



# Report to Wiltshire County Council and Swindon Borough Council

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PLANNING AND COMPULSORY PURCHASE ACT 2004

SECTION 20

## REPORT ON THE EXAMINATION INTO THE WILTSHIRE & SWINDON MINERALS CORE STRATEGY 2006-2026

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## 1 Introduction and Overall Conclusion

- 1.1 Under the terms of section 20(5) of the Planning & Compulsory Purchase Act 2004, the purpose of the independent examination of a development plan document (DPD) is to determine:
  - (a) whether it satisfies the requirements of sections 19 and 24(1) of the 2004 Act, the regulations under section 17(7), and any regulations under section 36 relating to the preparation of the document, and
  - (b) whether it is sound.
- 1.2 This report contains my assessment of the Wiltshire & Swindon Minerals Core Strategy 2006-2026 ('the DPD') in terms of the above matters, along with my recommendations and the reasons for them, as required by section 20(7) of the 2004 Act.
- 1.3 I am satisfied that the DPD meets the requirements of the Act and Regulations. My role is also to consider the soundness of the submitted DPD against each of the tests of soundness set out in Planning Policy Statement 12 (PPS12). The current version of PPS12 (June 2008) was published during the examination. It has re-packaged the soundness tests and is a material consideration. Much of the examination, including the hearings, has made reference to the soundness tests in the former PPS12. However, I confirm that my assessment takes account of the current guidance in PPS12(2008) including the new soundness tests format.
- 1.4 The changes I have specified in this binding report are made only where there is a clear need to amend the document in the light of the soundness tests. None of these changes should materially alter the substance of the overall plan and its policies, or undermine the sustainability appraisal and participatory processes already undertaken.
- 1.5 My specified changes include most of the Proposed Changes formally advanced by the Councils in core document CD39, which I attach as an appendix. Those Proposed Changes were publicly advertised on 17 November 2008 and I have taken into account the subsequent representations made during the period to 5 January 2009.
- 1.6 My report firstly considers the legal procedural requirements, and then deals with the relevant matters and issues considered during the examination in relation to the tests of soundness, including conformity, coherence, consistency and effectiveness. My overall conclusion is that the DPD is sound, provided it is changed in the ways specified. The principal changes required are, in summary:
  - a) *The amendment of policy MCS1(A) to give some policy basis for the intended approach of looking first to the traditional areas of minerals supply for primary aggregates.*

- b) The removal of Mineral Consultation Areas in anticipation of the new administrative arrangements for Wiltshire.*
- c) The deletion of the first paragraph of policy MCS7, concerning the protection and enhancement of the environment.*
- d) Amendments to the Key Diagram, especially to correct the extent of the Mineral Safeguarding Areas and to make it clear that the defined areas of 'Other Naturally Occurring Resources' are not to be considered as Mineral Resource Zones.*

- 1.7 The report sets out the detailed changes required to ensure that the plan meets all the tests of soundness, referring where necessary to the Councils' Proposed Changes, a full copy of which is appended to my report. For convenience all the recommended changes are listed in Annex 1.
- 1.8 It should be noted that my references to DPD paragraph numbers relate to the submitted document and not to any new numbering resulting from the Councils' Proposed Changes.

## **2 Procedural Requirements**

- 2.1 The Minerals Core Strategy DPD was included in the Wiltshire Minerals & Waste Development Scheme (March 2006) and has more recently been included in the Wiltshire Local Development Scheme, approved in January 2009. It is also within the approved Swindon Borough Local Development Scheme (Second Review) dated December 2007. I am satisfied that the Minerals Core Strategy is generally in accordance with the current Local Development Schemes.
- 2.2 The Statements of Community Involvement for the two Councils have been found to be sound by the Secretary of State. That for Wiltshire was formally adopted in July 2006 and that for Swindon was adopted in January 2007. It is evident from the documents submitted by the Councils, including the Regulation 28 and 31 Statements and their DPD Soundness Self Assessment, that the Councils have met the related requirements as set out in the Regulations.
- 2.3 I find that the DPD has regard to the Community Strategies for the Plan area.
- 2.4 Alongside the preparation of the DPD it is evident that the Councils have carried out a parallel process of sustainability appraisal. I am also satisfied that a 'Habitats Regulations Assessment' has been undertaken (CD14) and that there would be no significant harm to the conservation of any 'European sites' as a result of the policies and proposals in the DPD.

- 2.5 Accordingly, I conclude that the procedural requirements have all been met. In addition, I infer from the South West Regional Assembly's letter of 13 May 2008 (CD29) that it finds the DPD to be in general conformity with the draft revised Regional Spatial Strategy for the South West. That document is now subject to the Secretary of State's Proposed Changes and in view of its advanced stage of preparation it carries considerable weight in my assessment. For convenience I refer to this latest stage as 'the RSS' in my report.

### **3 Soundness of the DPD**

- 3.1 The format of this part of my report follows that of the 'List of Main Matters' for the Examination and I deal with the main issues in the same order as set out in that List.

#### *MATTER 1 - GENERAL ISSUES*

##### ***Issue 1.1: What basis is there for the view that policies MCS1(A-C) and MCS7 give undue weight to protection of environmental / amenity interests and too little commitment to meeting the need for the minerals?***

- 3.2 The policies concerned are couched in general terms and clearly embrace the aim to make sufficient provision to meet demand for aggregate minerals in accordance with national and regional policies. That said, the wording of the second paragraph of policy MCS1 is clumsy and I accept that it would be going too far to require the avoidance of all adverse impacts. That is not the intention of the policy: hence its reference to mitigation and compensation.
- 3.3 The revised wording in Proposed Change PC005 provides the necessary clarification, and I believe that it strikes a reasonable balance without the need to introduce wording based on 'minimising impacts'.
- 3.4 The DPD does recognise the hierarchy of designated sites and it refers to this in the supporting text to policy MCS7. Given the strategic nature of the DPD and the generic form of the criteria in policy MCS1(B) it is not unreasonable to leave to the Minerals Development Control Policies DPD any detailed policy criteria that reflect the weight to be given to local constraints. As far as the higher levels of the hierarchy are concerned this is already set down in national and regional planning policies. I do not consider that it is necessary for the Minerals Core Strategy DPD to go any further in this respect.
- 3.5 I appreciate the need for the DPD to allow adequate flexibility, particularly in respect of finding ways of meeting both air safety and Biodiversity Action Plan objectives. However, it is not apparent

to me that the DPD gives undue weight to the need for minerals restoration schemes to create the kind of habitats that cause minerals development proposals to founder on consequent air safety difficulties. I consider the implications further under issue 9.3 below.

- 3.6 In terms of this issue I conclude that, subject to Proposed Change PC005, the balance struck in the DPD is the most appropriate and there is no failure in terms of the soundness tests.

