



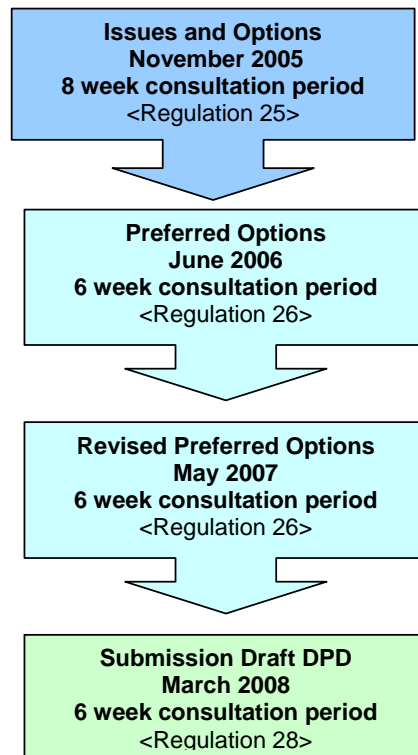
Wiltshire & Swindon Minerals Development Framework

Guidance Note to Support the Submission Draft Minerals & Waste Core Strategy DPDs

1. Introduction

- 1.1 The **Wiltshire & Swindon Minerals & Waste Core Strategies** have been prepared by Wiltshire County Council and Swindon Borough Council as part of the process of preparing the **Wiltshire and Swindon Minerals and Waste Development Framework (MWDF)**. They build upon previous consultation exercises (outlined below), following the plan preparation process detailed in **Figure 1**:

Figure 1: Public Consultation stages in the preparation of the Wiltshire and Swindon Minerals Core Strategy



- 1.2 The responses received from consultees during the preparation of the draft Minerals & Waste Core Strategies has helped shape our understanding of the issues that Wiltshire and Swindon face in terms of meeting the various demands for minerals and waste management capacity over the next twenty years.
- 1.3 Key to the success of these Strategy documents will be in shaping where new minerals and waste management development will take place whilst seeking to protect and enhance the wider environment **and** interests of local communities.
- 1.4 The policies and proposals set out in the final draft versions of the Minerals & Waste Core Strategies will now be subject to a final phase of consultation

for 6-weeks and then examination by an independent Planning Inspector appointed by the Government.

- 1.5 It is vital that those wishing to comment on the final Submission Draft documents make their views and comments known to us within the statutory six-week consultation period. Once the consultation period expires, the Councils will carefully consider all representations that are 'duly made'¹ and make a report to the Independent Inspector on the number of comments received and the range of issues raised.
- 1.6 The overall soundness of the document will then be fully examined by the Independent Inspector appointed by the Government. As part of this process, there may well be need for the Inspector to consider objections 'in public'. Only the Inspector can decide how such sessions will be run, but it is likely that the sessions will take the form of 'informal', fact-finding round-table discussions.

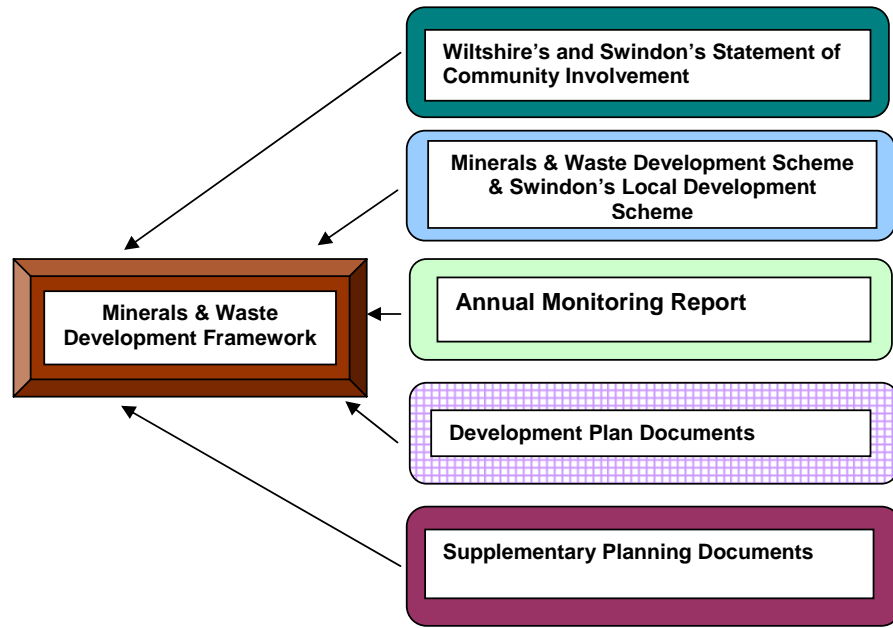
¹ A 'duly made' comment/objection is one that is submitted within the statutory six-week period for consultation, outlined in the Wiltshire and Swindon Borough Statements of Community Involvement.






