



Lime Down

Solar Park

Environmental Statement

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Appendix 20-1: Minerals Legislation, Planning Policy and Guidance

1.1 Legislation, Planning Policy and Guidance

- 1.1.1 This appendix provides a summary of applicable legislation, planning policy and other guidance relevant to mineral resources.

Legislation

The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

- 1.1.2 The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) (Ref 1) require consideration to be given to the use of natural resources, in particular land (including land take) and material assets. In this case the Scheme would occupy a large surface area and consideration needs to be given to any likely significant effects this may have on the existing geology and identified mineral resources.

National Planning Policy

Overarching National Policy Statement for Energy (EN-1) (January 2024)

- 1.1.3 The Overarching National Policy Statement for Energy (EN-1) was designated on the 17 January 2024 (Ref 2).
- 1.1.4 Paragraph 5.11.19 EN-1 states:
- “Applicants should safeguard any mineral resources on the proposed site as far as possible, taking into account the long-term potential of the land use after any future decommissioning has taken place.”*

- 1.1.5 Paragraph 5.11.28 states that:
- “Where a proposed development has an impact upon a Mineral Safeguarding Area (MSA), the Secretary of State should ensure that appropriate mitigation measures have been put in place to safeguard mineral resources.”*

National Policy Statement for Renewable Energy Infrastructure (EN-3) (January 2024)

- 1.1.6 National Policy Statement for Renewable Energy Infrastructure (EN-3) was designated on the 17 January 2024. (Ref 3) There are no specific

references to mineral safeguarding within EN-3, however, in Paragraph 2.1.4 it states:

“The policies set out in this NPS are additional to those on generic impacts set out in EN-1. Applicants should show how their application meets the requirements in EN-1 and this NPS, applying the mitigation hierarchy, as well as any other legal and regulatory requirements.”

National Policy Statement for Electricity Networks Infrastructure (EN-5) (January 2024)

- 1.1.7 National Policy Statement for Electricity Networks Infrastructure (EN-5) was designated on the 17 January 2024 (Ref 4). There are no specific references to mineral safeguarding within EN-5, however, in Paragraph 1.3.2 it states:

“This NPS does not seek to repeat the material set out in EN-1 or EN-3. EN-1 applies to all applications covered by this NPS unless stated otherwise.....”

National Planning Policy Framework (NPPF) (December 2024)

- 1.1.8 The National Planning Policy Framework (NPPF) 2023 (Ref 5) together with the accompanying Planning Practice Guidance (PPG) set out the Government’s planning policies for England for the particular purpose of making development plans and deciding applications under the Town and Country Planning Act 1990. The NPPF is an important and relevant matter under the Planning Act 2008.

- 1.1.9 The need to safeguard mineral resources is reflected in NPPF, in Paragraph 215 it states:

“It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.”

- 1.1.10 Relevantly, it goes on in Paragraph 216 to state that planning policies should:

“(a) provide for the extraction of mineral resources of local and national importance.....”

and

“(c) safeguard mineral resources by defining Mineral Safeguarding Areas and Mineral Consultation Areas; and adopt appropriate policies so that

known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked)”

1.1.11 In Paragraph 218 it continues:

“Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working.”

National Planning Practice Guidance (PPG) Minerals (2014)

1.1.12 The Minerals PPG (2014) (Ref 6) confirms that minerals ‘*make an essential contribution to the Country’s prosperity and quality of life*’. Paragraph 007 of the Minerals PPG states that:

“Mineral planning authorities are encouraged to plan for minerals extraction using Ordnance Survey-based proposals maps and relevant evidence provided by the minerals industry and other appropriate bodies... This approach will allow mineral planning authorities to highlight areas where mineral extraction is expected to take place, as well as managing potentially conflicting objectives for use of land.”

1.1.13 Designating Mineral Safeguarding Areas (MSA) is the means by which the planning system ensures that potential mineral resources are not needlessly sterilised. The presence of a MSA does not necessarily preclude other forms of development being permitted nor confer any presumption that the mineral will be worked. It is a policy tool to raise awareness that minerals may be sterilised by proposed development and that this should be taken into account in the decision-making process.

1.1.14 Paragraph 008 advises Minerals Planning Authorities (MPAs) that they should plan for the steady and adequate supply of minerals, including in the following way:

“1. Designating Specific Sites – where viable resources are known to exist, landowners are supportive of minerals development and the proposal is likely to be acceptable in planning terms. Such sites may also include essential operations associated with mineral extraction...”