***Issue 1.2: How will the Minerals Core Strategy achieve or monitor the more efficient use of the primary minerals resource and reduction of minerals waste envisaged in strategic objective 1?***

- 3.7 In my view the DPD can contribute to the pursuit of these worthy aspects of strategic objective 1, particularly through policy MCS2. As recognised in the reasoned justification of that policy, there are also relevant links with the Waste Core Strategy. However that is not a good reason for removing the efficiency considerations from the Minerals Core Strategy where they have implications for the quantity or location of mineral extraction.
- 3.8 Despite the widely recognised difficulties in obtaining full information for monitoring policy MCS2, I consider that in general terms the monitoring provision made in the DPD is adequate, notwithstanding the detailed adjustments that I examine further under Matter 3 below. In particular that provision includes an indicator reflecting the desirability of considering the more economical use of primary aggregates.
- 3.9 I conclude that the DPD is not unsound in these respects.

***MATTER 2: POLICY MCS1 - MEETING THE NEED FOR MINERALS***

***Issue 2.1: Are the approach and objective described in paragraph 5.9 and the requirement stated in Table 3 adequately reflected in the policy?***

- 3.10 While it would be preferable to express the provision made in policy MCS1 in clear quantitative terms, as has been done in paragraph 5.9 and Table 3 of the reasoned justification, I can see that the more general commitment expressed in the first paragraph of policy MCS1 would accommodate any changes in figures that emerge from the review of the Regional Guidelines and the subsequent sub-regional apportionment. In this way the policy achieves the flexibility advised in PPS12(4.14). I accept that the policy commitment is adequate and sound.

- 3.11 Paragraph 5.9 goes on to describe the approach of making provision in the traditional areas of supply, and then looking to alternative resource areas towards the end of the plan period. This has strategic spatial implications that should be, but are not, reflected in the policies. At the hearings I found no good reason to confine it to the reasoned justification. An appropriate addition to the policy would remove a potential source of uncertainty and make the DPD coherent. Accordingly I recommend adding a sentence to policy MCS1(A).
- 3.12 At the hearings it also became clear that the 'Other Naturally Occurring Resources' indicated on the Key Diagram and the Proposals Map are not intended to be Mineral Resource Zones, despite being listed under that heading in the keys. I therefore support the Proposed Change (PC071) to the Key Diagram, which corrects that fault. This amendment has spatial implications and I believe it to be necessary to make the DPD sound. The Proposed Change also makes important amendments to the extent of the Mineral Safeguarding Areas on the Key Diagram to achieve consistency with the text (see also issue 5.3 below). These amendments should also be made to the Proposals Map.
- 3.13 The approach described in paragraph 5.9 is further developed in Table 5, which contains details of appropriate development phases for each Mineral Resource Zone. Despite the impression that could be gained from the first sentence of 5.10 the Councils confirmed at the hearings that it was not the intention that Table 5 should have any policy status. I therefore take it to be illustrative and a useful way of summarising information upon which the Councils have based their general approach. Again, limited changes to paragraphs 5.10 and 5.11 are required to achieve consistency, effectiveness and justification.
- 3.14 With the following changes I conclude that the DPD would be sound in respect of this issue.
1. Add the following sentence to form the last paragraph of policy MCS1(A): *'In making the necessary provision the Councils will look first to the traditional areas of supply referred to in paragraph 5.5 and included within the first three of the above Mineral Resource Zones'.*
  2. Amend the Key diagram in accordance with Proposed Change PC071 and make the same amendments to the Proposals Map.
  3. Replace the first line of paragraph 5.10 with the following: *'Therefore, Core Strategy Policy MCS1(A-C) sets out the ...'.*
  4. Replace the word 'clarify' with 'illustrate' in the fourth line of paragraph 5.11.

***Issue 2.2: Does the policy need to give clear quantitative guidance on the provision to be made in the Site Allocations DPD,***

***with contingency measures to take account of revised sub-regional apportionments?***

- 3.15 To some extent I deal with the issue of quantitative guidance in issue 2.1 above. I go a little further here because the supporting text for policy MCS1 should indicate that the sand and gravel provision requirements set out in Table 3 will need to be reviewed in the light of the new national and regional guidelines for aggregates provision and the subsequent new sub-regional apportionment. These could amount to significant changes in circumstances. They should at least be recognised in the reasoned justification for policy MCS1, even though the practical implications are addressed in Chapter 6 (particularly pages 51-53). In this regard Proposed Change PC004 would add a sentence to paragraph 5.7 and I consider that this would provide adequate clarification. It would also serve to indicate that the flexibility of the policy enables it to deal with such changes in circumstances.
- 3.16 At the hearings consideration was given to the testing of the proposed provision, having regard to national policy in paragraph 3.8 of Annex 1 of MPS1. From the Sustainability Appraisal and other parts of the evidence base I am generally satisfied that the proposed level of provision can be made without unacceptable effects on amenity and the environment. The level of provision appears to be materially higher than that in the current Minerals Local Plan, but I find no firm basis for the view that it would be excessive. I am also conscious that the policy is firmly underpinned by policy RE11 of the RSS, and that more specific testing will need to be undertaken in preparing the Minerals Site Allocations DPD.
- 3.17 I do not share the view that there is a lack of consideration of phasing and infrastructure, or that there would be a critical shortfall in the infrastructure required to support the proposed level of provision. It appears that road transport is a particular concern. The DPD itself identifies the need to improve the road network in the central section of the Upper Thames Valley and indicates that all new minerals development proposals should be accompanied by transport assessments. Policy MCS8 indicates the need for proposals to address phasing and traffic matters among other things, and its reasoned justification refers to the role of 'Section 106 agreements'. I do not consider it necessary in this case for the Minerals Core Strategy to go further in identifying specific improvements, particularly in respect of minor roads: it would in any event be difficult to do so until it is clear, from the Minerals Site Allocations DPD, exactly which parts of the Mineral Resource Zones are likely to be developed.
- 3.18 It is not necessary for the provision in policy MCS1 to reflect the decline in overall demand for primary aggregates described in the Draft Revised National and Regional Guidelines for Aggregates Provision in England: 2005-2020 (CD730). It is clear from



3.19 I conclude that, subject to Proposed Change PC004, the provision made in policy MCS1 is appropriate and in accordance with national and regional planning policy. The related soundness tests are met.

***Issue 2.3: Should specific provision be made for soft / building sand, having regard to MPS1(A3.7&A4.5)?***

3.20 A small proportion of aggregates production in Wiltshire and Swindon supplies specialist uses, such as sand for asphalt or mortar. The Councils point out that available techniques now allow materials for those uses to be supplied from quarries supplying sharp sand and gravel. There would appear to be little value in making separate landbank provision for soft / building sand in this plan area. There is no argument to the contrary and no clear conflict with Government guidance, which indicates only that separate provision **may** be appropriate. I conclude that there is no lack of soundness in respect of this issue.

