AN ADEQUATE BUFFER ZONE TO THE WORKINGS INCORPORATING LANDSCAPING AND PLANTING, APPROPRIATE TO THE EXISTING LANDSCAPE AND CONSISTENT WITH THE PROPOSED AFTERUSE OF THE SITE, THAT WOULD BE NECESSARY TO MINIMISE ANY SIGNIFICANT ADVERSE AMENITY IMPACTS.

3.2.5 Important elements in minimising the visual impact of mineral working may include the provision of screening mounds and planting, and the use of appropriately painted low level processing plant and minerals conveyors instead of lorries or haul roads, all of which will be encouraged in order to reduce visual impacts.

3.2.6 Screen planting should be at a scale most effective for screening and provide an appropriate landscape feature. It should be carried out far enough in advance of mineral working to be effective, and should reflect the natural ecological character of the area. In considering screening, regard should be paid to Policies 15 to 17, and measures should be taken to safeguard hydrological and ecological interests in the design and construction of screening features.

3.2.7 In addition, the method of working, (including noise and air pollution, especially through dust generation), sequence of working, size of working area, hours of working and particularly the timescale in which operations are proposed to take place close to sensitive areas containing occupied dwellings are crucial to preserving the amenity and quality of life for nearby residents, and will be controlled by planning conditions. Landscape issues are dealt with in more depth later in this chapter and the policies for the protection of amenity issues in the Upper Thames Valley are covered in Chapter 5.

3.3 Traffic

3.3.1 The impact of lorry traffic, generated by minerals operations, is a major environmental concern which is dealt with in depth in Chapter 2, and, specifically for the Upper Thames Valley in Chapter 5. Its impact will be taken into consideration in the determination of individual planning applications in accordance with Policies 2, and 6 to 8.

3.4 Agriculture

3.4.1 The “best and most versatile” agricultural land is a national resource that should, where possible, be conserved for future generations. Agricultural land is classified on a scale of 1 to 5 with Grade 3 subdivided into 3A and 3B. Land graded 1 to 3A is considered to be the “best and most versatile” and it is Government policy, in PPG7 “The Countryside - Environmental Quality and Economic and Social Development”, (1997, as amended by the DETR’s Ministerial Press Release of 22nd March 2001), that this land should generally
be protected. However, minerals can only be extracted where they occur and modern restoration techniques mean that mineral sites can often be restored to a high agricultural quality after extraction has taken place. Good quality agricultural land is, therefore, not necessarily an actual constraint on mineral extraction, though, when such land is taken for mineral extraction the restoration of an equivalent area to similarly high agricultural potential within the site will normally be required. Where this is not practicable or appropriate, planning permission for mineral extraction will be refused unless exceptional circumstances exist whereby the need for the mineral is considered to be in the national interest and accordingly overrides the loss of the best and most versatile land. Another constitution of an “exceptional circumstance” under this policy is the Cotswold Water Park, west of the A419(T). The established aims of the Water Park are its advancement as a major recreational and nature conservation resource. Accordingly, proposed after-uses in the western part of the Water Park which reflect these recreational or nature conservation aims may outweigh the requirements of this policy. In view of these considerations, applications for minerals development will, therefore, be judged against the following policy.

**POLICY 14: AGRICULTURAL LAND**

*UNLESS EXCEPTIONAL CIRCUMSTANCES PREVAIL, MINERALS DEVELOPMENT ON “THE BEST AND MOST VERSATILE” AGRICULTURAL LAND, WILL ONLY BE PERMITTED WHEN THE APPLICANT CAN DEMONSTRATE THAT SITE WORKING, RESTORATION AND AFTERCARE WILL BE CARRIED OUT IN A MANNER WHICH WILL PRESERVE THE LONG TERM POTENTIAL OF THE SITE TO BE USED AS THE “BEST AND MOST VERSATILE” LAND.*

3.4.2 Mineral extraction can impact on agriculture in a number of other ways. The generation of dust and lowering of the water table, which can result from de-watering of quarries can adversely affect crops while mineral operations can alter the drainage of nearby agricultural land. These possible effects will be considered in the determination of planning applications for minerals development, together with the effects of possible severance and fragmentation of land on farm structure. In considering effects on agriculture Department of Environment, Food and Rural Affairs (DEFRA) will be consulted, and its views taken into account.

3.5 **The Water Environment**

3.5.1 The term “water environment” embraces overland flows such as rivers, lakes and springs and groundwater together with whole process of land drainage and flood waters. Mineral extraction and processing, and the restoration of mineral workings can have a wide range of impacts on the water environment, potentially adversely affecting public and domestic water supplies, supplies to industry and agriculture, water based recreation, fisheries, wildlife habitats, land drainage and the frequency and severity of flooding.

3.5.2 There are a wide range of controls which seek to protect the water environment. In accordance with PPG 23 “Planning and Pollution Control” (1994) the planning system should reinforce these controls without duplicating them. The Environment Agency is the main body with responsibility for safeguarding the water environment and its concerns under the Water Resources Act 1991 (amended by the Environment Act 1995) include ground and surfacewater resource protection, source protection pollution control, flood defence, land drainage, recreation, fisheries and conservation. However, while the Environment Agency licenses
water abstraction and the discharges of trade effluent and surfacewater to watercourses and land, the planning system has a role to play in consultation with the Agency to control development that may adversely affect the water environment, thereby helping to prevent unnecessary problems occurring and promoting environmental improvements.

3.5.3 Groundwater is an important resource both in terms of quality and quantity. It provides well over 30% of public water supply within and outside the Plan Area, supports local private abstractions, provides baseflow to surface water and springs and can help support important wildlife habitats. The protection and conservation of this resource is, therefore a significant issue. The Plan Area covers a range of aquifer types including chalk of the Marlborough Downs to the valley gravels of the Upper Thames. In order to protect groundwater from the effects of activities such as minerals extraction and waste disposal, the Environment Agency has adopted a policy framework for considering new development. This is entitled the “Policy and Practice for the Protection of Groundwater”, (1998), and it describes the legislative requirements and approach taken with respect to the protection of groundwater. This involves the definition of source protection zones around groundwater abstractions within which potentially polluting activities may be prohibited or restricted.

3.5.4 Surface water includes waters in rivers and lakes that are essential for land drainage. These together with their associated floodplains provide a resource for amenity, fisheries, recreation and a natural habitat. Major rivers in the Plan Area include the Thames, the Bristol Avon and Salisbury Avon, with which the main sharp sand and gravel resources are associated. Rivers are also of great landscape and environmental importance, and this issue is dealt with elsewhere in this Chapter.

3.5.5 Mineral workings and restored mineral sites can adversely affect surfacewater drainage to watercourses in many ways, potentially causing flooding in winter and reduced river flow in summer. The pollution of surfacewater is another danger which must be avoided. On all mineral sites the pollution of surfacewater by silt is a potential problem as rainfall may carry silt containing salt and chemicals into rivers, thereby damaging fisheries and riparian habitats. The main pollution risks in sand and gravel extraction sites arise from the dispersal of gravel processing wash waters, the de-watering of workings, foul drainage and spillages. In the Upper Thames Valley the impact of potential pollutants is exacerbated as the gravels themselves form a minor aquifer and the water table is high. In addition surfacewater (river) flows, and therefore the dilution available to any discharge, is sensitive to groundwater levels.

3.5.6 Most of the potential risks, particularly to surfacewater can be dealt with by good site design and operating practice. In particular, the recirculation of processing waters will normally be required and, where necessary, wet working will be insisted upon where de-watering would present an unacceptable risk.

