



The Planning Inspectorate

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# **Report to Dorset Council and Bournemouth, Christchurch and Poole Council**

**by Elizabeth C Ord LLB(Hons) LLM MA DipTUS**

**an Inspector appointed by the Secretary of State**

**Date: 1 August 2019**

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

## **Report on the Examination of the Bournemouth, Christchurch, Poole and Dorset Mineral Sites Plan**

The Plan was submitted for examination on 28 March 2018

The examination hearings were held between 25 September and 3 October 2018 and on 14 February 2019

File Ref: PINS/C1245/429/6

## **Abbreviations used in this report**

AA	Appropriate Assessment
AONB	Area of Outstanding Natural Beauty
BCP	Bournemouth, Christchurch, Poole
DGs	Development Guidelines
HRA	Habitats Regulations Assessment
MM	Main Modification
MPA	Mineral Planning Authority
MS	Mineral Strategy
MSP	Mineral Sites Plan
NPPF	National Planning Policy Framework
SA	Sustainability Appraisal

## **Non-Technical Summary**

This report concludes that the Bournemouth, Christchurch, Poole and Dorset Mineral Sites Plan provides an appropriate basis for the planning of provision of minerals in the Plan area, provided that a number of main modifications [MMs] are made to it. Dorset, and Bournemouth, Christchurch and Poole Mineral Planning Authorities [MPAs] have specifically requested me to recommend any MMs necessary to enable the Plan to be adopted.

The MMs all concern matters that were discussed at the examination hearings. Following this, the MPAs prepared a schedule of the proposed modifications and carried out Sustainability Appraisal [SA] and Habitats Regulation assessment [HRA] of them. The MMs, SA and HRA were subject to public consultation over a six week period. As a result of this, I amended the detailed wording of a few proposed main modifications where necessary. I have recommended the inclusion of all main modifications in the schedule after considering all the representations made in response to consultation on them.

The MMs can be summarised as follows:

- Updating of aggregate supply figures;
- Deletion of the sand and gravel area of search;
- Deletion of certain proposed allocated sites;
- Addition of an allocated site;
- Changes to site development guidelines; and
- Amendments to the monitoring framework.

## Introduction

1. On 1 April 2019 the Mineral Planning Authorities [MPAs] of Dorset County Council, Bournemouth Council and Poole Council were merged into two new unitary authorities, namely Dorset Council, and Bournemouth, Christchurch and Poole [BCP] Council. The title of the Plan has consequently changed along with references in the Plan to the relevant authorities.
2. This report contains my assessment of the Bournemouth, Christchurch, Poole and Dorset Mineral Sites Plan [MSP] in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). The MSP complements the Bournemouth, Dorset and Poole Minerals Strategy, adopted in May 2014 [MS] and together they form the minerals development plan for the Plan area. The main aim of the MSP is to deliver the minerals provision strategies in the MS by allocating sites and providing further detail on the safeguarding approach. Furthermore, it designates a policy area to support nature conservation via co-ordinated management and restoration of mineral sites.
3. My report considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework 2018 [NPPF] at paragraph 35 makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
4. Although the NPPF includes transitional arrangements indicating that policies in the 2012 Framework will apply to plans submitted before 24 January 2019, the MPAs wish to "future-proof" the MSP so that it is consistent with the 2018 Framework for the purposes of assessing future planning applications. Consequently, they have requested that the Plan be examined against the 2018 NPPF.
5. The MPAs uploaded a statement to this effect onto the examination web site and participants were given the opportunity to comment, resulting in no objections. No main modifications are required as a result of the change from the 2012 to the 2018 Framework as the change only requires additional (minor) modifications to be made to alter policy references and make minor adjustments to wording. Consequently, no legal issues or issues of natural justice arise by examining the Plan against the 2018 NPPF, and therefore that is what I have done.
6. The starting point for the examination is the assumption that the MPAs have submitted what they consider to be a sound plan. The Bournemouth, Dorset and Poole Mineral Sites Plan, submitted in March 2018, (now re-named the Bournemouth, Christchurch, Poole and Dorset Mineral Sites Plan) is the basis for my examination. It is the same document as was published for consultation in December 2017. The MPAs also submitted a schedule of proposed modifications to the submitted plan, which did not undergo consultation prior to submission. Many of these amendments go beyond additional (minor) amendments, which the MPAs have the power to make without consultation. Consequently, I have considered these more substantial changes as possible main modifications [MMs] and assessed whether they are necessary for the Plan to be sound.