***Issue 2.4: Given the period of the Core Strategy, shouldn't the requirement in Table 3 include the need to maintain the landbank until 2026, having regard to paragraph 3.7, and also to policy RE11 of the emerging RSS?***

3.21 Having regard to RSS policy RE11 and to the apparent intention of paragraph 3.7 of the Minerals Core Strategy I would have expected Table 3 to maintain the landbank until 2026. However, I can see that in practice there would be little to be gained in making provision now for minerals development in the 7 years following 2026. For one thing the forthcoming sub-regional apportionment will set a new scene for the quantitative provision to be made in the years ahead, and will lead to a review of the provision to be made in the Minerals Site Allocations DPD. I also take the Councils' points about the limitations of the forecasts upon which the current projections are based, and the guidance in MPS1(Annex 1: 4.2), which supports their intentions for review and updating. The latter will in due course include Table 3 and will enable more appropriate provision for the landbank taking into account the need for its maintenance to 2026.

- 3.22 Therefore I do not find the DPD to be unsound on the basis of Table 3. However, for consistency within the DPD I do support the need to change paragraph 3.7 in accordance with Proposed Change PC002.
- 3.23 To meet the soundness tests I also support Proposed Changes PC045 and PC047, in order to indicate an appropriate response to a change in the sub-regional apportionment on page 53 of the DPD. I do not accept that proposals to review the DPD need to be in the form of a policy statement rather than in the tabulations in Chapter 6 of the DPD. The provision for monitoring and implementation in Chapter 6 is already covered by the general statement in policy MCS11.
- 3.24 In respect of this issue I conclude that, subject to Proposed Changes PC002, PC045 and PC047, the DPD is sound.

***Issue 2.5: Because the sub-regional apportionment is based on the period 2001-2016 shouldn't the provision to be made in the Core Strategy be adjusted to take account of actual production during the period 2001-2005?***

- 3.25 Actual production during the period 2001-2005 was lower than the sub-regional apportionment rate for Wiltshire of 1.85 Mt. As the latter is an annualised production rate based on the total of 29.66 Mt for 2001-2016, I have some sympathy, in principle, with the view that provision in Table 3 should be adjusted to make up for the shortfall in 2001-2005. However, the difference is relatively small and in practice it would not have a significant effect on provision in later years. This was not disputed at the hearings. There is not a sufficient basis here for me to conclude that the DPD is unsound.

***Issue 2.6: With regard to paragraph 3.13 and policy MCS1, does the Core Strategy ensure that there is adequate provision for crushed rock aggregates?***

- 3.26 I have some reservations about paragraph 3.13, which gives the impression that due to their combination with Dorset in the 2001-2016 sub-regional apportionment there is no need for Wiltshire and Swindon to make positive provision in respect of crushed rock aggregate. However, I heard that landbanks for both plan areas are already substantial and that there is no practical need to make additional provision in the DPD.
- 3.27 With the additional reasoning in Proposed Change PC003, my reservations about the reasoned justification are reduced to the extent that I accept the general soundness of this part of the DPD. I conclude that PC003 should be made and that it is sufficient to make the DPD sound in respect of this issue.

***Issue 2.7: Is it unrealistic of the second paragraph of policy MCS1 to require all proposals to demonstrate that they avoid environmental impacts?***

3.28 In dealing with Issue 1.1 I have already given my support to the Councils' proposed re-phrasing of the second paragraph of policy MCS1. Proposed Change PC005 presents a rational form of words and a realistic stance that does not require all impacts to be avoided. I consider that the Proposed Change would enable the soundness tests to be met in relation to this issue.

***Issue 2.8: Is the designation of a Mineral Resource Zone to the SE of Salisbury appropriate, given the needs to protect nearby wildlife habitats of international importance, the tranquillity of the nearby National Park, and the amenity of local communities presently protected by the vehicle weight limit?***

3.29 There is an active mineral working in this Mineral Resource Zone. It has ready access to the A36, part of the Wiltshire Heavy Goods Vehicle Route Network. I have no firm evidence to show that it has had significant adverse impacts on the National Park or other nearby sensitive sites or communities. Nor do I have any firm grounds for believing that it significantly affects the purposes of the vehicle weight restriction order that has recently been made in the area.

3.30 Similarly, given the extent of the Mineral Resource Zone, I have no good reason to suppose that further workings at suitable sites within the Zone would have unacceptable impacts on surrounding areas, despite the fact that some of those areas are sensitive and of national or international importance for their natural beauty (including tranquillity) or scientific / wildlife interest. Apart from the fact that those areas are protected by national policies and legislation, I would expect policies in the Minerals Core Strategy and the Development Control Policies DPDs to be capable of steering any minerals development allocations to suitable locations within the Zone and of providing adequate protection.

3.31 I can see that the amount of mineral development in this Mineral Resource Zone would be significantly constrained by road limitations, including the need to protect the rural character of roads and the amenities of those using and living alongside them. But policies do not indicate that anywhere within the zone would be acceptable for development and, again, it is not evident to me that the constraints are such as to rule out all new development here, notwithstanding the particular experience of the local community with the development at Pound Bottom.

- 3.32 The criteria in policy MCS1(B) are described as indicative and generic but I consider that they do cover the range of interests concerned and pave the way for more specific and definitive criteria in the Minerals Development Control Policies DPD. I see nothing to indicate that they are intended to be restricted to taking account of impacts **within** the plan area: indeed paragraph 5.62 indicates to the contrary, albeit not expressly in relation to policy MCS1(B).
- 3.33 In short, I am not convinced that the Mineral Resource Zone to the South East of Salisbury is inappropriate or that there would not be adequate provision to safeguard important interests in the surrounding area. In this respect I conclude that the DPD is sound.

***Issue 2.9: Does the designation of a Mineral Resource Zone to the SE of Salisbury take adequate account of the limited capacity of the A36 and would it add unacceptably to the existing severe congestion on that route?***

- 3.34 The A36 either side of Salisbury is designated as a Local Lorry Route in the Wiltshire Heavy Goods Vehicle Route Network. I have witnessed use of the A36 and have examined related evidence in the Sustainability Appraisal (CD13), the Local Transport Plans (CD109-110) and Evidence Base (CD21). Nothing I have seen, read or heard provides any firm basis for the view that the A36 has inadequate capacity to accommodate the likely order of traffic increase resulting from the increase in minerals provision in policy MCS1. Such an increase would be small in relation to the total use of the A36 and I conclude that it would not have an unacceptable impact on any existing congestion along that route.

***Issue 2.10: More generally, is it evident that highway capacity is adequate to accommodate the traffic that would result from this policy, even with the encouragement of alternative sustainable transport?***

- 3.35 Again, having regard to the same evidence and to the Councils' Statement of Clarification<sup>1</sup> on issues 2.9 and 2.10, I find no firm grounds to question the general adequacy of the highway network to accommodate the traffic generated by policy MCS1. Necessarily the assessment of transport implications is made in broad terms at this stage given that the Minerals Core Strategy does not provide for specific increases in minerals production at particular sites or Mineral Resource Zones.
- 3.36 There will still be a need to make a more detailed assessment of site specific proposals in the Minerals Site Allocations DPD or coming forward elsewhere during the plan period. At that stage development control policies would be applied to ensure

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<sup>1</sup> Ref: WCC/SBC/PS/MCS-MM2(supplement)

compatibility with the highway network: particularly those policies that flow from policies MCS1(B) (especially the seventh bullet point) and MCS9 of the Minerals Core Strategy.