Whilst mineral extraction poses a short or medium term risk of water pollution the restoration of mineral workings by landfill of waste material may pose a long term risk. Although landfill waste disposal is controlled under the provisions of the Environmental Protection Act, 1990 by the Environment Agency it also requires planning permission and the potential for pollution is a significant planning consideration. In particular leachate (polluted water) created during the decomposition of landfilled biodegradable (putrescible) waste presents a serious pollution threat to surface and groundwater. The severity of the pollution risk is dependent on the standard of containment of the waste and the vulnerability of the site. In areas with a high water table, any risk to groundwater pollution from the landfill of
biodegradable waste is unacceptable. At such locations only naturally occurring soils and soil forming materials will be acceptable for landfill. Permission will not be granted where a source of suitable material cannot be identified, nor where the problem of water pollution cannot be overcome.

3.5.8 Another potential adverse impact of mineral operations on watercourses is that of land drainage and increased flood risk, which can impact on people and property over a wide area. If operations are not carefully controlled watercourses may become overloaded by increased run-off from disturbed land or by water discharged from de-watered quarries.

3.5.9 Additionally, permeable aquifers such as Oolitic Limestone, Chalk and Sand and Gravel also contain large volumes of rainwater above the water table seeping through the matrix of the aquifer in “temporary storage”. When the aquifer is quarried, rainwater which either flows from, or is pumped from, the quarry floor rapidly accentuates flood levels in adjacent watercourses. The Environment Agency will normally seek mitigation for the loss of delay in reaction to rainfall caused by any disruption of the aquifer, which would maintain stream flow in dry weather, with compensation ponds being the simple method of achieving this.

3.5.10 River floodplains are particularly sensitive locations in respect of all these impacts and it is essential that the flow of flood water over them is not hindered nor their ability to store flood water reduced. The design and operation of mineral workings especially the siting of storage mounds is therefore critical. Additionally, landraising of former quarries in river floodplains will not normally be allowed though any scheme in which landraising does take place should include measures to provide compensatory flood storage capacity. The landfilling of mineral sites with impermeable materials or the clay sealing of quarries can also hinder subsurface drainage and cause localised waterlogging and groundwater flooding. Minerals development in river floodplains will be considered with regard to the Environment Agency’s “Policy and Practice for the Protection of Floodplains” (1997) which outlines the Agency’s approach to overall floodplain protection.

3.5.11 When dealing with proposals for development close to rivers, the MPA’s will have regard to the Environment Agency’s “Local Environmental Action Plans”, (LEAPS). These Plans focus on the full range of the Agencies responsibilities and are a means by which priorities are set to solve environmental problems and conserve and enhance water environments of specific catchments. They form a valuable source of information for developers and local authorities.

3.5.12 The privatised water utility companies also have a responsibility over hydrological interests, mainly by ensuring that minerals development does not adversely impact on water supply and sewage removal. Where public water mains and sewers lie across land on which mineral development is proposed, early consultation with the water company will be required in order to establish the position of such mains and to arrange for them to be redirected if necessary. Furthermore, the MPA’s will seek to continue to protect these interests through ongoing consultation with water and sewerage undertakers.

3.5.13 For all of these reasons, mineral development proposals will be assessed against the following policy.
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.

3.5.14 Under the provisions of this policy applicants must demonstrate that their proposals will not cause unacceptable pollution of ground or surface water, increase the danger of flooding or otherwise adversely affect land drainage, diminish the yield of any abstraction point or diminish the flow of any watercourse or spring at any time. The Environment Agency will be consulted and their advice sought on all proposals for minerals development in order to ensure compliance with this policy. For their part applicants should consult the Environment Agency at the earliest possible stage so that any potential impact that their proposals may have upon water interests can be identified and appropriate investigation initiated to establish how such impacts may be mitigated. At the same time opportunities to improve and enhance the water environment may be identified and incorporated into any development proposals.

3.5.15 Applications for minerals development should be supported by sufficient information, including the results and analysis of site investigations, to enable accurate assessments of the likely impact of the development on the water environment to be made. Whenever a minerals development is proposed which may significantly affect the water environment, comprehensive information should be provided to enable its impact to be predicted. This should include an evaluation of the likely impact of the proposals on land drainage and the severity and impact of flooding by means of a full hydrological study including measures required to alleviate and compensate for any adverse effect on land drainage and flood risk at all stages of development. Development proposals requiring such information typically include mineral extraction in river floodplains, below or near the water table, or close to watercourses, water bodies or water dependent sites of nature conservation interest and the restoration of any mineral site involving landfill or permanent pumping. In consultation with the Environment Agency hydrological monitoring of the site and the surrounding area may be required for a suitably long period prior to the operations commencing to enable base line data to be collected, (see Policy 17).

De-Watering and Maintenance of Water Resources

3.5.16 Perhaps the greatest threat from mineral development to the hydrological regime arises from the de-watering of quarries which may be undertaken to enable dry working. De-wathering can create a lowering of the water table over an extensive area around the quarry leading to serious impacts on wells/boreholes, lake levels or flows and groundwater dependent habitats. In areas of particular vulnerability to water table fluctuation, such as the Upper Thames Valley where large parts of the upper gravel aquifer have been quarried but which support groundwater dependent features such as ecologically important meadows, lakes and rivers, the de-watering of mineral extraction sites requires critical assessment.
The Environment Agency has powers under Section 30 of the Water Resources Act, 1991 to control the de-watering of active mineral workings. However, it is important that the likely effects of any proposed de-watering are examined at the planning application stage. Proposals for mineral working which involve de-watering will, in addition to Policy 15, be assessed against the following policy.

**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.

In order to demonstrate compliance with this policy, development proposals must include a full hydrological/hydrogeological assessment of the site and its surroundings and the likely impacts of proposed de-watering. In sensitive locations where significant environmental impacts may occur, formal Environmental Assessment of proposals will be required, though in any event the proposals should include necessary measures to monitor and mitigate any adverse impacts likely to be caused by de-watering. These are likely to include leaving adequate buffer zones between the site and any groundwater sensitive features, groundwater recharge systems and the strategic discharge of clean water to compensate for falls in groundwater and/or river levels. Contingency plans and ongoing monitoring of the effects of de-watering throughout the life of the site will normally also be required to enable unforeseen problems to be identified and rectified.

**Monitoring and Hydrologically Sensitive Areas**

The abstraction of water at mineral sites for use in minerals processing may also impact on groundwater levels with similar adverse affects to those that can result from de-watering. However, the Environment Agency have considerable control over abstractions which are licensed under the Water Resources Act, 1991. In licensing an abstraction the Environment Agency pay regard to the impacts of the proposals on other land uses, water resources, fisheries, amenity and riparian nature conservation interests.

**Hydrological/Hydrogeological Monitoring**

Some developments may significantly affect the water environment. Examples are mineral extractions in river floodplains close to or below the water table, or close to watercourses, water bodies or any water-dependant habitat or feature, and any mineral site where restoration involves landfill or permanent pumping of surface water drainage. Planning applications for such development in hydrologically sensitive areas must be supported by hydrological monitoring and analysis of the site and its vicinity over a sufficient period, including not less than two years in advance of development, to enable the Environment Agency to assess the likely impact of the proposal. In the case of hydrological monitoring, certified data should be sent to the Environment Agency for auditing on a regular basis (to be agreed by
the Agency). Groundwater levels, water abstractions, water levels in lakes, flows in watercourses and the quality of ground and surface water may all need monitoring. This monitoring will then be used to indicate when “trigger points” are reached necessitating the implementation of contingency measures.

**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.

3.5.21 The MPA's will liaise closely with the Environment Agency in implementing this policy and may need to seek planning obligations from the developer to secure the required programme of monitoring and contingency measures. This is particularly the case when monitoring may be required outside the application site or beyond the period of operation or aftercare of the site when, for instance landfill may cause a barrier to groundwater flows or permanently pumped after-uses are proposed.

3.5.22 In addition to these monitoring requirements, the Environmental Protection Act 1990 gives the Environment Agency powers to specifically prevent pollution from minerals sites that are landfill with biodegradable waste, through their waste licensing system, monitoring and control of leachate during and after landfill operations.