## Main Modifications

7. In accordance with section 20(7C) of the 2004 Act the MPAs requested that I recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound or not legally compliant and thus incapable of being adopted. My report explains why the recommended MMs, which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **MM1, MM2, MM3** etc, and are set out in full in the Appendix.
8. Consequent to discussions at the examination hearings, an aggregates omission site (*AS-27: Land at Horton Heath*) was considered for allocation (see paragraphs 107-110 below). The site, supported by site assessment, sustainability appraisal [SA] and Habitats Regulation Assessment [HRA] was consulted on for six weeks and thereafter was the subject of a focussed hearing. As a result, it became the subject of a MM, which included it as an allocation to the Plan.
9. Subsequently, the MPAs prepared a schedule of all proposed MMs, having subjected them to SA and HRA. The MM schedule was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report and in this light I have made some amendments to the detailed wording of the MMs where these are necessary. None of the amendments significantly alters the content of the MMs as published for consultation or undermines the participatory processes and SA that has been undertaken.

## Habitats Regulation Assessment

10. The *Habitats Regulation Assessment Screening Report* published in November 2017 identified weak policy wording that required strengthening, and sites that required additional mitigation to enable a conclusion of "no likely significant effects" to be made. Furthermore, as a result of the European Court of Justice decision in *People over Wind, Peter Sweetman v Coillte Teoranta* (C323/17), the HRA was revised in August 2018 to include Appropriate Assessment [AA] of these policies and also of some sites, namely, *AS-06 Great Plantation, AS-12: Philliol's Farm, AS-13: Roeshot, and BC-04: Trigon Hill*. A further AA update to the HRA in December 2018 covered the potential new aggregates allocation *AS-27: Land at Horton Heath*, which had not previously undergone HRA.
11. Natural England was consulted over the updated HRAs and was involved in determining the avoidance and mitigation measures necessary to address potential adverse effects on integrity. The updated HRA clearly sets out these measures and I am satisfied that it complies with legislation and case law requirements.
12. Subject to the identified measures being reflected in the MSP, the updated HRA concludes that there is sufficient certainty to ensure that the MSP will not have significant adverse effects, either alone or in combination with other plans or projects, on the integrity of any European Sites (including Ramsar sites). Consequently, MMs to the Plan in the form of avoidance and reduction

measures are needed to reflect the AA requirements and these are set out in the relevant passages of this report.

### **Sustainability Appraisal**

13. SA was undertaken of the Plan, which was amended after pre-submission consultation by adding information requested by Natural England. During the examination questions arose as to whether the SA properly dealt with potential cumulative and synergistic effects, thereby resulting in a further SA addendum. Another addendum dealt with the potential new allocation at *AS-27: Land at Horton Heath*, and yet another on the proposed MMs. In considering the SA as a whole, I am satisfied that it does not contain any significant shortcomings and that it includes all information that could reasonably be required. Therefore, I find the SA to be adequate.

### **Policies Map**

14. The MPAs must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the MPAs are required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans within the submission MSP in the section entitled "*Submission Policies Map and Inset Maps*".
15. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan's policies require corresponding changes to be made to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified and changes to the policies map are needed to ensure that the relevant policies are effective.
16. These changes to the policies map were published for consultation alongside the MMs. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the MPAs will need to update the adopted policies map to reflect the proposed changes.

### **Assessment of Duty to Co-operate**

17. Section 20(5)(c) of the 2004 Act requires that I consider whether the MPAs complied with any duty imposed on them by section 33A in respect of the Plan's preparation. When preparing the Plan the MPAs are required to engage constructively, actively and on an on-going basis with a range of local authorities and a variety of prescribed bodies in order to maximise the effectiveness of plan preparation with regards to strategic, cross-boundary matters.
18. Details of how the MPAs have met this duty are set out in the MPAs' *Duty to Cooperate Statement*, and the MPAs' written responses to pre-hearing Matters, Issues and Questions. These documents set out where, when, with whom and on what basis co-operation has taken place over all relevant strategic matters. Most strategic matters and associated co-operation were dealt with previously

when preparing the 2014 MS, and co-operation for the MSP complements that which has gone before.

19. In preparing the MSP, the MPAs have consulted widely, holding events that offered other local authorities and relevant bodies an opportunity to engage. All mineral planning authorities that Dorset Council and BCP Council either exports aggregates to or receives aggregates from were contacted to inform them of the preparation of the MSP and to invite comments.
20. The MPAs were fully represented on the South West Aggregates Working Party, and consultation took place with the South East Aggregates Working Party and the London Aggregates Working Party. Furthermore, appropriate engagement occurred with the relevant prescribed bodies set out in Regulation 4 of the 2012 Local Plan Regulations. There are no outstanding objections to any Duty to Co-operate matters.
21. In conclusion, I am satisfied overall that where necessary the MPAs have engaged constructively, actively and on an on-going basis in the preparation of the Plan, and that the duty to co-operate has therefore been met.

## Assessment of Soundness

### Main Issues

22. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings I have identified two main issues upon which the soundness of the Plan depends. Under these headings my report deals with the main matters of soundness rather than responding to points raised by representors.