- 3.37 In respect of this issue I conclude that the provision made in policy MCS1 is the most appropriate in the circumstances and that the DPD is sound.

***Issue 2.11: Is there a need to clarify the latter part of the first indicative criterion of policy MCS1(B) by an amendment indicating that recycling proposals, in particular, should be guided by the Waste Core Strategy DPD?***

- 3.38 The Councils accept the need to clarify this criterion and have therefore brought forward Proposed Change PC007. I support the Proposed Change, which provides coherence with the Waste Core Strategy and enables the soundness tests to be met.

***Issue 2.12: Is policy MCS1(C) specific enough to be of any benefit in terms of achieving the collaborative working envisaged in the vision and strategic objective 5?***

- 3.39 I have some doubt about the practical value of policy MCS1(C) as it does not appear to go much further than the Vision or Strategic Objective 5. However further details are included in Chapter 6, concerning implementation, and in other policies such as MCS5. The intention of the policy is commendable and I do not find that any shortcomings are such as to render it inappropriate or make the Minerals Core Strategy unsound.

***Issue 2.13: In considering deviations from the policy, should it be made clear that the second row of the table on page 53 relates only to sand and gravel, bearing in mind that MPS1 advises a 10+ year landbank for crushed rock?***

- 3.40 Proposed Changes PC045 and PC047, which involve the deletion of the second row of the Table, and which I support (see issue 2.4 above), effectively remove this issue.

***Issue 2.14: With regard to the same part of this table, is the Council's treatment of proposals as departures reasonable (given the uncertainty of Preferred Areas), and is it consistent with the need for flexibility as referred to in Government guidance (MPS1/p.15)?***

- 3.41 Again, Proposed Changes PC045 and PC047 would effectively remove this issue since the latter Change would delete the second row of the table.

### **MATTER 3 - POLICY MCS2 – SECONDARY AND RECYCLED AGGREGATES**

#### ***Issue 3.1: Is there a sufficiently clear mechanism for implementing and monitoring policy MCS2?***

- 3.42 The group of Proposed Changes PC008 – PC019 serve to clarify the reasoned justification for the policy. They explain the information deficiencies, the relationship to the RSS, and how the policy would be implemented. Proposed Changes PC048 and PC049 clarify possible deviations from the policy and the Councils' response, while Proposed Changes PC059 – PC062 clarify the related indicators, targets and thresholds for policy review. In my assessment all these Proposed Changes, taken together are sufficient to provide for the effective monitoring and implementation of the policy. I refer to some of them again in dealing with some of the more specific Matter 3 issues below.
- 3.43 The wording of the policy itself is not as robust as some would like. While I to some extent share this concern, I find no alternatives that I can be sure are both practicable and more effective and appropriate than policy MCS2. As the Councils indicate, operating the policy will enable them to improve their understanding of aggregates recycling and to refine the policy in due course. The policy relates well to the DPD's vision and strategic objectives and I conclude that with Proposed Changes PC008-PC019, PC048-PC049, and PC059-PC062 it would be a sound element of the Minerals Core Strategy.
- 3.44 I should add that I rely on the Proposed Changes themselves and not on the consolidated text in Appendix 2 of the Schedule of Proposed Changes, as that consolidated text contains discrepancies.

#### ***Issue 3.2: Is the relevant text on pages 29-30, 54 and 63 adequately coherent and consistent?***

- 3.45 The Proposed Changes referred to under issue 3.1 are intended, at least in part, to address this issue. I accept that they would provide adequate coherence and consistency between the policy and its reasoned justification and the provision for monitoring and review. Therefore I also support the Proposed Changes for their part in meeting the soundness tests.

#### ***Issue 3.3: Will the identification of sites in pursuit of policy MCS2 be in the Minerals Site Allocations DPD? If not, which DPD and***

**when?**

- 3.46 Proposed Change PC016 explains how policy MCS2 will be followed through in both the Minerals Site Allocations DPD and the Waste Site Allocations DPD. It clarifies the implementation arrangements and, again, I support it for its contribution to the soundness of the DPD.

***Issue 3.4: Will sites be identified at all the locations in categories a, b and c; and if not, how many sites do the Councils aim to identify?***

- 3.47 Proposed Change PC013 explains that the RSS does not set targets for local authorities, and together with Proposed Change PC016 I accept that it would provide an adequate background to policy implementation in relation to this issue. I note that there is some related information on quantitative requirements in the Waste Core Strategy. I have already endorsed the two Proposed Changes and conclude that they are sufficient to address this issue.

***Issue 3.5: How will the second monitoring indicator on page 54 show any increase in the use of secondary and recycled aggregates?***

- 3.48 It is a weakness of this part of the Core Strategy, and the table on page 54 in particular, that there is no reliable indicator to directly monitor the use of recycled aggregates. This is understandable in view of the shortcomings in available information. However I accept that the indicators described in the table are sufficient to allow the Councils to detect and respond to deviations from the policy. I do not find a failure here in terms of soundness.

***Issue 3.6: For monitoring purposes how will it be determined whether 'due consideration' has been given to the use of recycled aggregates?***

- 3.49 The third indicator in the table on page 63 is couched in terms of showing "due consideration". The Councils explain that this requires developers to make assessments of the potential options for use of alternatives to primary aggregates. While it would have been helpful to have made this clear in the supporting text I accept that this is not vital for the soundness of the Minerals Core Strategy.

***Issue 3.7: With regard to the third indicator on page 63, what are considered to be 'relevant proposals'?***

- 3.50 For the third indicator to be stated in terms of “relevant applications” is unnecessarily vague. The Proposed Change PC061 amends this to “applications for major development”, for which there is a statutory definition. Other Proposed Changes, including PC049 and PC062, provide some consistency and clarification. Again I support these Changes, which make for effective monitoring and compliance with the soundness tests.

#### **MATTER 4 - POLICY MCS4 – SUPPLY OF BUILDING STONE**

***Issue 4.1: What is the timescale for the production of the Building Stone DPD (paragraphs 5.29-30) and why is this not the subject of a policy/proposal in the same way as policy MCS5?***

- 3.51 The Councils recognise that the proposed production of the Building Stone DPD will need to be included in the Local Development Schemes. Proposed Change PC020 would add to policy MCS4 some of the reasoned justification in paragraph 5.31. However, the text concerned only describes who the Councils will work with and it would add little to the substance of the policy. While I can see that it would reflect the collaborative working content of policy MCS5 I do not consider that this is necessary to make policy MCS4 sound. Nor are any other changes necessary for that purpose. Paragraphs 5.29 and 5.30 provide some context for policy MCS4 and I conclude that it is not vital to the soundness of the document to provide further detail and commitment to the proposed DPD in the policy or its reasoned justification. Nor in my view is it necessary to delete the existing reference to the building stone DPD, limited though the benefit of including this reference appears to be.