Local Planning Policy

Wiltshire and Swindon Minerals and Waste Local Plan

1.1.15 Wiltshire and Swindon Minerals Core Strategy Development Plan Document (June 2009) (Ref 7) sets out the spatial vision and objectives

for how the Plan area will accommodate the demand for construction and engineering minerals up to 2026. The overall approach of the Wiltshire and Swindon Minerals Core Strategy is to manage the availability, extraction and use of primary, secondary and recycled mineral resources whilst seeking to protect the interests of local communities and the wider environment through a series of strategic policies.

- 1.1.16 The Core Strategy has to be considered along with the Materials and Waste Development Control Policies Development Plan Document (September 2009) (Ref 8) which sets out the land use policy framework for determining planning applications for minerals development within the Plan area of Wiltshire and Swindon and the Aggregate Minerals Site Allocations Local Plan May 2013 (Ref 9) which allocates sites to meet an assessment of future demand for aggregate minerals (sand and gravel) from Wiltshire and Swindon up to 2026.

**Wiltshire and Swindon Minerals Core Strategy
Development Plan Document (June 2009)**

- 1.1.17 Policy MCS1: Meeting the Need for Primary Aggregate Minerals states that:

“The Councils will aim to make provision of land in Wiltshire and Swindon sufficient to meet demand for sand and gravel in accordance with National and Regional policy. This will be achieved through the identification, appraisal and delivery of sites within the Mineral Resource Zones identified on the Key Diagram and Proposals Map.

All proposals for minerals development must demonstrate that they have prioritised the avoidance of adverse social, economic and environmental impacts that quarrying and/or ancillary development may bring to an area, followed by mitigation measures and finally, where necessary, compensation. Extensions to existing sites will be given priority over new sites, subject to environmental acceptability.

To ensure continuity of supply, the Councils will endeavour to maintain landbanks for aggregate minerals in accordance with National and Regional policy.”

- 1.1.18 Policy MCS 1 (A): Strategic Approach to Identifying Future Supplies of Aggregate Minerals adds:

“Proposals for new or extended sites for sand and gravel extraction should be located within the following Mineral Resource Zones, as identified on the Key Diagram and Proposals Map.

- *Land within the Cotswold Water Park/Upper Thames Valley;*

- *Land to the east and southwest of Calne;*
- *Land to the southeast of Salisbury;*
- *Land within the Bristol Avon Valley; and*
- *Land within the Salisbury/Hampshire Avon.*

In recognition of the fact that mineral resources can only be worked where they exist, proposals for aggregate minerals extraction that lie outside of the identified Mineral Resource Zones will be considered on their merits.

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.”

1.1.19 The Cable Route Corridor affects the south western tip of the Bristol Avon Valley Mineral Resource Zone.

1.1.20 Policy MCS 4: The Supply of Building Stones states:

“In recognition of the demand for natural building stones for use in schemes to maintain and enhance the character of the built environment, the Councils will support proposals for the extraction of building stones that demonstrate a local need for the mineral and are of a scale which avoids any significant environmental and amenity impacts.”

1.1.21 Paragraph 5.28 of the Core Strategy states that building stone has been worked within Wiltshire and Swindon for many years either from underground mines or at the surface in small-scale, low output quarries generally for maintenance of properties and settlements constructed out of natural materials. Paragraph 5.29 states that in Wiltshire, the combined effect of low production rates and the scale of permitted reserves in the Corsham/Gastard area, the building stone ‘landbank’ should be sufficient to last for hundreds of years.

1.1.22 Policy MCS 6: Safeguarding Mineral Resources, Rail-head Facilities and Mineral Recycling Facilities states:

‘In establishing, monitoring and reviewing Mineral Safeguarding Areas (MSAs) the Councils will work with the minerals and waste industries, land owners and other local planning authorities to safeguard the following assets from potential sterilisation by other forms of development:

- *Mineral Resource Zones;*
- *All existing active and dormant minerals sites;*
- *Land within 1km of active and dormant mineral sites;*

- *Sites for future mineral working allocated within DPDs;*
- *Operational land associated with existing and proposed Mineral Recycling Facilities; and*
- *Operational land associated with the existing Rail Aggregate Depot at Wootton Bassett and any proposed new rail-head facilities and sidings. 'Safeguarding Mineral Resources, Rail-head Facilities and Mineral Recycling Facilities'*

1.1.23 The Cable Route Corridor passes through a Mineral Safeguarding Area identified for building stone and over a permitted mine (Monks Park Mine) for building stone.