***Issue 1: Whether the allocations provide a sufficient supply of economically viable minerals, and whether an appropriate balance has been achieved between the economic, social and environmental roles of plan making.***

23. This section is split into two parts; the first dealing with minerals' policies and provisions within the main body of the Plan, and the second dealing with Appendix A to the Plan, which sets out details of the allocations and their "Development Guidelines" [DGs].
24. Large parts of the Plan area are constrained by land designations including Areas of Outstanding Natural Beauty [AONBs], Special Protection Areas, Special Areas of Conservation, Ramsar sites and the Dorset and East Devon World Heritage Site. In order to give clear guidance and to ensure compliance with the NPPF, these areas of constraint need to be identified. As this is not covered in the Plan, **MM 1** is required, which indicates the presence of the designations and references the Policies Map. Corresponding changes to the Policies Map must be made for the Plan to be sound.

## **A – Minerals Policies**

### ***a - Sand and Gravel***

#### *Policy MS-1: Production of Sand and Gravel*

25. In accordance with the MS, the MSP has calculated updated figures for overall sand and gravel demand in the order of 22.65 million tonnes. The underpinning evidence for this is based on what was the most recent annual Local Aggregates Assessment at the time of the hearings. As required by national policy, the calculations use average sales data over the previous 10 years, adjusting for local circumstances. However, the Plan itself makes no mention of this methodology and therefore, for clarification and effectiveness, the explanation set out in **MM 3** is required.
26. Due to the different composition and application of the two main types of sand and gravel in the Plan area (Poole Formation sand, and River Terrace sand and gravel) the MS provides for their separate monitoring, and maintenance of 7 year landbanks. This involves a split of the overall aggregate quantity to reflect respective sales of the two types. However, the MSP does not seek production as proportioned in the MSP, due to the respective availability of the two aggregate types having changed.
27. Historically sales were split approximately into 2/3 Poole Formation and 1/3 River Terrace. However, the availability of Poole Formation has become more limited, largely due to the resource being tightly constrained by European biodiversity designations, heritage assets and sensitive landscapes. Consequently, of the estimated 13.6 million tonnes of sand and gravel reserves available at the end of 2016, only 55.8% was Poole Formation and 44.2% was River Terrace. The evidence suggests that the proportion of Poole Formation is likely to continue to decrease with time.
28. Whilst the MS applied the 2/3 proportion to assess the Poole Formation landbank, it cautioned that production levels could vary year on year. Due to the aforementioned constraints, there is no certainty as to what level of Poole Formation might be extracted in the future, and consequently the relative proportions of the two aggregate types going forward are unknown.
29. Hence it would be inappropriate to break down the assessed need into a fixed ratio. The most appropriate way forward is to monitor the relative levels of supply of Poole Formation and River Terrace on a rolling basis through the Local Aggregates Assessments and if one or other type falls year on year, to attempt to increase supply if possible. This is the approach underlying the MSP and is sound.
30. There is another main type of sand in the Plan area, namely Bagshot sand, which is of similar quality to Poole Formation and is also subject to reducing availability. For the purposes of this Plan, Bagshot is treated as part of the Poole Formation demand and supply.
31. Policy MS-1 and its supporting text refers, amongst other things, to the list of sand and gravel allocations and their estimated quantity of resources. Whilst the evidence suggests that there is a greater supply of River Terrace sand and gravel than of Poole Formation/Bagshot sand, this is not clear from the Plan.



To be effective the different sand and gravel types must be referenced, and the estimated tonnages must indicate the primary type(s) of resource they refer to, as set out in **MM 5** and **MM 8**.

32. It is clear from the evidence that there is currently a greater need for Poole Formation/Bagshot sand than is provided for in the MSP. In fact it appears that there is also an unmet need for this type of sand in neighbouring authority areas. Consequently, this has led to the allocation of additional resources (see paragraphs 107-110 below on *AS-27: Horton Heath*).
33. On the other hand, the evidence suggests that there is a modest surplus of allocated River Terrace sand and gravel. This has led to the removal of a particularly constrained River Terrace site as a proposed allocation (see paragraphs 77-79 below on *AS-12: Philliol's Farm*).
34. Also of relevance to the list is the granting of planning permission for Hurn Court Farm Extension, leading to its removal as a proposed allocation from the Plan (see paragraph 76 below).
35. Taking account of the addition of *Horton Heath* and the removal of *Philliol's Farm* and Hurn Court Farm Extension, the list of allocations is no longer correct, making Policy MS-1 ineffective. Consequently, **MM 5** and **MM 8** are required, which amend the list. Consequential amendments to the Policies Map are required to ensure the soundness of the Plan.
36. Due to these allocation changes and the updated figures on reserves, resources and sales, the sand and gravel supply figures in Policy MS-1 are no longer correct, rendering them ineffective. Accordingly, **MM 2** is needed, to reflect the updated information.
37. The amended figures show that, together with existing reserves, the proposed allocated sites meet more than the calculated overall demand. However, this is justified by giving flexibility in providing for a reasonable margin, taking account of potential site constraints and/or any unforeseen failure of sites coming forward as planned. In this way it promotes a steady and adequate supply of sand and gravel.
38. Turning to cumulative impacts, the evidence indicates there is potential for in-combination effects from some proposed allocations (see paragraphs 59-67 below on clusters). However, there is no Policy reference to this, rendering the Plan ineffective, and requiring **MM 5** and **MM 8** to address this matter.
39. The AA carried out as part of the HRA indicates that certain mitigation measures are required to ensure that development would not adversely affect the integrity of European and Ramsar sites. Whilst reference is made to these mitigation measures in the relevant DGs for the proposed allocations, the HRA is more detailed. Given the importance of these HRA measures, it is unjustified not to give them the force of policy. Accordingly, **MM 8** is required to make a link in Policy MS-1 with the HRA and the DGs.
40. The MS supports the production of silica/industrial sand and specifically provides that the MSP address its continued extraction for industrial uses, recognising that some Poole Formation and other high-grade sands in the Plan area may be classed as silica/industrial sand. It is important that the MSP