#### **MATTER 5 - POLICY MCS6 – SAFEGUARDING MINERAL RESOURCES AND FACILITIES**

***Issue 5.1: Are the monitoring indicators on page 57 adequate to reveal deviations from policy MCS6?***

- 3.52 I have particular concerns about the definition of the indicators on the second and third rows of the table on page 57. These concerns are adequately addressed by the Proposed Changes PC053, PC054, PC055 and PC056, which would remove the third row and redefine the items in the second row to allow effective monitoring and responses to impacts from non-mineral development in the Mineral Safeguarding Areas. I recommend the Proposed Changes, which would provide soundness in terms of monitoring and implementation.



- 3.53 Although not directly concerned with this issue I also support Proposed Changes PC051 and PC052 to the same table. They are required to reflect the new unitary status of Wiltshire. Accordingly they delete references to the Mineral Consultation Areas, and I accept that they are necessary.

***Issue 5.2: Are there reasons for not including clear thresholds in the monitoring table on pages 64-65?***

- 3.54 In response to this issue the Councils have brought forward some Proposed Changes to clarify parts of the policy MCS6 monitoring table on pages 64-65.
- 3.55 In the first row of the table, Proposed Change PC063 would remove the word "significant" and thus provide the certainty required to identify the threshold. I am not sure why the indicator (subject to PC055) in the second row of the table on page 57 is not proposed to be included in its changed form as the second indicator under policy MCS6. However, that does not itself make the document unsound: at least both indicators are present, albeit not in the same part of the document. Finally, Proposed Change PC066 succeeds in clarifying the last of the indicators and thresholds for policy MCS6. I conclude that the Proposed Changes are necessary to provide a clear mechanism for monitoring and implementation.
- 3.56 Again I should add that I also support Proposed Changes PC064 and PC065 to the same part of the table on pages 64-65, as they are required to reflect the new unitary status of Wiltshire and the need to delete references to the Mineral Consultation Areas. To meet the soundness tests I accept that they are necessary.
- 3.57 In summary, Proposed Changes PC063-PC066 are required to make the DPD sound.

***Issue 5.3: Is there reasonable coherence and consistency between policy MCS6 and its reasoned justification, the Key Diagram and Proposals Map in respect of the MCAs / MSAs? For example why do the MSAs on the Key Diagram not include all the Mineral Resource Zones, why isn't Wootton Bassett RAD shown as a MCA, why aren't recycling facilities shown, and why don't the MCAs on the Proposals Map mirror those on the Key Diagram?***

- 3.58 The Councils accept that some of the Mineral Safeguarding Areas have been omitted from the Key Diagram and Proposals Map, due to printing errors. This creates inconsistency within the DPD, particularly with regard to the safeguarding of the Mineral Resource Zone to the west of Calne and the land around Wootton Bassett RAD. These errors are corrected by Proposed Change PC071 to the Key Diagram (see Appendix 1 of CD39).

- 3.59 Proposed Change PC071 would also delete the Mineral Safeguarding Area along the valley between Salisbury and Warminster. As with the other defined areas of 'other naturally occurring resources' I heard that this is an area that the Councils had not intended to list with the Mineral Resource Zones on the Key Diagram (see also issue 2.1). Proposed Change PC022 explains why 'other naturally occurring resources' are not safeguarded, and I accept the need to add the proposed text to the reasoned justification for the coherence of the DPD.
- 3.60 Although I regard these discrepancies as potentially significant, I do not find that their correction by means of the above Proposed Changes has any implications for the Sustainability Appraisal.
- 3.61 Proposed Change PC031 affects policy MCS6 itself. The content of the proposed replacement text for the last sentence deals with **internal** procedural matters within the Councils. It does not have spatial significance and it appears conspicuously out of place within a Core Strategy policy statement. The existing text forming this last sentence of policy MCS6 cannot remain because it concerns the Mineral Consultation Areas, which will become redundant with the new unitary administrative status for Wiltshire. Since it also adds nothing of value to the policy I conclude that the sentence should be deleted and not replaced.
- 3.62 Proposed Change PC030 also affects the policy statement and I accept that this is required to define and give force to the Mineral Safeguarding Areas, which would not otherwise be referred to as such in the policy. Otherwise, I find the wording of the policy to be sufficiently clear and consistent with its supporting text. The use of the word 'safeguard' is not lacking, and in applying the concept of Mineral Safeguarding Areas there is no conflict with Government policy in MPS1(13) as far as I can see.
- 3.63 In summary I conclude that Proposed Changes PC030, PC022 and PC071 are necessary for the consistency and coherence of the DPD; and that the last sentence of policy MCS6 should be deleted. These changes would assist in making the DPD sound.
- 3.64 Incidentally I note that just prior to the publication of the Proposed Changes Proposed Change PC071 was given its reference number to make it distinct from PC070. PC070 now applies solely to the deletion of the word 'draft' (in relation to the RSS) throughout the document. That is a very minor and unrelated change that I endorse. I qualify this simply by adding that in the event that the Regional Spatial Strategy is not adopted before the adoption of the Minerals Core Strategy the following sentence should be inserted after the first sentence of paragraph 1.9 of the Minerals Core Strategy: *'The new RSS, as referred to below, is presently subject to the Secretary of State's Proposed Changes and is therefore at an advanced stage of preparation'*.

## **MATTER 6 - POLICY MCS7 – PROTECTION AND ENHANCEMENT OF THE ENVIRONMENT**

### ***Issue 6.1: Is the first sentence of policy MCS7 consistent with Government policies?***

- 3.65 In dealing with this issue I find it necessary to look not just at the first sentence of policy MCS7 but at the first paragraph as a whole. The interpretation of the paragraph depends to some extent on how the second sentence follows on from the first.
- 3.66 The policy begins by referring to the significant proportion of the plan area that is of environmental importance. While stating in the first sentence that minerals development should ensure the protection and enhancement of environmentally important areas, the second sentence recognises that this may not be possible. By tying protection and enhancement together in this way it might be inferred that if protection is not possible then the policy would not necessarily aim to secure enhancement. I can see that this interpretation, although probably unintentional, would not be in accordance with Government policy in PPS9. It is a key principle of that policy<sup>2</sup> that plan policies “...*should aim to maintain, and enhance, restore or add to biodiversity and geological interests*”. From this I take it that policies should aim to secure enhancement measures even where, in a particular case, protection is not possible.
- 3.67 The aim of the Councils here is to establish a clear strategic statement on environmental protection, but for the above reasons I consider that the policy contains an implication or ambiguity that could bring it into conflict with Government policy. The Councils' Proposed Change PC039 would rephrase the beginning of the second sentence as “*In exceptional circumstances where this may not be possible ...*”. That does not overcome the problem but simply extends the uncertainty to the question of what would constitute exceptional circumstances.
- 3.68 I accept that the policy is intended to be a strategic statement rather than a development control policy, and that it would be possible to amend the wording so as to remove any conflict with Government policy. However, due to the level of generalisation in the first paragraph of MCS7 the amended wording would add nothing of value to Government policy or to strategic policy that will shortly be adopted in the RSS. In particular I have in mind policy ENV1 of the RSS, to which policy MCS7 bears some resemblance.