**River Valley Protection: Buffer Zones to Watercourses**

3.5.23 Historically sand and gravel have been worked in close proximity to major watercourses highlighting the potential for conflicts between extractive operations and hydrological interests. In order to ensure that there is sufficient protection for important watercourses and their associated river corridor and floodplain environment, proposals for minerals development close to rivers should include provision for an undisturbed buffer zone to protect hydrological and associated nature conservation and landscape interests, in accordance with the following policy.

**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.

3.5.24 This policy seeks to ensure that watercourses and associated riverine environments are protected from any physical damage and potentially adverse hydrological changes resulting from the range of activities associated with mineral workings. The appropriate size of
buffer zones can only be determined on a site by site basis but for main rivers should normally be not less than 16 metres and in particular circumstances may be up to 50 metres or even more, though this depends on the nature of the mineral operation and the characteristics of the watercourse.

3.5.25 In granting planning permission for minerals development, conditions will be imposed, or a planning obligation sought to control any potential adverse impacts on the riverine environment. Potential developers in the Upper Thames Valley should have regard to the site assessment criteria for each Preferred Area, which accompany the Proposals Map.

3.6 Nature Conservation

3.6.1 Wiltshire and Swindon are rich in important wildlife habitats, all of which have suffered significant losses nationally, particularly due to post war agricultural intensification. However, the Plan Area now supports some 55% of Britain’s chalk downland, 44% of which is on Salisbury Plain, making Wiltshire internationally important for this resource. Our remaining semi-natural woodlands are irreplaceable and their conservation and enhancement is a priority of Government forestry policy. Although protected along with other woodlands by the felling regulations under the Forestry Act, 1967 they are still vulnerable to destruction from development proposals which may override this protection. Other important habitats that could be affected by mineral development include ancient damp hay meadows, chalk river and associated wetlands and fen meadows.

3.6.2 Since these habitats are underlain by minerals and since mineral extraction is in the main a highly disruptive process, there exists the potential for conflict between mineral working and the conservation of important wildlife habitats. PPG9, “Nature Conservation” (1994) states that one of the central tasks for local authorities is to ensure the effective conservation of wildlife and natural features, whilst making adequate provision for development. Accordingly, while recognising that needs for mineral should be met, the MPA’s are committed to ensuring that minerals are worked in a way which sustains wildlife habitats and sites of geological/geomorphological conservation importance in line with the Government’s commitment to supporting the principles of sustainable development, and particularly the Biodiversity Action Plan framework, including UK and Local Action Plans. These Plans seek to protect and recreate key habitats, and establish a framework within which it is possible to identify potential impacts of mineral extraction and the contribution that the minerals industry can seek to make to habitat creation and management, through appropriate restoration.

Sites of International Importance

3.6.3 Special Protection Area (SPA) is a designation made under the European Community Directive 79/409 on bird conservation (The Birds Directive), the aim of which is to conserve the best examples of the habitats of certain threatened species of bird, the most important of which are included as priority species.

3.6.4 Special Areas of Conservation (SAC) is the designation given under the Habitats Directive to ensure the restoration or maintenance of certain natural habitats and species some of which may be listed as “priority” for special protection at a favourable conservation status. The directive requires EC members states to make SAC designations as part of a community-wide network of SACs called Natura 2000. As Wiltshire and Swindon support extensive
examples of threatened habitats it is likely that prime examples of internationally important habitat will qualify for SAC status and to date there are 22 sites of International Importance, as SPA or candidate SAC, in the Plan Area covering some 22,350 hectares.

3.6.5 The Ramsar convention requires wetlands that are of national importance, particularly as waterfowl habitats be protected and designated as Ramsar sites. Currently, however, there are no Ramsar sites in the Plan Area.

Sites of National Importance

3.6.6 Under the Wildlife and Countryside Act, 1981 (as amended) English Nature may designate land as being of special nature conservation interest. These designations, known as Sites of Special Scientific Interest (SSSI's) are applied to the best examples of wildlife habitats, biological and geological features and natural landforms. There are currently 131 SSSI’s in the Plan Area covering 26,772 hectares or 7.7% of the land surface. The Government advises, in PPG9 “Nature Conservation”, (1994) that proposals for development which may affect SSSI’s should be subject to special scrutiny.

3.6.7 In addition to SSSI’s, there are a number of other nature conservation designations which are given to sites of national nature conservation importance. National Nature Reserves (NNRs) are sites of national and sometimes international importance, which are managed primarily for nature conservation. Six SSSI’s in the Plan Area have been identified as National Nature Reserves and are managed directly by English Nature, or through agreement with landowners.

3.6.8 Wiltshire and Swindon’s most important nature conservation resources will be accorded the greatest possible protection from damaging mineral development in accordance with Policy 19.

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.
3.6.9 This policy will apply to any proposed minerals developments which are likely, either directly or indirectly to cause significant risk to an SPA, SAC, candidate SAC, Ramsar site, SSSI, NNR or any other site with a designation reflecting its national or international importance for nature conservation, or proposed sites awaiting such designation. In such cases the applicant should submit comprehensive information to demonstrate the likely impacts of the development on the designated site so that it can be appropriately assessed. In these cases it is likely that this information, including the test of adverse effect on the integrity of the sites will be required as part of a formal environmental assessment of the proposals. If, in consultation with English Nature it is considered that the development is likely to result in an adverse impact which could not be satisfactorily controlled and would reduce the nature conservation value of the site, then planning permission will normally be refused.

3.6.10 Exceptionally planning permission may be granted when there is an unavoidable need for the development, which cannot be met from an alternative site with less adverse impact and it is proven that any adverse impacts of the development will be controlled to the satisfaction of English Nature. In addition, compensatory measures must be incorporated into any scheme that could potentially damage a nationally or internationally designated site and in the case of SACs, the overall coherence of Natura 2000 should be maintained. In practice however, it is unlikely that most minerals resources in the Plan Area are sufficiently restricted or that their need is likely to be sufficiently justified to warrant allowing their extraction where they would materially harm nationally or internationally designated sites.

Locally Designated Sites

3.6.11 SSSI’s by themselves are not sufficient to conserve Britain’s nature conservation resource in the long term and they are dependant on wider semi-natural habitats to support and provide physical linkages to these “islands” of special interest. The majority of Wiltshire and Swindon’s important semi-natural habitat receives no statutory protection, though it is important to conserve, as far as possible, all wildlife habitats in accordance with the principles of sustainable development. In particular, areas containing semi-natural habitats of recognised local Nature Conservation importance should be protected from damaging development wherever possible. Proposals for minerals development in these areas or which would be likely to pose a significant risk to these areas will therefore be judged against Policy 20.

POLICY 20: SITES OF LOCAL NATURE CONSERVATION IMPORTANCE

MINERAL DEVELOPMENTS WHICH ARE LIKELY TO RESULT 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.
3.6.12 Policy 20 is designed to offer a degree of protection to all sites or areas of nature conservation or ecological value that have been recognised as such by Local Planning Authorities. These include:

1. **Local Nature Reserves**, which authorities may designate under the National Parks and Access To The Countryside Act, 1949. Four have been designated in the Plan Area, two in Wiltshire and two in Swindon Borough.

2. **Sites of Nature Conservation Interest (SNCIs)** which have been identified by Local Planning Authorities in conjunction with the Wiltshire Wildlife Trust and English Nature. There are 1442 sites in Wiltshire and Swindon totalling some 20,034 hectares or 5.7% of the total Plan Area excluding those designated as SSSI or higher.

3. **Regionally Important Geological or Geomorphological Sites.** RIGS have been identified by a group set up with the support of English Nature. There are approximately 40 RIGS in the Plan Area, covering some 85 hectares.

4. **Areas of High Ecological Value/Areas of Nature Conservation Importance.** The Wiltshire Landscape Local Plan, (1986) originally identified AHEV’s, which have been redefined and in some cases renamed in District Local Plans.

3.6.13 Any site covered by the above designations will be treated as a site of local nature conservation value as referred to in Policy 20.