identifies that such sands be classified according to their chemical constituents, high silica content, and grain size and shape. Also, besides its industrial and construction uses, the sand's potential for other uses such as animal bedding should be acknowledged. The MSP does not adequately address these matters, rendering this part of the Plan ineffective. Therefore, the Policy's supporting text needs amending in the form of **MM 4**, which rectifies the aforementioned omissions.

*Policy MS-2: Sand and Gravel Area of Search.*

41. Policy MS-2 provides for proposals on unallocated sites to come forward from a defined area of search, as shown on Plan Figure 2: *Aggregate Area of Search*. Whilst these areas are designed to avoid significant ecological and landscape constraints, it is unjustified at Plan making stage to screen out wider sand and gravel resources on the basis of broad, general evidence of a particular potential constraint. Detailed analysis of all potential constraints at the planning application stage would be more appropriate. Therefore, the strategy must extend the search area to cover the wider resource blocks that are illustrated in the MS. Accordingly, **MM 9** and **MM 11** are required to remove the areas of search and replace them with the MS resource blocks. Consequential changes to the Policies Map are required to ensure the soundness of the policy.
42. Criteria are set out in the policy against which unallocated sites are to be tested. One criterion requires a shortfall in sand and gravel to be demonstrated. However, this encompasses both types of sand and gravel without distinction. Therefore, if there were a shortfall in either Poole Formation or River Terrace aggregate, as long as the overall supply was adequate, the proposed site would not satisfy this test. This is unjustified, as each type requires separate consideration. Accordingly, the policy needs amending as per **MM 11** to support the bringing forward of appropriate unallocated sites, which contribute to the supply of a particular type of aggregate for which a shortfall has been demonstrated.
43. Furthermore, the supporting text introduces another criterion which, to be effective requires the force of policy and should form part of Policy MS-2. This criterion aims to promote, ahead of unallocated sites, permitted reserves that are currently not worked but are capable of being worked, in the vicinity of proposed unallocated development. However, without distinguishing the type of sand and gravel (either Poole Formation or River Terrace) under consideration, it is unjustified. The criterion should make clear that it is reserves of sand and gravel of the same type as the unallocated site proposal that are of key importance, and not sand and gravel in general. Accordingly, **MM 11** is required to address these matters.
44. Additionally, unallocated proposals coming forward within Aerodrome Safeguarding Areas in the Sand and Gravel Resource Blocks must undergo an Aviation Impact Assessment to ensure that any development risks are acceptable in terms of health and safety. The policy makes no reference to this and so is ineffective in this regard. Consequently, **MM 9** and **MM11** are required to rectify this.

### ***b - Crushed Rock***

45. There is currently a sufficient landbank of crushed rock in the Plan area, estimated to last over 40 years. Nonetheless, the rock comes from only two locations, namely quarries in Portland and Swanworth Quarry, although the lifespan of the latter is limited to the short term. There are significant sustainability benefits in maintaining an alternative supply outside Portland, particularly with respect to reduced transport. Swanworth Quarry is close to the BCP markets and provides about half the crushed rock in the Plan area.
46. Consequently, despite the large landbank, an extension to Swanworth is proposed for allocation in Policy MS-3: *Swanworth Quarry Extension*. The site would be worked in succession to the existing, which has been in operation for many years, and would benefit the local economy. It would promote security of supply by ensuring a greater number of supply sources overall and would maintain a source close to a significant market.
47. Nonetheless, Swanworth Quarry Extension is in the Dorset AONB where great weight must be given to conserving and enhancing the landscape and scenic beauty. Its development is likely to result in adverse landscape and visual impacts, which may not be capable of full mitigation. Therefore, to justify its allocation, compensatory environmental enhancements may be needed to offset any residual landscape and visual impacts. This requirement is of such importance that it must be given the force of policy. The Plan does not adequately deal with this and accordingly **MM12.1** is required, which introduces offsetting. This provision complements the additional control provided in the MS development management policies and the DGs (discussed below at paragraphs 114-120), thereby affording a sound set of protection measures overall.