2. The Wiltshire and Swindon Minerals and Waste Development Framework

- 2.1 The Councils are producing the **Wiltshire and Swindon Minerals and Waste Development Framework (MWDF)**. The MWDF will ultimately replace the policies of the adopted Minerals and Waste Local Plans, thereby providing a strategic spatial planning framework for minerals and waste development to serve the needs of Wiltshire and Swindon over the period to 2026. The MWDF is a collective term encapsulating:
- Minerals Local Development Documents;
 - Waste Local Development Documents;
 - Supplementary Planning Documents (SPDs) (if produced);
 - The Statements of Community Involvement² (SCI) (covering Wiltshire and Swindon Borough's minerals and waste planning work);
 - Annual Monitoring Reports (AMRs); and
 - The Minerals and Waste Development Scheme (MWDS) (and relevant elements of the Swindon Borough Local Development Scheme (LDS).
- 2.2 These documents perform a variety of roles. The MWDS / LDS and the SCI are documents that help to identify the process by which minerals and waste policy and proposals formulation will be carried out in terms of project management and public consultation. The AMR is also a process driven document, reporting on the progress made towards achieving the targets and milestones identified as part of the formulation of minerals and waste policies and proposals, as well as the effect of such development on the environment.
- 2.3 The MWDF comprises a series of Local Development Documents (LDDs). Some will form part of the statutory **Development Plan** for the Area - 'Development Plan Documents' (DPDs); whilst others will not have the same status as DPDs - 'Supplementary Planning Documents' (SPDs).
- 2.4 **Figure 2** aims to illustrate the basic structure of what the authorities are proposing to include within the MWDF.

² The first Wiltshire Statement of Community Involvement (SCI) was adopted in July 2006. Swindon Borough's Statement of Community Involvement was adopted in January 2007.

Figure 2: Illustrative Structure of the Wiltshire and Swindon Minerals and Waste Development Framework



DOCUMENTS FORMING THE WILTSHIRE AND SWINDON MINERALS & WASTE DEVELOPMENT FRAMEWORK	
	A policy document covering community involvement in planning
	A project plan for preparing documents to go into the Framework
	A report that monitors progress on preparing the Framework and Output Indicators
	DPDs (e.g. the Minerals / Waste Core Strategies or Site Allocations Documents)
	Optional LDDs (e.g. Supplementary Planning Documents)