Exceptionally, proposals for development which would damage the conservation value of these designated or identified areas may be permitted when the desirability of conserving the site is overridden by other planning considerations which may include need for the mineral. If such a development is permitted, any damage to the site should be minimised to the satisfaction of the MPA's in full consultation with the appropriate protection agencies and provision should be made for the creation of new habitat, or the improvement of existing habitat to compensate for any losses which result from the development.

**Nature Conservation beyond Recognised Sites**

3.6.14 Wiltshire and Swindon’s natural heritage cannot be sustained solely by the protection of identified and designated sites. Accordingly the MPA's will seek to ensure that there is no net loss of nature conservation resource (habitats) as a result of any minerals development in accordance with Policy 21.

**POLICY 21: HABITAT PROTECTION AND ENHANCEMENT**

**MINERALS DEVELOPMENT PROPOSALS WILL NOT BE PERMITTED WHERE A SIGNIFICANT ADVERSE IMPACT WOULD RESULT TO WILDLIFE HABITATS OR PROTECTED SPECIES. IN ORDER TO MAINTAIN BIODIVERSITY, COMPENSATORY MEASURES WILL BE SOUGHT WHERE ADVERSE IMPACTS TO WILDLIFE HABITATS ARE LIKELY TO OCCUR AS A RESULT OF ANY MINERALS DEVELOPMENT.**

3.6.15 Habitats on development sites should be retained and protected wherever possible, and any losses should be made good, at least by the provision of replacement or improved habitat elsewhere or as part of site restoration. In addressing such issues, compensatory measures should have regard to the provisions of the UK Biodiversity Action Plan, and any relevant local Biodiversity Action Plans.
3.6.16 River corridors are especially rich wildlife habitats, which can link other important habitats together. Rivers and streams are themselves important habitats for aquatic and semi-aquatic species, while larger rivers form major routeways for animal movements between lesser watercourses through an area. Applications for mineral development close to watercourses should, therefore, have regard to Policy 18 thus allowing for an undisturbed buffer zone within which the riparian environment should be protected. Applicants are advised to contact the Environment Agency prior to the submission of planning applications for minerals development which may adversely affect riverine wildlife.

3.6.17 Certain species are specifically protected under the Wildlife and Countryside Act 1981 and badgers are protected under the Badgers Act 1992. The existence of these species on a proposed development site will be a material consideration in the determination of planning applications. Where minerals development affects protected species, measures will be sought to facilitate the survival of individual members of species, to reduce disturbance to those species to a minimum, and to provide alternative habitats to sustain at least the current levels of the population.

**Environmentally Sensitive Areas (ESA's)**

3.6.18 An ESA is a designation that seeks to define, safeguard and enhance areas in which traditional farming methods have helped to create a distinctive landscape, wildlife habitat or historic feature in the landscape, through ten year management agreements. As such ESA’s have no direct relevance to land use planning in so far as the designation of land as an ESA does not affect the status of the area in terms of national planning policies or development control regulations. However, the features which have contributed to the designation of the area may sometimes be important in development control decisions, and may well warrant protection for their own sake under the policies of this Plan.

3.7 **Landscape**

3.7.1 The Plan Area is largely rural with a varied and attractive countryside of predominantly downland, woodlands, river valleys and clay vales. The broad structure of the landscape reflects the underlying geology as shown in Figure 1 of Chapter 1.

3.7.2 Mineral extraction can have a considerable impact on this landscape especially as certain minerals inevitably tend to occur in attractive areas, and their exploitation, even when justified by a proven need, can result in potential adverse impacts. In river valleys the visual impact of sand and gravel workings can be quite pronounced, with the flat landscape and lack of concealing factors making operations quite obvious, while the consequent formation of lakes mean that a dramatic long term change results. Mineral extraction has, however, brought about the creation of the Cotswold Water Park, which is already established as an extremely valuable nature conservation and recreational resource.

**Landscapes of National Importance**

3.7.3 It is Government policy that development in the countryside should maintain and enhance the environment, particularly landscapes that are regarded as being of national importance. These areas are protected through designation as either a National Park or Area of Outstanding Natural Beauty (AONB) under the National Parks and Access to the Countryside Act, 1949.
3.7.4 Although there are no National Parks within the Plan Area, in 1994 the Government announced that the New Forest should have the same planning status as a National Park, within which great weight is placed on the twin objectives of conserving the natural beauty of the countryside, its wildlife and cultural heritage and promoting opportunities for public understanding and enjoyment of its special quality. The New Forest Heritage Area (NFHA), shown on the Proposals Map, forms the area which should be treated by Local Planning Authorities as a National Park. The New Forest Heritage Area extends beyond the Plan area into Hampshire.

3.7.5 Parts of three extensive AONBs lie within the Plan Area; The Cotswolds, The North Wessex Downs and The Cranborne Chase and West Wiltshire Downs. These are again shown on the Proposals Map. The main purpose of their designation is to conserve and enhance the natural beauty of the landscape. Policy MSP2 of the Adopted Wiltshire Structure Plan, seeks to protect AONBs from the impacts of mineral working, stipulating that there would be a “presumption against” minerals development in these areas and that any such development should only take place in “exceptional circumstances”.

3.7.6 Policy 22 will apply to proposals for minerals development which may affect landscapes designated as being of national importance.

**POLICY 22: LANDSCAPES OF NATIONAL IMPORTANCE**

**MINERALS DEVELOPMENT WHICH MAY PREJUDICE THE PURPOSE OF THE DESIGNATION OF THE NEW FOREST HERITAGE AREA OR ANY AREA OF OUTSTANDING NATURAL BEAUTY WILL ONLY BE PERMITTED WHEN IT CAN BE PROVEN THAT:**

1. **THERE IS AN OVERRIDING NEED FOR THE DEVELOPMENT TO TAKE PLACE IN THE PUBLIC INTEREST, WHICH CANNOT BE PRACTICALLY MET FROM ANY MORE ENVIRONMENTALLY ACCEPTABLE LOCATION OUTSIDE THE DESIGNATED AREA; AND,**

2. **THE PROPOSAL MINIMISES THE LANDSCAPE IMPACT OF THE DEVELOPMENT TO ACCEPTABLE LEVELS.**

3.7.7 In view of the sensitivity of such areas, the relatively widespread occurrence of most minerals in the Plan Area, and their limited, generally quite local requirement, the extraction of mineral from areas of nationally designated landscapes can only be justified in the most exceptional circumstances. Accordingly, all but minor proposals, such as amendments to the operation of existing sites, should meet the criteria outlined in Policy 22 and will be subject to the most rigorous examination which, in accordance with MPG6, “Guidelines for Aggregate Provision in England”, (1994) will involve consideration of:

1. The need for the development in terms of national considerations of minerals supply,
2. The impact on the local economy of permitting, or refusing, the development,
3. Whether alternative supplies can be made available at reasonable cost; and the scope for meeting the need in some other way,
4. Any detrimental effect of the proposal on the environment and landscape of nationally designated areas and the extent to which that can be moderated and,
5. In the case of extensions to existing quarries, the extent to which the proposals would achieve an enhancement of the local landscape.
3.7.8 When the need for minerals is demonstrated to be sufficiently overriding to outweigh the need to protect the landscape, planning permission will only be granted subject to the highest standard of landscaping during the operation, restoration and aftercare of the site. Additionally, in the case of proposals for extraction, formal Environmental Assessment will be required.

Areas of Locally Important Landscape

3.7.9 There are many areas of attractive landscape in Wiltshire and Swindon which are not nationally designated, but are of great local value and warrant special protection from damaging development. In order to achieve this, Special Landscape Areas (SLAs) were broadly defined in Structure Plans, within which regard should be paid to the conservation of the character and scenic quality of the landscape. Since then, District Councils have sought to identify similar areas of special landscape in their statutory Local Plan. Accordingly the MPA’s will seek to conserve the high quality of the landscape in all areas which are defined in Local Plans for their landscape importance by the application of the following policy.