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<sup>2</sup> See paragraph 1(ii) of PPS9

- 3.69 I do not accept that the first paragraph of policy MCS7 is justified on the basis of local distinctiveness. While there is reference in the first two lines to the environmental importance of Wiltshire and Swindon, those lines begin "*In recognition of ...*" and I take them to be part of the background to the policy rather than its real substance. The latter begins just after this, with the words "*... minerals development should ...*".
- 3.70 Guidance complementing PPS9 is contained in '*Planning for Biodiversity and Geological Conservation: A Guide to Good Practice*'. The Councils drew my attention to paragraph 4.34, which refers to the role of overarching policies in a Core Strategy, and their provision of 'strategic hooks' for more detailed policies in further DPDs. I do not consider that this justifies the first paragraph of policy MCS7 because there are likely to be adequate strategic hooks in the Vision and in Strategic Objective 4 of the Minerals Core Strategy, as well as in RSS policy ENV1. Moreover, paragraph 4.31 of the above Guide to Good Practice states that a Core Strategy should provide criteria-based policies for biodiversity and geological conservation, and that it should refer to, but not repeat, policies from either PPS9 or the RSS. I also note that the first paragraph of policy MCS7 does not deal meaningfully with any of the checklist of issues set out on page 38 of the Guide to Good Practice.
- 3.71 For these reasons I conclude that the first paragraph of policy MCS7 is problematic and adds nothing of value to the DPD. It lacks consistency with Government policy, and I conclude that it should be deleted. Consequently the following changes should be made to the supporting text.
- 3.71.1 The first two sentences of paragraph 5.66 should be replaced by the following sentence: '*The strategic approach to the protection of the natural and historic environment is to be found in policy ENV1 of the Regional Spatial Strategy for the South West*'.
- 3.71.2 Change the first word of the third sentence of paragraph 5.66 from 'This' to 'That'.
- 3.71.3 Change the title of policy MCS7 to 'Flooding'.
- 3.71.4 Delete the word 'also' in the first line of paragraph 5.64.

***Issue 6.2: In particular, in terms of nature conservation does policy MCS7 meet the requirements of PPS9 in respect of enhancement?***

- 3.72 As indicated in dealing with issue 6.1, I infer from PPS9 that the Minerals Core Strategy policies should aim to secure enhancement from a minerals development even if protection of features of nature conservation value is not possible. In this respect the first

two sentences of policy MCS7 can be interpreted in a way that is not consistent with the meaning of PPS9(1[ii]). This inconsistency is unintentional but significant. The representations strengthen my view that policy MCS7 would give rise to interpretational problems, and I conclude that the first two sentences of the first paragraph should be deleted to achieve consistency with Government policy.

***Issue 6.3: If the last sentence of the first paragraph is intended to require adherence to policies that apply to different levels in the site hierarchies for landscape, nature conservation, and historical features, then what purpose is served by the rest of the paragraph? Does it have any locally distinctive aspects that justify its inclusion in the Core Strategy?***

3.73 The Councils accept that the last sentence of the first paragraph of policy MCS7 does not give any additional value to the policy, and accordingly they propose its deletion. I share that view, and because I have just come to the same conclusion for the rest of the paragraph I conclude that the whole of the first paragraph of policy MCS7 should be deleted. Were the last sentence to remain, the DPD would lack the coherence demanded by the soundness tests.

***Issue 6.4: Does the second sentence of the first paragraph need to be clarified and made more robust?***

3.74 While accepting that the existing text is unsound, I am not satisfied that the various alternative suggestions for the first paragraph of policy MCS7 are more appropriate than the course I recommend. I conclude that the deletion of the first paragraph would also serve the related soundness test. As indicated under issue 6.1 above, a comparable strategic context is already provided by the RSS. The Minerals Development Control Policies DPD presents an opportunity to devise a locally applicable development control policy. I conclude that it is not essential to clarify or strengthen the first paragraph of policy MCS7 for the purposes of the Minerals Core Strategy.

***Issue 6.5: Should the policy include consideration of cross-boundary effects as referred to in paragraphs 5.56 and 5.62?***

3.75 There is no need to include consideration of cross-boundary effects in policy MCS7, especially in view of my above conclusions. Indicative criteria relating to a variety of effects are listed in policy MCS1(B) and the policy does not confine such consideration to within the boundaries of the plan area. Lest there be any doubt, paragraphs 5.56 and 5.62 confirm the position. Moreover, as far as the national and international designations adjacent to the plan area are concerned there are of course statutory duties<sup>3</sup> and

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<sup>3</sup> Not least, Section 62(2) of the Environment Act 1995

national and regional planning policies to reinforce the need to consider cross-boundary effects. As far as the National Park is concerned this is recognised by the DPD from the outset (see paragraph 1.2). If it is the intention of the Councils simply to apply national or regional policy in their decision making they do not need to reiterate it in the DPD in order to do so; nor reformulate it by devising a similar kind of wording that achieves the same result.

- 3.76 I can understand the concern about the need for rigorous policy criteria to control development where it might affect any sensitive area. But I am conscious that the Minerals Development Control Policies DPD is to be part of the local development framework for the plan area, and so it is reasonable to expect that its policies will be consistent with the Minerals Core Strategy and higher level policies and will also be specifically attuned to development control.
- 3.77 I conclude that there is no lack of soundness as a result of the non-inclusion of a reference to cross-boundary effects in policy MCS7.

***Issue 6.6: What provision is made for considering the effects on non-designated sites, and is this adequate?***

- 3.78 One of the policy MCS1(B) indicative criteria for guiding the location of minerals development is *"the likely effects on designated sites and other environmentally valuable features"*. This is clear enough and I see no need for further provision for non-designated sites in the policies of the Minerals Core Strategy. Proposed Change PC038 to paragraph 5.66 serves to emphasise the point. It may be considered an improvement but I do not consider it to be necessary to make the DPD sound.

***Issue 6.7: For the purpose of identifying the designated land the subject of policy MCS7, is there any justification for omitting Conservation Areas and Special Landscape Areas from Table 6 and Ancient Woodlands from Table 7?***

- 3.79 I do share the concern about the definition of the hierarchies of designations set out in Tables 6 and 7 of the DPD. The Councils accept that there are omissions and propose to remedy matters in Proposed Changes PC035 and PC036. The Changes would add conservation areas, ancient woodlands and other areas of interest to the Tables. I accept the reason for not including Special Landscape Areas, having regard to the new strategic approach to landscape character described in RSS policy ENV2. The omissions could be significant in that the Tables set points of reference for subsequent DPDs. I therefore endorse the Proposed Changes. They help ensure that the Core Strategy is appropriate and sound.

***Issue 6.8: Does the last part of the second paragraph of policy MCS7 need to make it clear where it would be "appropriate" to***

***provide additional flood storage capacity?***

- 3.80 There is presently uncertainty in the policy in that it is not clear how developers would know whether or not they would be required to provide additional flood storage capacity. The words 'where appropriate' are not very helpful in this respect.
- 3.81 This is adequately addressed by Proposed Change PC037 and that part of PC039 that affects the second paragraph of policy MCS7. These Changes add that the opportunities or needs for additional flood storage would be identified through the flood risk assessments. To the extent indicated above I support those Proposed Changes, which help to make the DPD sound.