3. Minerals & Waste Development Plan Documents (DPDs)

- 3.1 **Minerals & Waste Core Strategies** – These documents will be the key Development Plan Documents to be produced covering strategic minerals and waste policies. In preparing the two Core Strategies the main objective has been to make the difficult decisions as to future locations for minerals and waste development and provide certainty for minerals and waste planning in the County and Borough for the period up to 2026. All Local Development Documents the Councils produce in respect of minerals development will need to demonstrate conformity with the relevant Core Strategy.
- 3.2 In line with Government policy (PPS12), the Wiltshire and Swindon Minerals & Waste Core Strategies comprise the following elements:
- **Spatial Vision** for minerals / waste development within the County and Borough;
 - **Strategic objectives** for minerals / waste development;
 - **Core policies** related to the need to contribute to meeting national, regional and local requirements for minerals / waste management capacity at acceptable social, environmental and economic costs; and
 - **A monitoring and implementation framework** with clear objectives and SMART³ targets for achieving sustainable minerals / waste development through the life of all DPDs.
- 3.3 **Minerals & Waste Development Control Policies** – These documents will set out a range of policies designed to assist with the process of determining planning applications for minerals or waste development.
- 3.4 **Aggregate Minerals Site Allocations & Waste Site Allocations** – These documents will be the key delivery tools for testing the Government's forecasts of future aggregates provision and waste apportionments. They will provide details and proposals for future aggregate minerals sites and waste management facilities (e.g. Preferred Areas and / or Areas of Search).
- 3.5 **Proposals Map** – To accompany the DPDs within the MWDF, the Councils are required to produce a proposals map (referred to in legislation as the **Adopted Proposals Map**). This document will be continuously updated as each new Local Development Document is adopted. At this stage it is anticipated that the Proposals Map should aim to identify:
- Areas of protection such as internationally, nationally and locally designated landscape, nature conservation and historic sites;
 - Areas of significant mineral resources and waste management sites and facilities subject to safeguarding policies;
 - Safeguarding areas of mineral working and waste management facilities;
 - Areas of Search / Preferred Areas for mineral working and waste management facilities;

³ Specific Measurable Achievable Realistic Time bound.

- Railheads safeguarded for bulk transportation of minerals and, where possible, waste;
- Areas safeguarded and subject to groundwater protection; and
- Consultation areas relating to hazards such as flooding, airfield safeguarding, land instability and contaminated land (where appropriate).

4. Community and Stakeholder Involvement

- 4.1 Successful implementation of the spatial planning system at a local level within Wiltshire and Swindon requires significant input, advice and support from local communities and wider stakeholders (e.g. the minerals industry, landowners, regulatory bodies, local authorities, Parish / Town Councils, members of the public etc.). An important element of this involvement process is associated with the Minerals and Waste Forums, established by the County and Borough Councils to help gauge views and opinion on what the Core Strategies should be aiming to deliver. All Forum meetings are independently facilitated by external consultants. This has helped to focus those involved into producing a range of outputs that go some way towards underpinning this report and meeting the commitments set out in the County and Borough Councils adopted SCIs.

Getting Involved

- 4.2 As outlined above, these 'Submission Draft' documents have been prepared for the purposes of consultation and represent an important stage in the process of preparing the Wiltshire and Swindon Minerals and Waste Core Strategies.
- 4.3 If you would like to be part of the process of producing these documents, please respond to the consultation exercise by completing our representation form and returning it to us by **5.00pm Wednesday 14th May 2008**. There are a number of ways of doing this:
- By downloading the document and response form from Wiltshire's website and e-mailing comments to:
Mineralsandwastepolicy@wiltshire.gov.uk or by posting comments to:
 - Geoff Winslow
Team Leader Minerals and Waste Policy
Environmental Services Department
Wiltshire County Hall
County Hall
Trowbridge
Wiltshire
BA14 8JD.

What Happens Next?

- 4.4 The Submission Draft Minerals and Waste Core Strategies have been submitted to the Government for the purposes of carrying out an independent examination. A final **six-week** consultation period will now take place. This consultation period runs from **Monday 31st March to 5.00pm Wednesday 14th May 2008**.
- 4.5 All 'duly made'⁴ representations received by the Councils during this final consultation period will be considered throughout the examination by an independent, Government appointed Planning Inspector. He / she will examine the 'soundness' of the documents. The examination phase will result in the Inspector submitting binding reports to the Councils setting out, if necessary, how the document should be modified.
- 4.6 For further information see: www.wiltshire.gov.uk/planning-home

⁴ A 'duly made' comment / objection is one that is submitted **within** the statutory six week period for consultation.