POLICY 23: LANDSCAPES OF LOCAL IMPORTANCE

MINERALS DEVELOPMENTS WHICH ARE LIKELY TO UNACCEPTABLY IMPACT ON A SPECIAL LANDSCAPE AREA OR ANY OTHER AREA OF SPECIAL LANDSCAPE IMPORTANCE DEFINED IN LOCAL PLANS WILL ONLY BE PERMITTED WHEN:

1. MATERIAL PLANNING CONSIDERATIONS ARISING FROM THE DEVELOPMENT, OUTWEIGHT THE ADVERSE IMPACT ON THE LANDSCAPE VALUE OF THE SITE, AND

2. THE PROPOSALS MINIMISE THE LANDSCAPE IMPACT OF THE DEVELOPMENT TO ACCEPTABLE LEVELS.

3.7.10 Exceptionally, proposals for development which would damage the landscape value of these designated areas may be permitted when the desirability of retaining the landscape value is overridden by other planning considerations which may include need for the mineral. If such development is permitted, any damage to the landscape should be minimised to the satisfaction of the MPA’s and provision should be made for appropriate mitigation of any adverse impacts on the landscape resulting from the development.

Minimising Landscape Impact

3.7.11 In addition to nationally and locally designated areas, it is important to protect the landscape character of all of Wiltshire and Swindon’s countryside. The visual impact of all mineral workings should be minimised through the retention or enhancement of existing landscape features and landforms and appropriate operation and design. These considerations should be addressed in any planning application for mineral development, which will be assessed against the general provisions of Policy 2.

3.7.12 In order to demonstrate compliance with Policy 2 and, where relevant Policies 22 and 23, it is important that, where relevant, planning applications provide:

1. Site plans showing the existing landscape features of the site including topography and details of any trees and hedges or other flora present;
2. Provision for the conservation, management and protection of existing woodland, trees and hedges to be retained; and,

3. Landscaping proposals to screen the workings and blend them into the landscape including details of any earth mounding and areas to be planted, ideally including details of species, type, siting, number, planting density and size of all trees and shrubs proposed along with details of the care and management of new planting. Planting should normally comprise indigenous species, and all proposals should reflect the natural topographical and ecological character of the existing landscape.

3.7.13 In many instances it is beneficial to undertake planting to screen the proposed site well in advance of development taking place in order that the vegetation can mature into an effective screen. This will be encouraged whenever possible.

3.8 Archaeology

3.8.1 Archaeological remains are a finite and irreplaceable resource, and in many cases are highly fragile and vulnerable to destruction. They range from “upstanding” remains such as stone circles and castle ruins, to the subsurface remains of ancient settlements which may only be apparent from aerial photographs.

3.8.2 The Plan Area contains a considerable wealth of archaeological remains located mainly on chalk downlands and river gravels where the soil types provided a fertile basis for early agricultural settlements. The Thames Valley in particular is a corridor of ancient settlements and ritual centres from source to estuary, representing a concentration of archaeological sites in which all phases in the exploitation of Southern England are represented. In these river valley gravels, early prehistoric settlements are found at the base or within the actual gravel strata while late pre-historic/historical archaeology are sited at the surface. In recent years the “masking effect” of mineral deposits on archaeological remains has been recognised to a much greater extent than hitherto. This effect indicates significantly greater amounts of remains exist than previously was thought. This important factor should be taken into account in assessing the archaeological landscape of the area.

3.8.3 All known archaeological sites in Wiltshire and Swindon are recorded on the Sites and Monuments Record which is maintained by the County Council’s Library and Museum Service. The number of sites on the record is constantly increasing as new archaeological discoveries are made. About 13% of these sites are Scheduled Ancient Monuments (SAM’s). This is a designation given to nationally important archaeological remains which receive special protection under the Ancient Monuments and Archaeological Areas Act, 1979.

3.8.4 Wiltshire contains two important ancient landscapes, Stonehenge and Avebury, and these have been inscribed as a World Heritage Site under the World Heritage Convention. This designation recognises the outstanding value of the monuments and although no additional statutory controls follow from the inclusion of the sites in the World Heritage List, their international importance is highlighted as a key material consideration for the MPA to take count of in determining planning applications, which will be judged against Policy 24.

3.8.5 In addition to the recorded individual sites, the County Council has defined Areas of Special Archaeological Significance (ASAS) with the aim of protecting ancient landscapes containing, for example, whole barrow groups, field systems, settlements and subsurface...
features. These ASASs were defined in the Wiltshire Landscape Local Plan, 1986, and they have been redefined in the superseding District and Borough Local Plans.

The Protection of World Heritage Sites

3.8.6 Although mineral extraction allows for opportunities to excavate and record remains which might not otherwise occur, it is also the most thoroughly destructive activity in terms of effects on archaeological remains, removing every trace of stratigraphy. In addition, the de-watering of mineral workings can cause a lowering of the water table in adjacent land. The resultant drying out of the soil and subsoil can adversely affect archaeological remains. There is, therefore, a need to ensure that remains are not needlessly destroyed by controlling the location and methods of working.

POLICY 24: WORLD HERITAGE SITES

MINERALS DEVELOPMENT THAT WOULD ADVERSELY AFFECT THE ARCHAEOLOGICAL LANDSCAPE OF A WORLD HERITAGE SITE OR THE FABRIC OR SETTING OF THEIR MONUMENTS WILL NOT BE PERMITTED.

The Protection of Nationally Important Archaeology

3.8.7 Having regard to PPG16 “Archaeology and Planning”, (1990) proposed mineral developments will be judged against the following policy.

POLICY 25: ARCHAEOLOGY OF NATIONAL IMPORTANCE

MINERALS DEVELOPMENT WHICH WILL HAVE A SIGNIFICANT ADVERSE IMPACT ON THE INTEREST OF NATIONALLY IMPORTANT ARCHAEOLOGICAL SITES, MONUMENTS AND THEIR SETTINGS, INCLUDING BOTH SCHEDULED AND NON-SCHEDULED SITES OF NATIONAL IMPORTANCE, WILL BE PERMITTED ONLY WHEN THE SATISFACTORY PRESERVATION OF THE REMAINS “IN SITU” IS PROVIDED.

3.8.8 This policy ensures that development which would damage or destroy important archaeological sites will not be permitted. Some nationally important archaeological remains are designated as Scheduled Ancient Monuments, but there are also many remains which are nationally important, according to the Secretary of State’s criteria, that are not scheduled. All of these nationally important sites and monuments, and their settings should be preserved “in situ” in accordance with Government guidance and all planning applications for mineral development which would threaten such sites, should make appropriate provision to secure their preservation. In accordance with Policy 24, minerals development which may affect a World Heritage Site, its setting or visual qualities will not be permitted, in recognition of the global importance of such sites.

Archaeological Assessment

3.8.9 In order to ensure that archaeological interests are safeguarded whenever minerals development takes place it is necessary that an assessment is made of the likely archaeological importance of all proposed extraction sites. This is reflected in PPG16 which gives advice on the procedure to be followed. The importance of archaeological assessment is also recognised by the Confederation of British Industry which has devised a code of practice entitled “Archaeological Investigations Code of Practice for Mineral Operators”, in co-
operation with the Council for British Archaeology and the Department of the Environment, and endorsed by the Minerals Industry through its trade associations.

3.8.10 In accordance with the above guidance planning applications should be supported by archaeological assessment and, where necessary, field evaluations. Where important archaeological remains are confirmed the granting of planning permission will only be considered when the application also includes the results of an archaeological evaluation, carried out by a qualified archaeological contractor in accordance with a brief agreed in advance by the County Archaeologist.

3.8.11 At the earliest possible opportunity, the prospective applicant should consult the County Archaeologist (who provides an archaeological service to both Wiltshire and Swindon). They will be able to give a preliminary indication of the archaeological potential of the area and, by reference to the Sites and Monument record, of the extent of knowledge regarding remains on or adjacent to the site. The County Archaeologist will also be able to indicate what, if any, further work may be required to safeguard archaeological interests. In all cases where there is good reason to suspect that the development may affect important archaeological remains, an archaeological field evaluation will be required, in accordance with the advice given in PPG16. Such evaluations help to define the character and extent of archaeological remains and thus indicate the weight that ought to be attached to their preservation in the determination of planning applications for development which may threaten them. They typically involve ground survey and limited trial trenching over a small sample of the site.