***Issue 6.9: What is the justification for requiring the provision of additional flood storage capacity to benefit other land uses where this is not necessary to offset any increased flood risk arising from the development itself?***

- 3.82 The provision of additional flood storage capacity may be considered as a benefit of a mineral development proposal, to be taken into account along with its other impacts, both positive and negative. I believe that the approach set out in the second paragraph of policy MCS7 is justifiable having regard to relevant Government planning policies. In particular PPS25(6) advises that strategies should help to deliver sustainable development by using opportunities offered by new development to reduce the causes and impacts of flooding, and a similar approach is contained in RSS policy F1. Also, the Planning and Climate Change supplement to PPS1 indicates that the Councils should take into account the capacity of potential infrastructure to service the site or area in ways consistent with successfully adapting to likely changes in climate.
- 3.83 I conclude that the second paragraph of policy MCS7 is justified in this respect and that in reflecting the most appropriate strategy it is sound.

***Issue 6.10: What is the justification for the thresholds in the last sentence of paragraph 5.65, concerning the need for a Flood Risk Assessment?***

- 3.84 The thresholds are presented as background information and they reflect the contents of the Level 1 Strategic Flood Risk Assessment for the plan area (see paragraph 8.1.1 of CD26). I am satisfied that they do not affect the soundness of the DPD, and at the hearings there was no argument to the contrary.

***Issue 6.11: Is the third monitoring indicator on page 58 adequate to reveal the related deviation from policy MCS7; and, for it to be***

***effective, is the same indicator on page 66 in need of clarification and amendment?***

- 3.85 While I accept that Proposed Change PC057 provides adequate clarification of the third monitoring indicator in the table on page 58, for the sake of consistency the same indicator in the table on page 66 requires the same amendment.
- 3.86 Strictly speaking that indicator would still not reveal the related deviation on page 58 because it is stated in terms of the number of developments that provide additional storage capacity rather than the number that fail to do so. However, since this is simply the other side of the coin I would expect information on both outcomes to be available in practice. I can see that there are other ways in which the wording of the indicators and related information in the tables on pages 58 and 66 could be improved but do not consider that they are strictly necessary to make the DPD sound.
- 3.87 With the Proposed Change PC057 and the same change to this indicator on page 66, I conclude that the monitoring provision would be adequate.

**MATTER 7 - POLICY MCS8 – RESIDENTIAL AMENITY**

***Issue 7.1: With regard to the policy and supporting paragraphs 5.72-73, should there be clearer guidance for subsequent DPDs on whether or not to support the use of buffer zones?***

- 3.88 I find the references to the Minerals Local Plan and buffer zones in paragraph 5.72 to be confusing and of no value to the justification of policy MCS8, which makes no mention of buffer zones. Proposed Changes PC041 and PC042 remove those sources of uncertainty and clarify the case for separation distances, though not as fixed or standard measures. It is clear that the policy seeks to maintain an acceptable separation of residential areas from minerals development, and so the Proposed Changes provide an appropriate justification for the policy in my view.
- 3.89 I see no need for the policy to specify a particular separation distance as a default. Proposed Change PC042 explains that the appropriate distance in any particular case will depend on several variables, and this is supported by Government policy in MPS2(28). While it would have been worth including separation distances as a separate bullet point in policy MCS8 I do not think it to be essential as the policy is clearly concerned with achieving adequate separation and its final bullet point includes *“all other matters as agreed and deemed relevant ...”*. Local communities explicitly have a role in defining such matters.



- 3.90 I do not consider it inappropriate for Proposed Change PC041 to include reference to the landscape character and setting of settlements along with residential amenity. After all, they could be considered to be determinants of residential amenity, and they are well within the scope of the section as it is entitled and as it is introduced in paragraph 5.67. I see no need to make express reference to them in policy MCS8: to the extent that they are not covered by the consideration of residential amenity, landscape character and settlement setting are clearly embraced by the fifth bullet point of policy MCS1(B). For development control or site allocation purposes they might also be dealt with more specifically in a subsequent DPD.
- 3.91 I am not convinced of the need for the designation of Settlement Protection Zones. It is argued that they would enable each settlement in a vulnerable area to be the subject of a landscape and character assessment, but for particular mineral extraction proposals I would take it from the DPD that such an assessment would be expected in any event. For example I refer to paragraph 5.66.
- 3.92 In relation to this issue I therefore conclude that, with Proposed Changes PC041 and PC042, the DPD would be sound: it would be most appropriate and not in conflict with Government policy.

***Issue 7.2: Similarly, is the policy complete, given the lack of reference to stand-offs or buffer zones in the listed matters to be addressed and what appears to be its main objective of adequate separation between minerals activities and those living nearby?***

- 3.93 I have effectively dealt with this issue under issue 7.1 above. There I find that including separation distances as a separate bullet point in policy MCS8 would have been worthwhile, but not essential. It is clear from the final bullet point that the list in the policy is not intended to be exhaustive. I do not understand 'stand-offs' or 'buffer zones' to have any further distinctive characteristics that warrant particular mention either in the policy or its reasoned justification.

***Issue 7.3: Is the first monitoring indicator on page 59 adequate to reveal the related deviation from policy MCS8?***

- 3.94 The Council's Proposed Change PC058 amends the wording of the indicator so as to be able to reveal the possible deviation to which it relates. I endorse the Proposed Change, which provides a clear mechanism for monitoring and implementation in accordance with the soundness tests.

***Issue 7.4: Is there any reason for not establishing clear policy review thresholds for policy MCS8 (see page 67)?***

- 3.95 The Councils take the view that the two policy review thresholds will be developed as a result of monitoring. They have also brought forward Proposed Change PC067 to clarify the first threshold, which does not presently take the form of a threshold at all. The second threshold remains unclear. Although I have some doubts about the value of the provision made for the monitoring and review of this policy, the targets are stated clearly and I can see that the provision does go some way towards allowing the success of the policy to be assessed. I conclude that Proposed Change PC067 should be made and that any remaining shortcomings are not so significant as to render the DPD unsound.

## **MATTER 8 - POLICY MCS9 – MINERALS TRANSPORTATION**

### ***Issue 8.1: Is there adequate justification for directing proposals for new rail aggregate depots "towards the Swindon area"?***

- 3.96 Having regard to the development projections in the RSS, and to the findings of the Rail Aggregate Depot Study (2003), I am satisfied that there is a sound basis for this element of policy MCS9. The arguments to the contrary are not well supported and I conclude that this element does not give rise to any problems in terms of soundness.