### ***c - Recycled Aggregate***

48. In accordance with the MS and national policy, the MSP supports the production of recycled aggregates. Whilst no new sites have come forward for allocation, a consolidated site with temporary permission consisting of a site for crushing, combined with an existing washing facility has been proposed for allocation. DGs for the site are discussed below at paragraphs 122-123.

### ***d - Ball Clay***

49. The MS targets the production of 250,000 tonnes per annum of ball clay. Much of this supply currently comes from existing sites, although new sites are required to maintain supply throughout the Plan period. The MSP indicates that insufficient sites have been identified for allocation and if sufficient applications do not come forward to maintain supply, a review of the level of provision may be required.
50. Only one site came forward and this was *BC-04: Trigon Hill Extension*, which was proposed for allocation in Policy MS-5: *Site for the provision of ball clay*. However, since submitting the Plan for examination, the site has been granted planning permission. Accordingly, at the request of the MPAs, and on the basis that allocation is no longer a justified strategy, its removal as a proposed allocation is required. **MM 13** therefore removes Policy MS-5 from the Plan. A

consequential amendment to the Policies Map is required to illustrate this modification and ensure the soundness of the Plan.

### ***e - Purbeck Stone***

51. The MS commits to providing some 20,000 tonnes per annum of saleable Purbeck Stone. This will be achieved by a combination of existing sites, allocated sites and potentially unallocated sites generally from within the Purbeck Stone Area of Search identified in the MS.
52. The MSP has included all suitable sites put forward as it is difficult to assess how much saleable stone might be produced from a particular site, given the different levels of wastage. Also, there is a demand for a range of Purbeck Stone found within different quarries and the larger number of sites provides flexibility in supply. Although more sites might have a greater effect on the environment, Purbeck Stone sites are generally small with relatively low impacts and the MS policies and national policy provide adequate protection.
53. Policy MS-6: *Sites for the provision of Purbeck Stone* (re-numbered MS-5) lists the proposed allocations. However, *PK-21: Gallows Gore* has been withdrawn and must be taken off the list. *PK-15: Downs Quarry Extension* has been granted planning permission and at the request of the MPAs, and on the basis that allocation is no longer a justified strategy, its removal is required. **MM 15** therefore, removes these sites from the policy and **MM 16** removes them from Plan Figure 6: *Purbeck Stone Site Allocations*. Consequential amendments to the Policies Map are required to illustrate this modification and ensure the soundness of the Plan.

### ***f- Other Building Stone***

54. The MS supports the production of other building stone although there is no set target for production. It envisages allocations being made in the MSP for the various types of stone. Only three sites were put forward for allocation, all of which produce low levels of different stone types largely for local markets. Policy MS-7: *Sites for the provision of other building stone (excluding Portland and Purbeck stone)* (re-numbered MS-6) lists all of them as proposed allocations. However, it does not state the type of stone present at each site, which is necessary in the interests of clarity and effectiveness. Therefore, to do this, **MM 17** is required.

## **B - Allocated Sites**

### **General Methodology for Site Allocation**

55. Each nominated site underwent a two staged assessment process. The Site Selection Criteria in the MS was used to gather preliminary information, and this was subsequently fed into the SA selection process. Consultation responses from statutory consultees and others were taken into account. As the Site Selection Criteria are relatively rigid compared to those of the more subjective SA, there was understandably some variation in outcomes. The MPAs have taken an appropriately flexible approach in response when reconciling these differences.

56. In general, these two staged assessments were sufficient to inform site selection, although for some sites in sensitive locations, an additional assessment was undertaken. Mineral Site Clusters were also considered to assess potential cumulative impacts. Reasons for selection or rejection were given for all sites. Overall, I find the process to be proportionate and fit for purpose.

### **MSP Appendix A: Site Allocations**

57. Site details, together with the main identified constraints and mitigation requirements for each proposed allocation, are set out in the DGs in Appendix A. Whilst there are some unjustified omissions in certain DGs, these can all be rectified by modifications and are discussed below in connection with the relevant sites.
58. The introductory section to the Appendix sets out the background and indicates some general requirements. However, although the *Bournemouth Airport Aerodrome Safeguarding Map* shows certain proposed allocations to be within the safeguarded area, no reference is made to this, nor to how a developer should respond. Consequently, to be effective **MM35** is needed, which explains the types of risk assessment and information that might be required for development within the safeguarded area and, for clarity, cross references the relevant provisions in the MS. To ensure the soundness of the Plan, consequential amendments to the Policies Map must be made to reflect the aerodrome safeguarding area.