3.8.12 In cases where the proposed development may affect SAM’s, World Heritage Sites or other remains of national or international importance, formal Environmental Assessment of the proposals is likely to be required.

Safeguarding Remains

3.8.13 In accordance with Policy 25, when the County Sites and Monuments record and/or archaeological field evaluations indicate that nationally important archaeological remains are present on a proposed mineral development site, the MPA will seek the physical preservation of the remains “in situ” and will investigate, together with the developer, options for amending the development to avoid damaging the remains. If however the development is incompatible with the physical preservation of other regionally or locally important archaeological remains, then the intrinsic importance of the remains will be a material consideration in deciding whether or not to grant planning permission. Such applications will be determined in accordance with the following policy.

POLICY 26: ARCHAEOLOGICAL SAFEGUARDING

MINERALS DEVELOPMENT WHICH IS LIKELY TO DAMAGE REGIONALLY OR LOCALLY IMPORTANT ARCHAELOGICAL REMAINS WILL ONLY BE PERMITTED WHEN THE PRESERVATION OF THE REMAINS “IN SITU” IS NOT JUSTIFIED. WHEN DEVELOPMENT IS PERMITTED, APPROPRIATE AND SATISFACTORY PROVISION SHALL BE MADE FOR THE EXCAVATION AND RECORDING OF THE REMAINS BY A QUALIFIED ARCHAELOGICAL CONTRACTOR.
3.8.14 This policy again reflects Government Guidance in PPG16 whereby the MPA’s, on the advice of the County Archaeologist must be satisfied that the developer has made appropriate and satisfactory arrangements for the excavation and recording of such remains which could range from full excavation to a photographically measured survey and may be the subject of a planning obligation. Where important remains are discovered, the publication of the results may also be required. The appropriate scale of excavation and requirement to publish results will vary from case to case and will be determined by the County Archaeologist.

3.8.15 It is always possible that unforseen archaeological remains may be uncovered during mineral operations. In order to ensure that such remains are identified and recorded before they are destroyed, a planning condition will be imposed requiring the developer to allow nominated archaeologists access to the site, particularly to observe soil stripping operations and record any archaeological evidence exposed. This is known as a “watching brief”. Such a condition may be imposed in cases where field evaluation either is not justified or has been carried out but indicates that important remains are unlikely to exist.

3.8.16 Where significant remains are discovered unexpectedly, the MPA’s will negotiate with the site operator to secure agreement to allow more detailed investigation and recording to take place.

3.8.17 In addition to Policies 24 - 26 which have countywide application, Policy 46, Chapter 5 addresses defined areas of potential archaeological interest identified by the County Archaeologist within the Preferred Areas for sharp sand and gravel in the Upper Thames Valley.

3.9 Historic Buildings, Conservation Areas, Battlefields and Parks and Gardens

3.9.1 Wiltshire and Swindon Borough contain a large number of nationally and locally important historic buildings, parks, gardens and townscapes as well as historically important battlefield, all of which are valuable for their own sake as well as for education, leisure and tourism. It is the role of the planning system to help preserve this irreplaceable heritage which has been created over centuries and the concepts of sustainable development have particular relevance to this.

3.9.2 English Heritage has compiled registers of Parks and Gardens and Battlefields of Special Historic Importance in England, which draw attention to the significance of these features as an essential part of the nation’s heritage. A listing system for Historic Parks and Gardens has been used although at present, unlike listed buildings, no statutory protection is provided for either Parks and Gardens or Battlefields. Currently the Plan Area has over 30 Parks and Gardens on the register and one Battlefield at Roundway Down. These features are appropriately shown in the relevant District and Borough Local Plans.
3.9.3 The Adopted Wiltshire Structure Plan contains policies, which aim to protect and enhance a wide range of historic features, (HE3 - HE7). The following policy reflects these aims.

**POLICY 27: THE HISTORIC ENVIRONMENT**

MINERALS DEVELOPMENT WHICH WOULD UNACCEPTABLY AFFECT THE CHARACTER, APPEARANCE, SETTING OR HISTORIC/ARCHITECTURAL VALUE OF HISTORIC BUILDINGS, HISTORIC PARKS AND GARDENS AND OTHER DESIGNATED HISTORIC BUILDINGS AND AREAS OF RECOGNISED HISTORIC IMPORTANCE, WILL ONLY BE PERMITTED WHEN:

1. MATERIAL PLANNING CONSIDERATIONS OUTWEIGH THE DESIRABILITY OF CONSERVING THE BUILDING OR SITE; AND,

2. THE PROPOSALS HAVE BEEN DESIGNED TO MINIMISE THE IMPACT OF THE DEVELOPMENT ON FEATURES OF HISTORIC INTEREST, INCLUDING, WHERE APPROPRIATE, THE RESTORATION OF THE HISTORIC FEATURES ON, OR AROUND THE SITE, AND COMPLY WITH ALL OTHER RELEVANT POLICIES OF THIS PLAN.

ADDITIONALLY, WHERE THESE FEATURES ARE OF NATIONAL IMPORTANCE, MINERALS DEVELOPMENT PROPOSALS WILL ONLY BE PERMITTED WHEN THERE IS NO ALTERNATIVE LESS DAMAGING LOCATION AVAILABLE FOR THE DEVELOPMENT OR WHERE DEVELOPMENT CANNOT BE MET FROM AN ALTERNATIVE EXISTING SOURCE WITH LESS ADVERSE IMPACTS.

3.9.4 Under this policy any proposals likely to impact on these interests will be critically assessed, with the greatest weight being given to the need to conserve Listed Buildings, Conservation Areas and Parks and Gardens and Battlefields on the English Heritage Register, although, it is recognised that in some cases the requirement for the development may outweigh the desirability of conserving the historic building on site. It is, however, acknowledged that mineral resources in the Plan Area are not sufficiently limited in distribution, or the need for a particular mineral so great as to allow its extraction where a Listed Building, Conservation Area or Historic Park, Garden or Battlefield would be unacceptably affected. Accordingly, while proposals which threaten these sites are likely to require formal Environmental Assessment, damage to such interests is not likely to be justified.

3.10 Canal Restoration

3.10.1 The Plan Area has a fairly extensive canal network, which is in various states of restoration and use. In permitting minerals development, it is important to avoid prejudicing the possible restoration of the canal network in the future where this has a potential use for recreation and tourism and will be likely to form a valuable ecological habitat for nature conservation. The following policy will, therefore, apply to minerals development which may affect old canals in the Plan Area.

**POLICY 28: THE SAFEGUARDING OF DISUSED CANALS**

WHERE MINERALS DEVELOPMENT AFFECTS THE ROUTE OF DISUSED CANALS AGREEMENT WILL BE SOUGHT TO SAFEGUARD THE ROUTE AND VERTICAL ALIGNMENT FOR FUTURE RESTORATION.
3.10.2 Although this policy applies across the Plan Area, the route of the disused Thames and Severn Canal is of particular relevance as it passes through the Upper Thames Valley and crosses some of the Preferred Areas for Sand and Gravel identified in Policy 35 of this Plan. The Cotswold Canals Trust is seeking to restore this canal and have in the past, engaged consultants to carry out a feasibility study, (published in 1991) which concluded that its restoration is technically possible subject to the development of appropriate water resources. In order to allow for the future restoration of the canal, agreement will be sought with applicants or landowners to safeguard the route and vertical alignment where it passes through any application area for minerals development.