### ***Issue 8.2: How consistent is the last sentence of policy MCS9 with Regional Spatial Strategy policy RTS4 (in Proposed Changes) and its promotion of the Primary Route Network for minerals transport?***

- 3.97 The last sentence of policy MCS9 states that the transportation of minerals by road must utilise the Wiltshire Heavy Goods Vehicle Route Network. The reasoned justification for this is lacking, as is the relationship with policy RTS4 of the RSS.
- 3.98 I am satisfied that these shortcomings are adequately addressed by Proposed Change PC043 and the additional text it would add to paragraph 5.79 of the DPD. Although the Wiltshire Heavy Goods Vehicle Route Network contains local lorry routes as well as strategic routes, this takes account of the locations of mineral working areas, which may not have ready access to the primary route network. It is a locally distinctive approach that is generally in tune with the regional objective of reducing negative impacts of transport on the environment and climate.
- 3.99 The RSS (paragraph 5.1.26) indicates that the primary route network should be the basis for working with freight operators to ensure that freight utilises the roads most suited for the purpose, unless required for local access or connections. So although for

heavy goods vehicles policy RTS4 promotes the use of the primary route network in preference to other roads, I do not see this as incompatible with policy MCS9. With the Proposed Change PC043 I conclude that this part of the DPD would be sound. In connection with this, Proposed Change PC071, which I have already endorsed in relation to earlier issues, is again necessary here to ensure that the Wiltshire Heavy Goods Vehicle Route Network would be clearly identified on the Key Diagram.

## **MATTER 9 - POLICY MCS10 – RESTORATION AND AFTER-USE**

### ***Issue 9.1: Is there a case for the policy to state that any after-uses that lead to increased traffic on public roads would be unacceptable?***

3.100 It is not evident that any after-uses that lead to increased traffic on public roads would necessarily be unacceptable. Moreover I find nothing to support such a restrictive approach in the Community Strategies or the Local Transport Plans. The Wiltshire Local Transport Plan indicates that congestion problems are localised and that problems arising from increased traffic volumes will be addressed through small scale physical interventions and improvements (such as junction improvements) and 'policy-based tools' to promote more sustainable forms of travel.

3.101 I conclude that the DPD, and policy MCS10 in particular, is most appropriate in respect of this issue, and compliant with the related soundness tests.

### ***Issue 9.2: For the second paragraph of policy MCS10 to be properly understood, should the words "where appropriate" be moved to the end of the paragraph?***

3.102 Proposed Change PC044 would make small changes to the wording of policy MCS10, including the moving of the words "where appropriate" to the end of the policy. I accept the need for this change, which would afford adequate flexibility. Otherwise the policy may be read in a way that would restrict those after-uses providing long term environmental enhancement measures that, although acceptable, are not identified in the Wiltshire, Swindon and Cotswold Water Park Biodiversity Action Plans and the South West Nature Map. For example such enhancement measures may be designed to provide landscape benefits rather than specific nature conservation benefits. The existing wording might also be taken to suggest that long term environmental enhancement may not always be appropriate at mineral extraction sites.

3.103 While supporting the Proposed Change I consider that the punctuation should be modified slightly by repositioning the comma in the last line to immediately after the words "environmental

enhancement". That would remove an ambiguity and the possibility that 'where appropriate' would be taken to apply to the whole sentence rather than just the clause at the end. I conclude that these amendments are required to meet the soundness tests.

***Issue 9.3: Is it evident that restoration schemes can be designed to prevent increased risk of bird strikes while at the same time providing the wildlife habitat enhancement sought in the second paragraph of the policy?***

3.104 The risk of bird strikes in Aerodrome Safeguarding Zones may be increased by after-uses and restoration works that create or extend certain kinds of wildlife habitat, such as large areas of open water. But those after-uses and works are not the only means of achieving environmental enhancement. I accept that there are many examples of restoration schemes that have been successfully designed to provide nature conservation gains while taking account of aerodrome safeguarding needs, and there are of course other environmental gains that might be possible.

3.105 With the amendments I refer to under issue 9.2 above I conclude that the wording of policy MCS10 would allow adequate flexibility in this respect, while leaving no doubt about the purpose of the policy to prevent increased risks associated with bird strikes. The amended policy achieves the most appropriate balance and is in this respect sound.

***Conclusion on Conformity, Coherence, Consistency and Effectiveness Tests***

3.106 My conclusion in respect of the soundness tests is that the changes I have referred to and supported above are sufficient to make the DPD sound.

**4 Minor Changes**

4.1 The Councils wish to make several minor changes to the submitted DPD in order to clarify, correct and update various parts of the text, and for the sake of its consistency. Although these changes do not address key aspects of soundness, I endorse most of them on a general basis in the interests of clarity and accuracy. They consist of Proposed Changes PC001, PC006, PC023-029, PC032-034, PC046, PC050, and PC068-070.

4.2 Only a few of the Councils' Proposed Changes I do not recommend. If I do not refer to them in my report that is because they are not, in my assessment, necessary.

## **5 Overall Conclusion**

- 5.1 I conclude that, subject to the amendments I recommend, the Wiltshire & Swindon Minerals Core Strategy 2006-2026 DPD satisfies the requirements of section 20(5) of the 2004 Act and the associated Regulations, is sound in terms of section 20(5)(b) of the 2004 Act, and meets the tests of soundness in PPS12.
- 5.2 The amendments I recommend are all set out in Annex 1 below.

*G C Cundale*

INSPECTOR

## ANNEX 1

### Schedule of changes needed to make the DPD sound

1. Add the following sentence to form the last paragraph of policy MCS1(A): *'In making the necessary provision the Councils will look first to the traditional areas of supply referred to in paragraph 5.5 and included within the first three of the above Mineral Resource Zones'*.
2. Amend the Key diagram in accordance with Proposed Change PC071 and make the same amendments to the Proposals Map.
3. Replace the first line of paragraph 5.10 with the following: 'Therefore, Core Strategy Policy MCS1(A-C) sets out the ....'.
4. Replace the word 'clarify' with 'illustrate' in the fourth line of paragraph 5.11.
5. Delete the last sentence of policy MCS6.
6. Delete the first paragraph of policy MCS7.
7. Replace the first two sentences of paragraph 5.66 with the following sentence: *'The strategic approach to the protection of the natural and historic environment is to be found in policy ENV1 of the Regional Spatial Strategy for the South West'*.
8. Change the first word of the third sentence of paragraph 5.66 from 'This' to 'That'.
9. Change the title of policy MCS7 to 'Flooding'.
10. Delete the word 'also' in the first line of paragraph 5.64.
11. Amend the second indicator on page 66, in the same way as Proposed Change PC057.
12. Make Proposed Change PC039, but only insofar as it affects the second paragraph of policy MCS7.
13. Amend the second paragraph of policy MCS10 in accordance with Proposed Change PC044, subject to the deletion of the final comma and the addition of a comma immediately after the word 'enhancement'.

14. In the event that the emerging Regional Spatial Strategy is not adopted before the adoption of the Minerals Core Strategy DPD, insert the following sentence after the first sentence of paragraph 1.9 of the DPD: *'The new RSS, as referred to below, is presently subject to the Secretary of State's Proposed Changes and is therefore at an advanced stage of preparation'*.
15. Amend the DPD in accordance with all the following Proposed Changes:
  - PC001 - PC019, inclusive
  - PC022 - PC030, inclusive
  - PC032 - PC037, inclusive
  - PC041 - PC043, inclusive
  - PC045 - PC070, inclusive

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