### **Clusters**

59. The MS requires cumulative impacts to be assessed at the application stage, and for effectiveness this must be reflected in the MSP. However, insufficient provision has been made in the Plan, and consequently modifications are needed as set out in the following paragraphs. Cumulative impacts have been addressed and considered through the Site Assessments and the SA, and the SA identifies six clusters of proposed allocations for this purpose.

#### ***Cluster 1 – Other Building Stone Sites: BS-02 Marnhull Quarry, BS-04 Frogden Quarry, BS-05 Whithill Quarry***

60. These proposed allocations are all extensions of existing quarries with relatively low outputs. No significant cumulative effects have been identified.

#### ***Cluster 2 – C7 Wareham to A35: AS-12 Philliol's Farm, AS-15 Tatchell's Quarry Extension, BC-04 Trigon Hill Quarry Extension***

61. *Philliol's Farm* has been removed as a proposed allocation and will not be worked at this stage. Whilst *Trigon Hill Quarry Extension* has also been removed, this is due to its grant of planning permission, and so it could still contribute to cumulative impacts. Both *Tatchell's* and *Trigon Hill* are extensions to existing operational quarries and would be worked in succession to the existing. Accordingly, the evidence indicates that there is unlikely to be

any significant intensification of operations at each individual site. Nonetheless, there is still the potential for cumulative impacts depending on the co-occurrence of working at each site.

62. Because Tatchell's Quarry and Trigon Hill ball clay quarry are both accessed via the C7 Wareham to A35 road, there is the possibility of in-combination increases in traffic. Consequently, the DGs must require new development at Tatchell's to demonstrate that the local road network has the necessary capacity for the resultant traffic and that opportunities for minimising any such cumulative impacts have been taken. As the DGs do not adequately cover this, **MM 50** is required to make the necessary provision.

***Cluster 3 - AS-09 Hurn Court Farm Quarry, AS-13 Roeshot***

63. Although the *Hurn Court* site has been removed as a proposed allocation, this is because it now has planning permission and therefore the potential for cumulative effects still exists. Furthermore, *Roeshot* is one part of a wider area proposed for extraction, with the other part located adjacent to the BCP site across the border in Hampshire. The evidence indicates that the simultaneous working of both *Roeshot* sites is likely to cause unacceptable cumulative impacts including the intensification of traffic movements. Consequently, to keep impacts to an acceptable level, there must be no simultaneous extraction in BCP and Hampshire. The DGs do not make this clear and therefore to justify the allocation, **MM 42** is required to rectify this.

***Cluster 4 - Moreton Area of Dorset: AS-19 Woodsford Extension, AS-25 Station Road and AS-26 Hurst Farm***

64. Due to the proximity of these sites with one another, they have the potential for in-combination effects. There is also the possibility of cumulative impacts with other developments in the area. Consequently, in order to justify these proposed allocations, provision should be made to mitigate potential cumulative impacts by reasonably controlling the sequence of development and encouraging any inter-site transfer of minerals by conveyor where possible. None of this is covered in the Plan and therefore, **MM 54**, **MM 60** and **MM 62** are required to reflect these matters in the DGs.

***Cluster 5 - As for Cluster 4 plus AS-06 Great Plantation***

65. Great Plantation lies some distance away from Cluster 4, but the sites have been considered together because of the potential for cumulative traffic impacts on certain roads. However, Great Plantation is a follow-on site to be worked after Hyde Pit, a current aggregates quarry, ceases operations. Consequently, there is unlikely to be any intensification of traffic contributing to in-combination effects.

***Cluster 6 - Purbeck Stone Sites: Allocations listed in Policy MS-6 (PK-02, PK-10, PK-15, PK-17, PK-18, PK-19, PK-21) and MS-3: Swanworth Quarry Extension (PK-16)***

66. PK-21: Gallows Gore has been withdrawn, thereby reducing any in-combination effects that it otherwise might have contributed to. Whilst PK-15 has been removed as a proposed allocation, this is because it now has

planning permission, and so there is still the potential for it to contribute to cumulative impacts.

67. However, these sites, with the exception of Swanworth Quarry Extension, are relatively small and cumulative traffic impacts are not expected to be significant since all of them follow on from existing operations. Nonetheless, there is still the potential for some cumulative impacts, including visual impacts, which must be considered at the application stage. To reflect this, additional text needs to be inserted into the Plan as set out in **MM 14** and **MM 15**, and the relevant DGs require amendment as per **MM 81**, **MM 86**, **MM 88** and **MM 92**.

### **Sand and Gravel Sites**

68. The MSP allocates more sand and gravel sites overall than are currently needed. However, the policies in the MS, together with national policy, should ensure that unacceptable environmental and amenity impacts do not result. The greater number of sites provides flexibility in meeting any increased demand over the Plan period and, taking account of site constraints, gives more certainty that the range of sand and gravel products will be met. Therefore, the scale of allocations is justified. The following paragraphs discuss individual sand and gravel sites and identify modifications required to justify their allocation.