1.1.24 In Paragraph 5.41 of the supporting text for this policy, it is acknowledged that:

"As minerals are a finite and valuable commodity it follows that resources not required for the present should, where possible, be safeguarded to meet the needs of future generations in accordance with the principles of sustainable development."

1.1.25 Paragraph 5.44 adds:

"Mineral Planning Authorities are required to identify Minerals Safeguarding Areas (MSAs) which relate specifically to the extent of potentially viable mineral resources. In Wiltshire and Swindon the minerals of economic importance are:

- *Sharp sand and gravel;*
- *Soft (Building) sand;*
- *Chalk (for cement manufacturing);*
- *Clay (for cement manufacturing and as an engineering medium); and*
- *Building Stone (Limestones and Greensand)."*

1.1.26 In Paragraph 5.45 it also highlights in addition to identifying Minerals Safeguarding Areas the Plan also identifies "Other Naturally Occurring Resources" (sand and gravel) which are not considered to be of sufficient quality or quantity to be of economic value. These minerals are not safeguarded however with regular of monitoring of Policy MCS 6 the Minerals Planning Authority can identify any changes in circumstances that require these minerals to be safeguarded over the life of the Plan.

- 1.1.27 In Paragraph 5.52 it is acknowledged that not all land that falls within MSAs will necessarily be environmentally acceptable for minerals development, and the Councils recognise that in these circumstances applications for non-mineral development should not be prevented on the grounds of mineral sterilisation.

Wiltshire and Swindon Minerals Development Control Policies Development Plan Document (September 2009)

- 1.1.28 The Development Control Policies in relation to safeguarding mineral resources provides the criteria that should be met to enable certain non-mineral developments to proceed within MSAs. Paragraph 4.21 states that:

“The Councils will also support proposals for temporary non-minerals development in MSAs where there will be no long term sterilisation of mineral resources.”

- 1.1.29 Policy MDC4: Safeguarding mineral resources, rail-head facilities and mineral recycling facilities states that:

“Proposals for development within Mineral Safeguarding Areas, as defined on the Proposals Map, that may prevent or adversely affect current or possible future mineral extraction and/or associated ancillary operations, rail-head facilities, and mineral recycling facilities within Wiltshire and Swindon will be opposed unless:

An appropriate quantity of mineral can be reasonably extracted prior to or in phase with the proposed non-mineral development such that the extraction does not unreasonably prevent or hinder the non-minerals development; or

It can be proven that the mineral deposit is unlikely to be worked due to its quality or quantity; or

The development is of a temporary nature and can be completed and the site restored to a condition that does not inhibit extraction within the timescale that the mineral is likely to be needed; or

There is an overriding need for the proposed non-minerals development to commence without delay.”

Wiltshire and Swindon Aggregate Minerals Site Allocations Local Plan (May 2013)

- 1.1.30 This document takes its lead from the policy framework set out in the adopted Minerals Core Strategy and Minerals Development Control Policies DPDs. It allocates sites within the Mineral Resource Zones (MRZ)

which are considered to be capable of providing a long term supply of sand and gravel up to 2026.

- 1.1.31 This Plan allocates 7 sites considered suitable for future minerals extraction. 5 are within The Upper Thames Valley MRZ, 1 is in The Calne area MRZ, 1 is in The South East Salisbury MRZ and there are none in The Bristol Avon or The Salisbury Avon MRZs.
- 1.1.32 None of these sites are affected by the Scheme although Cable Route Corridor lies within the south western tip of The Bristol Avon MRZ.
- 1.1.33 Paragraph 1.9 acknowledges that the sand and gravel deposits in the Bristol Avon MRZ are typically shallow and of poorer quality than the Upper Thames Valley gravels. This has been confirmed both by the British Geological Survey and the minerals industry. The minerals industry has indicated that they are not keen to move to this area in the foreseeable future unless market conditions dictate otherwise.

Wiltshire and Swindon Local Aggregate Assessment (2022)

- 1.1.34 The Wiltshire and Swindon Local Aggregate Assessment (LAA) (Ref 10) provides an annual review of the supply and demand for aggregates in Plan area. The LAA aims to ensure a steady supply of aggregates while promoting sustainable extraction practices and minimizing environmental impacts. It also identifies trends and challenges in the aggregate market, helping to inform planning and policy decisions.
- 1.1.35 The implications for mineral supply and safeguarding arising from the scheme are assessed in **ES Volume 1, Chapter 20: Other Environmental Matters [EN010168/APP/6.1]**.