3.11 Airfield Safeguarding

3.11.1 There are a number of airfields in the Plan Area around which Airfield Safeguarding Areas (ASA’s) are designated. The MPA’s are required to consult the Ministry of Defence on proposals for development within these areas which might endanger aircraft safety, such as high structures or features which may attract birds thereby presenting bird strike hazards. For their part, prospective applicants must ensure that their proposals for mineral workings including future restoration pay full regard to aerodrome and military safeguarding, particularly the potential bird strike hazard that can occur when mineral workings are restored to landfill sites or water features, such as nature reserves.

3.11.2 The ASA’s around South Cerney and Fairford Airfields are of particular relevance to minerals planning because they cover part of the Upper Thames Valley including the Cotswold Water Park and the Preferred Areas for Sand and Gravel defined in Policy 35, while the Salisbury Plain Training Area adjoins the existing Chalk Pit at Westbury. The greatest risk to aircraft safety that may arise from mineral development is the risk of bird strikes caused by landfilling, including restoration to certain types of agriculture or lakes following mineral extraction. It is, therefore, important to ensure that mineral development in these areas does not create such hazards. In practice, the landfilling of sites with putrescible waste, which tends to attract large numbers of gulls is unlikely to be acceptable either in The Upper Thames Valley or at Westbury Chalk Pit, because of pollution risks. The large scale restoration of sites to agriculture in these areas is unlikely due to a lack of inert fill, along with the high water table in the Upper Thames Valley and access problems at Westbury. The only risks which are likely to arise, therefore, are those resulting from the creation of open water in the Upper Thames Valley. The extent to which these attract gulls and other problem birds can be moderated by careful design, such as by creating small, shallow lakes which are sub-divided by spits and islands. Where possible the creation of reedbed and marshland rather than open water may be beneficial from a bird strike hazard point of view, as well as enhancing the ecological and landscape potential of the area. A detailed restoration strategy for the Upper Thames Valley is included in Chapter 5 of the Plan.

311.3 In order to mitigate potential problems, the MPA’s will consult the Ministry of Defence over relevant proposals and the following policy will be implemented to safeguard aircraft safety.

POLICY 29: AIRFIELD SAFEGUARDING

MINERALS DEVELOPMENT IN THE VICINITY OF AIRFIELDS AND SALISBURY PLAIN WILL BE CRITICALLY ASSESSED AND WILL ONLY BE PERMITTED WHEN IT IS PROVEN THAT THE PROPOSAL WILL NOT CONSTITUTE AN UNACCEPTABLE RISK TO AIRCRAFT SAFETY.
3.12 Rights of Way

3.12.1 Wiltshire and Swindon’s rural byways, RUPPs (Roads Used as Public Paths), bridleways and footpaths are valuable in providing public access to the countryside and for recreation. While the MPA’s aim to minimise the disturbance to the rights of way network caused by mineral working, it is inevitable that mineral extraction operations will interfere with the network to some extent and this will be taken into consideration when determining minerals planning applications in accordance with Policy 30.

**POLICY 30: THE SAFEGUARDING OF RIGHTS OF WAY**

WHERE MINERALS DEVELOPMENT PROPOSALS AFFECT PUBLIC RIGHTS OF WAY, PLANNING PERMISSION WILL BE GRANTED ONLY WHEN IT IS DEMONSTRATED THAT THE MINIMUM INTERFERENCE OF THE RIGHT OF WAY WILL BE ACHIEVED THROUGH ITS PROTECTION OR THE DIVERSION AND WHERE DESIRABLE, REINSTAMENT OF ITS ORIGINAL ROUTE.

3.12.2 Where rights of way will be affected by mineral development, routes will be sought for appropriate diversions, or the provision of alternative rights of way which minimise any disbenefits for users of the network. Particular importance will be placed on avoiding any interference to long distance footpaths. The Thames Path National Trail which is being developed by the Countryside Commission in partnership with local authorities, statutory organisations, landowners and voluntary bodies, is especially vulnerable as it is adjacent to a number of the Preferred Areas identified for sharp sand and gravel extraction in Policy 35.

3.12.3 Whilst the impact of mineral development on rights of way is a material planning consideration when planning applications are determined, the grant of planning permission does not give the developer any legal rights to stop up or divert rights of way. Permission to divert, remove or create rights of way have to be obtained separately in the form of orders under the Highways Act 1980 or the Town and Country Planning Act 1990, as appropriate. Developers should note that any rights of way that will be affected by mineral development should not normally be diverted on to the public highway or along haul roads when new paths can be made up away from vehicular traffic. Until necessary orders have been obtained and come into effect, all rights of way should be kept open and undisturbed.

3.13 Restoration of Mineral Workings

3.13.1 One of the most important ways of minimising the impact of mineral extraction is by ensuring that land taken for mineral operations is restored at the earliest opportunity and that it is capable of an acceptable beneficial use once working has come to an end. This is expressly stated in MPG1 “General Considerations and the Development Plan System”, (1996) as being one of the primary aims of planning control over mineral working, and it is critical to maintaining the quality of the environment in accordance with sustainable development.
3.13.2 In recent years there has been a general upturn in the standards of restoration and it is important that these improving standards are maintained and enhanced. In pursuance of this objective planning applications for mineral working will be judged against Policy 31.

**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.

3.13.3 Mineral workings may be restored at low level, to land or water or they may be wholly or partly filled with waste materials, subject to compliance with other provisions of this Plan restricting the type of waste material imported, in order to protect the environment from harm, such as water pollution. In either case, in order to satisfy this policy the applicant will need to demonstrate both the technical acceptability of the restoration scheme and its prospects for successful implementation. Amongst other matters, the likely availability of any fill materials which would be required to carry out the restoration and the operators past record of achieving successful restoration at any comparable sites will be taken into account.

3.13.4 When land is to be restored to agriculture the aim should be to produce the highest quality agricultural land possible (see Policy 14). If the proposal is to work high quality agricultural land, and restore it back to agriculture, a detailed survey will be required to record the physical characteristics of the land which should be restored back to a commensurately high quality. In such cases planning conditions will normally be used to secure this.

3.13.5 Whatever the proposed after-use, it is essential that the restoration of the site should be planned at the same time as the extraction of the mineral and that the whole operation is designed with the final character and appearance of the site clearly in mind. Wherever possible, restoration should take place progressively as a site is worked so as to minimise both the area of land disturbed at any time and the total period of working and restoration.

3.13.6 In accordance with the requirements of Policy 31, proposals for mineral working must include details of the proposed restoration scheme in order to demonstrate that the site can be satisfactorily restored to a scheme appropriate to the natural ecological character of the area of working and which would not adversely impact on the range of hydrological issues covered by Policies 15 to 18. All information on restoration should be provided in as much detail as possible at the planning application stage, although it is accepted that the provision of precise restoration details for long term workings may not be appropriate. In such cases the after-use, and an outline of the main stages of restoration may be agreed at the planning application stage and conditions may be imposed to require the submission and agreement of a detailed restoration scheme at a later date.
3.14 After-use

3.14.1 Restoration of mineral workings cannot be properly planned without knowing the intended after-use of the site. Accordingly, all proposals for mineral extraction must also include a statement of the proposed after-use which should be as detailed as possible. While it is acknowledged that it is not always possible for an applicant to ensure that a particular detailed after-use will take place after restoration, especially bearing in mind that the timescale of some mineral operations, the level of detail and commitment to the proposed after-use should be as great as possible within this constraint.

3.14.2 The choice of proposed after-use should normally be made in accordance with the following policy.

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.

3.14.3 Once land has been restored it may be acceptable for a variety of uses to take place on it. Whilst nature conservation may be the sole after-use of some sites, natural habitat should be incorporated into the restoration of all sites whatever their proposed after-use, in order to maximise their nature conservation potential. In many cases it may be possible to restore mineral sites for a combination of nature conservation and some other after-use which may include retaining exposures as Regionally Important Geological (RIGS) sites. The management of restored mineral sites for nature conservation may be secured by a legal agreement. Specialist advice should always be sought on how to create and manage the variety of habitats necessary to maximise a sites nature conservation potential. In other cases it may be desirable to restore land for forestry. Many sites will be suitable for at least partial restoration to woodland afteruses, which can provide nature conservation, landscape and amenity benefits as well as wood production, and could increase bio-mass through planting. Careful consideration should be given to the design and location of woodland restoration ensuring that it is appropriate to both the local landscape and the site itself, and is, in the first instance, prepared to a condition suitable for the growth of trees.