#### ***AS-06: Great Plantation***

69. *AS-06: Great Plantation* will provide primarily Poole Formation sand, which is in particular demand. It is a sequel to existing workings and so operations are already established in the immediate vicinity.
70. However, it lies within Hethfelton Wood, which is open access land and consequently there will be displacement of recreational users. Accordingly, the SA identifies a "strong negative impact" for access to the countryside. Nonetheless, the developers are proposing alternative access land and recreational routes during quarrying and restoration to compensate for these losses. The DGs reflect this as a requirement, which is a reasonable approach to address the issue.
71. Whilst the SA shows "strong negative impacts" on landscape and surface waters, the originally proposed allocation has been reduced in size in the Plan. The consequent reduction in these potential impacts renders the allocation acceptable in this respect. The DGs also appropriately identify other issues and how to address them at application stage. Nonetheless, there are gaps in the DGs, which must be resolved as set out in the following paragraphs, in order to justify the allocation.
72. The SA indicates a "strong negative impact" on biodiversity, and the HRA identifies necessary mitigation measures to avoid adverse effects on the integrity of European sites. However, some key mitigation measures are absent from the DGs. Consequently, **MM 36** is required, which provides for offsite mitigation measures identified in the HRA, including the creation of heathland support, a network of surrounding walks, restoration to

heathland/grassland habitat and the creation of additional habitat for certain species.

73. The "strong negative impact" identified in the SA on the historic environment has been addressed in part by the size reduction, although there are still issues relating to Scheduled Monuments as set out in the MPAs' historic heritage assessment. However, the MPAs, the developer and Historic England have signed a Statement of Common Ground identifying a way forward to ensure that the archaeological and topographical relationship of the monuments to the historic landscape, and their inter-visibility is addressed. I am content that this provides a sound solution. Accordingly, **MM 37** is needed to reflect these agreed key elements in the DGs.
74. Given the sensitivity of the allocation, it is necessary to identify the location of the site access, which the DGs omit to do. Consequently **MM 38** is required, which specifies the access will be through the existing Hyde Pit.
75. Furthermore, the site lies within the boundary of the Puddletown Road Area where a long-term and co-ordinated approach to development, restoration and management is required. No reference is made in the DGs to this, rendering it ineffective, and so **MM 39** is needed to rectify this omission.

#### ***AS-09: Hurn Court Farm Quarry***

76. Since submitting the Plan for examination, site *AS-09: Hurn Court Farm Quarry* has been granted planning permission. Accordingly, at the request of the MPAs, and on the basis that allocation is no longer a justified strategy, its removal from the Plan is required (see paragraph 34 above). The associated DGs must also be removed as they are no longer effective and this is achieved by **MM 40**. A consequential amendment to the Policies Map is required to illustrate this modification and ensure the soundness of the Plan.

#### ***AS-12: Philliol's Farm***

77. *AS-12: Philliol's Farm* is a River Terrace site in the south east of the Plan area, where much of this resource is found. It is particularly constrained, with the SA indicating strong negative impacts on biodiversity, historic environment, landscape and quality of life. It is one of the sites highlighted in the HRA as potentially impacting on a European site and protected species including the Fairy Shrimp, thereby necessitating modifications to the Plan.
78. Whilst proposed mitigation measures might reduce some of the significant impacts to acceptable levels, there are others that are unlikely to be capable of acceptable resolution. In particular, I am not persuaded that nearby residential properties, some of which are within 50m of the site, would be sufficiently protected, even with the proposed 100m standoff from the working area. Also, the Heritage Impact Assessment indicates that there is a limit to the mitigation that could be put in place to protect the setting of the two Grade II Listed Buildings in the middle of the site.
79. Furthermore, as there are sufficient allocations of River Terrace aggregate without this site, its loss would not result in any supply gap. Additionally, given its location, there is no geographical need for its inclusion in the Plan.



Consequently, it does not have to be worked at the present time, and its allocation is therefore unjustified. Accordingly, its removal from the Plan is required (see paragraph 33 above). The associated DGs must also be removed as they are no longer effective and this is achieved by **MM 41**. A consequential amendment to the Policies Map is needed to illustrate these modifications and ensure the soundness of the Plan.