Other Guidance

Mineral Safeguarding in England Good Practice Advice British Geological Survey

- 1.1.36 Mineral Safeguarding in England Good Practice Advice British Geological Survey (BGS) 2011 (Ref 11) was designed to complement the introduction of national policies to prevent the unnecessary sterilisation of mineral resources through mineral safeguarding. Mineral safeguarding introduced an obligation on all mineral planning authorities to define MSAs and protect them with appropriate policies in their minerals local plans. The good practice note provided guidance on the methodology for delineating mineral safeguarding areas and appropriate policies to protect them.

Mineral Safeguarding Practice Guidance

- 1.1.37 Mineral Safeguarding Practice Guidance (Mineral Products Association and Planning Officers Society) April 2019 (Ref 12) provides practical advice on the implementation of policy for safeguarding mineral resources and infrastructure through plan-making and development management.

1.2 References

- Ref 1 The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Available at: <https://www.legislation.gov.uk/ukxi/2017/571/contents> [Accessed May 2025].
- Ref 2 Department for Energy Security and Net Zero (January 2024) Overarching National Policy Statement for Energy. Available at: <https://www.gov.uk/government/publications/overarching-national-policy-statement-for-energy-en-1> [Accessed May 2025].
- Ref 3 Department for Energy Security and Net Zero (January 2024) National Policy Statement for Renewable Energy Infrastructure. Available at: <https://www.gov.uk/government/publications/national-policy-statement-for-renewable-energy-infrastructure-en-3> [Accessed May 2025].
- Ref 4 Department for Energy Security and Net Zero (January 2024) National Policy Statement for Electricity Networks Infrastructure. Available at: <https://www.gov.uk/government/publications/national-policy-statement-for-electricity-networks-infrastructure-en-5> [Accessed May 2025].
- Ref 5 Ministry of Housing, Communities and Local Government (December 2023) National Planning Policy Framework. Available at: https://assets.publishing.service.gov.uk/media/669a25e9a3c2a28abb50d2b4/NPPF_December_2023.pdf [Accessed May 2025].
- Ref 6 Ministry of Housing, Communities and Local Government and Department for Levelling Up, Housing and Communities (2014) National Planning Practice Guidance Minerals. Available at: <https://www.gov.uk/guidance/minerals#minerals-overview> [Accessed May 2025].
- Ref 7 Wiltshire Council and Swindon Borough Council (2009) Wiltshire & Swindon Minerals Core Strategy Development Plan Document 2006 – 2026. Available at: <https://www.wiltshire.gov.uk/media/8546/minerals-core-strategy-june-2009/pdf/minerals-core-strategy-june-2009.pdf?m=1644847319550> [Accessed May 2025].
- Ref 8 Wiltshire Council and Swindon Borough Council (2009) Wiltshire and Swindon Minerals Development Control Policies Development Plan. Available at: <https://www.wiltshire.gov.uk/media/8551/minerals-development-control-policies-dpd-September-2009/pdf/adopted-minerals-development-control-policies-dpd-2009-september.pdf?m=164>. [Accessed May 2025].
- Ref 9 Wiltshire Council and Swindon Borough Council (2013) Wiltshire and Swindon Aggregate Minerals Site Allocations Local Plan. Available at: <https://www.wiltshire.gov.uk/media/8558/Aggregate-Minerals-Site->

[Allocations-Local-Plan-May-2013/pdf/minerals-adopted-sites-local-plan-may-13.pdf?m=1644848312187](#). [Accessed May 2025].

- Ref 10 Wiltshire Council and Swindon Borough Council (2023) Wiltshire and Swindon Local Aggregate Assessment 2022. Available at:
[https://www.wiltshire.gov.uk/media/12581/Wiltshire-and-Swindon-Local-Aggregate-Assessment-2022/pdf/Wiltshire_and_Swindon_Local_Aggregate_Assessment_2022.pdf?m=1704880287023](#). [Accessed May 2025].
- Ref 11 British Geological Survey (2011) Mineral Safeguarding in England Good Practice Advice. Available at:
[REDACTED] [Accessed May 2025].
- Ref 12 Mineral Products Association and Planning Officers Society (2019) Mineral Safeguarding Practice Guidance. Available at:
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