3.14.4 It should be noted that after-use proposals that involve a material change from the initial after-use (e.g. agricultural to recreational facilities) will require a separate planning permission from the District or Borough Council. When restoration of the mineral site is not specified in an original planning permission, but subsequent landfilling is proposed, the operation will require a separate planning permission from the relevant MPA.

3.14.5 The special circumstances of the “old” Cotswold Water Park, west of the A419(T) allow restoration for a wider range of after-uses, including recreation which would not normally be permissible in other areas. However, there is little gravel bearing land remaining in this area without planning permission. Accordingly, any new mineral developments in this area are likely to constitute small scale extensions to existing sites, where after-uses have already been agreed. In the case of specific Preferred Areas for sand and gravel in the Upper Thames Valley and chalk and clay at Westbury Cement Works, the most suitable after-uses for the sites have been decided upon following detailed consideration during preparation of the Plan. Policy 47 gives appropriate after-uses for Preferred Areas in the Upper Thames Valley.
3.15 Aftercare

3.15.1 When a site is to be restored for agriculture, forestry or amenity (including recreation or nature conservation) a condition can be imposed on the planning permission to require the carrying out of a scheme of “aftercare” to bring the land to a satisfactory standard for the proposed use. The aftercare may involve planting, cultivating, fertilising, watering, draining or other steps for treating the land over a period of up to five years after the completion of restoration. An aftercare condition may specify the detailed steps to be taken or an “aftercare scheme” may be required to be submitted for approval at a later stage. The latter method will usually be appropriate where a long term mineral operation is involved and restoration may not be completed for some years.

3.16 Public Benefits Through Restoration

3.16.1 In addition to returning mineral workings to a satisfactory condition after extraction, the restoration of a site should, where necessary, seek to provide wider public and environmental benefits in order to compensate in some way for the inevitable environmental disturbance and nuisance that extraction operations cause.

3.16.2 In particular, whilst the aftercare requirements can be used to ensure some management of restored land for a five year period, much greater public benefits can be achieved by securing the long term management of restored sites through a voluntary legal agreement or a planning obligation, in accordance with Policy 33. Such public environmental benefits could relate not just to the specific extraction sites, but where possible, to the surrounding area as well, particularly where necessary replacement habitat cannot be provided on site. In view of this, mineral operators should consider the preparation of restoration schemes which are not limited to the mineral site alone but if practicable include environmental enhancement of the surrounding area.

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.

3.16.3 In implementing this policy priority will be placed on public access in the Upper Thames Valley, particularly along the River Thames. The footpath and bridleway network are essential to the continued development of the Cotswold Water Park for recreation, and the Sports Council and former National River Authority’s “Recreation Strategy for the River
Thames”, 1995, identifies the development of the area between the two Cotswold Water Parks as an opportunity to enhance the river as a recreational resource that could be achieved by developing circular rights of way linked into the Thames Path National Trail including development of the former tow path of the Thames and Severn Canal as a public right of way.

3.17 The Restoration of Old Mineral Workings

3.17.1 Some old mineral workings have not been well restored in the past generally because the need for good restoration was not so well recognised and because the conditions imposed on old planning permissions tended to be much less rigorous than those imposed today. Furthermore, some current mineral workings are being operated under long standing permissions that are not subject to conditions requiring modern standards of restoration. Whenever they arise, opportunities will be taken to negotiate with operators for improvements to the standard of restoration of such sites, for example, when operators apply for extensions to the sites.

3.17.2 A review of mineral working sites in Wiltshire is being carried out in accordance with the provisions of the Environment Act 1995. This act requires an initial review and updating of all pre-1982 mineral planning permissions and the periodic review of all mineral permissions thereafter. The purpose of the review is to secure improved operating and environmental standards. This will mainly be achieved by bringing planning conditions up to a modern standard having regard to the safe, efficient and economic operation of sites. Additionally, opportunities may arise through the review to secure improvements to the restoration of sites.

3.18 Implementation

3.18.1 Implementation of policies and proposals of the Plan will be secured through the development control process. Decisions on planning applications for minerals development will be made in accordance with policies and proposals of the Plan unless material considerations indicate otherwise, and will take account of Government Guidance and appropriate European Legislation in doing so.

3.18.2 In view of the complex considerations in respect of mineral applications, prospective applicants will be encouraged to enter into pre-application discussions with officers of the appropriate MPA in order to identify key issues which would need to be addressed in detail in the submitted application. These preliminary consultations will also enable the relevant MPA to decide whether or not a proposal will require formal Environmental Assessment (see Paragraph 2.3.1). Potential applicants may also wish to formally request a ‘Screening Opinion’ to determine whether an Environmental Assessment is required by writing to the relevant MPA. In the event of Environmental Assessment being required, the appropriate MPA will then need to initiate and provide a ‘Scoping Opinion’ (following a ‘scoping’ exercise) in order to establish the issues to be covered in depth in the Environmental Statement.
3.19 Monitoring

3.19.1 To be effective, the Plan will need to be monitored. This will take place in three ways. Firstly, in co-operation with the minerals industry, regular surveys of minerals production and reserves will be undertaken. Analysis of this information will be used to assess the extent to which the need for minerals is being met and to detect any changes in demand for minerals worked in the Plan Area. This work will be carried out in conjunction with the South West Regional Aggregate Working Party’s (SWRAWP) monitoring of regional aggregate supply and demand. The MPA’s will continue to work with the SWRAWP on all matters relevant to regional minerals planning, in particular the preparation of the Regional Commentary which advises Central Government on matters relating to the review of the national guidelines on aggregate provision.

3.19.2 Secondly, applications for non-mineral development within the defined Mineral Consultation Areas, or Mineral Safeguarding Areas (in Swindon Borough), will be examined in order to ensure that mineral resources are not unnecessarily sterilised. In liaison with District Councils and neighbouring authorities, the MPA’s will monitor the policies of other plans, particular neighbouring mineral plans in order to ensure that they do not conflict with or prejudice the implementation of the policies of this Plan.

3.19.3 Thirdly, regular monitoring of all mineral working sites will be carried out in order to ensure that they are being worked in accordance with planning permissions and the conditions or terms of legal agreements attached to them. Appropriate measures will be taken to deal with non-compliance with conditions and unauthorised development. In accordance with Government Guidance on the enforcement of planning control, the MPA’s will normally seek to resolve breaches of planning control or other problems through discussion and negotiation. Where this fails, the Council’s will, depending on the particular circumstances, initiate any enforcement action considered appropriate to remedy these breaches.

3.19.4 Where necessary, regular meetings will be held with major operators in the Plan Area in order to review progress and problems at individual sites. In certain circumstances the establishment of local liaison committees will be encouraged. These will provide the opportunity for representatives of the local community (including any directly affected communities immediately outside the Plan area), local authorities and the operating companies to gain a better understanding of the needs of the various interested parties through the discussion of a range of matters or problems relating to the operation of mineral working sites.

3.19.5 Regular reports on the operation of this Plan will be prepared by the MPA’s with particular attention paid to assessing the effectiveness of policies regarding levels of production and the size of landbanks, and the extent to which the objectives of the Plan have been achieved. These reports will be publicly available, and used as a determinant of future mineral planning requirements.

3.20 Review

3.20.1 In due course it is intended that a review of this Plan will be undertaken, in accordance with the requirements of the recently revised PPG12 ‘Development Plans and Regional Planning Guidance’ (DETR, December 1999) so as to maintain an up to date policy framework for
minerals planning in Wiltshire and Swindon. This is considered particularly important given the relatively short horizon date of the Plan.