Appendix 1

REPRESENTATION FORMS

Guidance Notes

Guidance Notes to Accompany the Representation Form

The Planning and Compulsory Purchase Act 2004 (the 2004 Act) states that the purpose of an examination is to consider whether a document is “sound”. This means those who wish to make a representation seeking a change to a document will need to show how it is unsound and what needs to be done to make it sound.

In order to decide whether a document is sound, the Inspector will apply a number of tests (please see below). Please ensure that any representation seeking a change to the document is clearly related to one of the tests of soundness.

Please note:

- If you are seeking to make representations on the way in which the Core Strategy has been prepared, it is likely that your comments or objections should be set out under one of the ‘**procedural**’ tests.
- If it is the actual content on which you wish to comment or object you should look at the ‘**conformity**’ and the ‘**coherence, consistency and effectiveness**’ tests.

Where your representation seeks more than one change (and relates to the failure to meet more than one test of soundness), please use a separate form for your representation on each change and relevant soundness test. A separate form should also be used for representations supporting the Core Strategy as opposed to objecting to it.

The tests to be applied to assess the soundness of DPDs are set out in paragraph 4.24 of Planning Policy Statement 12: Local Development Frameworks (PPS12). The following gives some brief guidance on each of the tests.

Procedural Tests:

The **procedural** tests are as follows:

Test 1

It has not been prepared in accordance with the authority's Local Development Schemes (LDS).

The Minerals and Waste Development Scheme (MWDS) is effectively a programme of work prepared by the Councils, setting out the Planning Documents it proposes to produce over a 3-year period. It sets out the key stages in the production of all Local Development Documents. If a document is not in the current MWDS it should not have been submitted for examination.

In the case of Wiltshire and Swindon there are actually two identical schemes reflecting the dual nature of this document.

View the most recent version of the Wiltshire Minerals and Waste Development Scheme at: <http://www.wiltshire.gov.uk/mwds-revised-scheme-2.pdf> or see Swindon's Local development Scheme at [http://www.swindon.gov.uk/lds_\(dec_06\)_approved.pdf](http://www.swindon.gov.uk/lds_(dec_06)_approved.pdf)

Test 2

It has not been prepared in compliance with the Statements of Community Involvement (SCI), or where no SCI exists, it has not been prepared in accordance with the minimum requirements of the Town and Country Planning (Local Development) (England) Regulations 2004.

The Statement of Community Involvement (SCI) is a document which sets out a Councils strategy for involving the community in the preparation and revision of Planning Documents (including the Core Strategy) and the consideration of planning applications. The Councils will submit a consultation statement with the Core Strategy to show how they have complied with their SCI.

Both Wiltshire and Swindon have adopted their SCIs. All consultation activity associated with producing the Wiltshire and Swindon Minerals and Waste Development Framework will be carried out in compliance with both SCI's.

View the most recent version of the Wiltshire's Statement of Community Involvement at <http://www.wiltshire.gov.uk/adopted-statement-of-community-involvement.pdf> or Swindon's Statement of Community Involvement at <http://www.swindon.gov.uk/sci.pdf>

Test 3

The plan and its policies have not been subject to sustainability appraisal.

Local authorities are required to carry out a Sustainability Appraisal of Development Planning Documents, which incorporates the requirements of the European Directive on Strategic Environmental Assessment (the SEA Directive). The Councils are required to produce a Sustainability Appraisal Report when they produce a DPD. This should identify the process by which the Sustainability Appraisal has been carried out, and the baseline information used to inform the process and the outcomes of that process.

View the most recent version of the Wiltshire and Swindon Minerals and Waste Sustainability Appraisals at: <http://www.wiltshire.gov.uk/environment-and-planning/planning-home/planning-strategic-environment-assessment.htm>

Conformity Tests:

Test 4

It is not a spatial plan and is inconsistent with national planning policy, or does not conform to the regional spatial strategy for the region or does not have proper regard to any other relevant plans, policies and strategies.

Spatial planning should not just be concerned with the physical aspects of location but also with economic, social and environmental matters relating to the development and use of land. Further guidance on what spatial planning means can be found in paragraphs 30-32 of *Planning Policy Statement 1: Delivering Sustainable Development (PPS1)* and paragraphs 1.8-1.11 of *Planning Policy Statement 12: Local Development Frameworks (PPS12)*.

The Government Office for the South West can be expected to comment on any possible inconsistency with national planning policy and the South West Regional Planning Body should identify any issue about the general conformity of the document with the Regional Spatial Strategy.

Test 5

It does not have regard to the authority's community strategy.

The Community Strategy is usually prepared by the Local Strategic Partnership, which is representative of a range of interests in the Councils area. The Community Strategy is subject to consultation but not an independent examination.

In the case of Wiltshire and Swindon there are actually two different Community Strategies reflecting the dual nature of this document.

View the most recent version of the Wiltshire's Community Strategy at <http://www.wiltshire.gov.uk/council/wiltshire-strategic-board.htm> or Swindon's Community Strategy at <http://193.113.179.211/communitystrategyforswindon.pdf>

Coherence, Consistency and Effectiveness Tests

There are four tests under this heading, test numbers 6-9. These are the tests that you are most likely to use as they relate to the content of the DPD - i.e. what the authority is proposing for your area.

Test 6

The strategies/policies/allocations in the plan are not coherent and consistent within and between Development Plan Documents (DPDs) prepared by the authority and by neighbouring authorities, where cross boundary issues are relevant.

The document should show how the policies and proposals within it relate to other relevant policies and proposals in the Councils area and in neighbouring areas.

Test 7

The strategies/policies/allocations fail to represent the most appropriate in all the circumstances, having considered the relevant alternatives, or they are not founded on a robust and credible evidence base.

The document should show how the policies and proposals help to ensure that the social, environmental, economic and resource use objectives of sustainability will be achieved.

Test 8

There are no clear mechanisms for implementation and monitoring.

The document should indicate who is to be responsible for making sure that the policies and proposals happen and when they will happen. Any measures, which the Councils have included to make sure that targets are met, should be clearly linked to an Annual Monitoring Report. This report must be produced each year by all local authorities and will show whether the Core Strategy needs amendment.

View the most recent version of the Wiltshire's Annual Monitoring Report at <http://www.wiltshire.gov.uk/environment-and-planning/planning-home/annual-monitoring-report.htm> and Swindon's <http://www.swindon.gov.uk/environment-forward/monitoring.htm>

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Test 9

The plan is not sufficiently flexible to enable it to deal with changing circumstances.

The plan should be flexible to deal with changing circumstances, which may involve minor changes to respond to the outcome of the monitoring process, or significant changes to respond to problems such as lack of funding for major infrastructure proposals. Although it is important that policies are flexible, the document should make clear that major changes might require a formal review including public consultation.

General advice

If you think the **content** of the document is not sound because it does not include a policy where you think it should do, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by any national planning policy or in the Regional Spatial Strategy? If so, it does not need to be included.
- Is what you are concerned with covered by any other policies in the document on which you are seeking to make representations or in any other document in the Councils Minerals and Waste Development Framework (MWDF)? There is no need for repetition between documents in the MWDF.
- If the policy is not covered elsewhere, in what way is the document unsound without the policy?
- If the document is unsound without the policy, what should the policy say?

If you feel that the Councils have not put forward sufficient evidence to justify a significant departure from national or regional policy, your comments should try to make it clear why you think the Councils case for departure is inadequate.

Conversely, you may feel the Councils should include a policy or policies, which would depart from national or regional policy to some degree in order to meet a clearly identified and fully justified local need, but they have not done so. In this instance it will be important for you to say in your representations, what the local circumstances are which justify a different policy approach to that in national or regional policy and support your assertion with evidence.

If you wish to make a representation seeking a change to the document or part of the document you should make clear in what way the document or part of the document is not sound having regard to the tests set out above. You should try to support your representation by evidence showing why the document should be changed. It will be helpful if you also say precisely how you think the document should be changed.