### ***AS-13 Roeshot Quarry Extension***

80. Roeshot Quarry Extension is one of two adjacent River Terrace sites in the same ownership, which is in the BCP area, the other being in Hampshire. Although the Site Assessment and SA indicate some potentially significant adverse impacts from the allocation, there are reasonable prospects of reducing them to acceptable levels through mitigation. However, the DGs do not provide adequate detail on all key mitigation measures required and therefore, in order to justify the allocation and ensure effective delivery, additional guidance is needed as follows.
81. The river Mude flows through the site with its eastern and western banks in Hampshire and BCP respectively. This area provides habitat for the Southern Damselfly, which is a qualifying feature of the Dorset Heaths and Studland Dunes Special Area of Conservation, and the Dorset Heaths Special Area of Conservation. The SA identifies a Strong Negative Impact on water, and the HRA sets out specific measures to reduce the impacts to non-significant levels. These include buffer strips along the banks, habitat improvement, water resource management and phasing of works to ensure that only one side of the river is affected at any one time. As these measures are not included in the DGs, **MM 43** is needed to address them.
82. There are other designations in the vicinity, which require protection but are not mentioned in the DGs. These include the New Forest National Park, Burton Common Site of Special Scientific Interest, the New Forest Special Protection Area, the New Forest Special Area of Conservation and Ramsar sites. An Environmental Impact Assessment to consider any potential effects on these sites will be required and must be included in the DGs. Accordingly, **MM 44** is needed to address this.
83. The evidence indicates that traffic levels in the area are high, although a traffic assessment undertaken for *Christchurch Urban Extension* carried out by the Transportation Modelling Team of the former Dorset County Council concluded that the road system could accommodate both the quarry and the urban extension. Highways England has also reviewed the Transport Statement submitted with the planning application for the Hampshire part of the site and has indicated that the development would not have a significant impact on the Strategic Road Network. I agree with these findings. Overall, the evidence is proportionate and adequate to address the key traffic issues at this stage, although a detailed traffic assessment will be required at the application stage, as set out in the DGs.
84. The access to the overall site, which will serve both the Hampshire and BCP parts, is proposed to be in Hampshire. As the location of the access could have significant impacts on local traffic movements, the DGs must include access

details in the Plan. This is done through **MM 45** as an amended illustration in Figure 13: *Roeshot*.

85. The site has the potential to impact on the New Forest National Park, and at the application stage it will be necessary to carry out assessments of any such potential effects. Guidance to this effect must be set out in the DGs and this is achieved through **MM 46**.
86. As part of the Christchurch Urban Extension there is a requirement for part of the site to function as Suitable Alternative Natural Greenspaces for Habitat Regulation purposes. Consequently, the need to ensure delivery of these greenspaces must be included in the DGs, which do not reflect this in the submission version, thereby necessitating **MM 47**.
87. The proposed allocation is within the Bournemouth Airport Aerodrome Safeguarding Area and at application stage an Aviation Impact Assessment will be needed. This must be set out in the DGs, and as they do not cover it, **MM 48** is required.
88. A bridge is to be constructed across the River Mude to convey minerals to the plant and deliver reclamation material to restore the site, which will affect a section of both banks. Consideration must be given to the detailed design to minimise impacts on the buffer strip and this must be set out in the DGs. As this is omitted, **MM 48.1** is needed to add this provision.

***AS-15: Tatchell's Quarry Extension***

89. Tatchell's Quarry Extension contains Poole Formation sand under a layer of gravel. The DGs set out all necessary guidance for this site except on cumulative impacts, as addressed above at paragraphs 61-62 on *Cluster 2*.

***AS-19: Woodsford Quarry Extension***

90. Woodsford Quarry Extension primarily consists of River Terrace sand. Due to its location adjacent to the River Frome within Flood Zones 2 and 3, the DGs require a hydrological/hydrogeological assessment to be done. However, no mention is made of its potential impact on fisheries and this must be considered, as set out in **MM 52**.
91. Mineral from the extension will continue to be processed at the existing plant site. Due to the narrow highway network surrounding the site, the extracted mineral must be transported within the site from the point of extraction to the processing site. The DGs need amending to make this clear, as is done by **MM 53**.
92. There is a high voltage electricity line crossing the site, which must be considered. This is not included in the DGs and therefore **MM 55** is required to alert developers to it for health and safety reasons.
93. There are sensitive receptors to the north of this site on the north bank of the Frome and the DGs must provide guidance on how development proposals will consider them. Consequently, as the DGs do not address this, **MM 56** is needed, which requires proposals to demonstrate how noise and visual

impacts will be minimised to an acceptable level, failing which restrictions on parts of the site could be imposed.

94. The HRA requires greater priority to be given to the benefits of wetland restoration and hydrological connection to the River Frome. Therefore, additional guidance on this needs to be inserted into the DGs, as set out in **MM 57**.
95. Whilst the DGs provide some guidance on how to deal with the historic/cultural environment, more detail is needed on certain aspects. **MM 57.1** covers this and sets out crucial mitigation measures.

#### ***AS-25: Station Road***

96. Station Road will contribute both to River Terrace and Poole Formation supply. However, when developing the proposed allocation, care must be taken over a water course that flows through Moreton village from the vicinity of the site. It is important that development does not cause or result in any long-term decrease in flow rate or volume or in water quality of this water course. As this is not mentioned in the DGs, **MM 58** is required to alert developers to this issue.
97. Given its proximity to Moreton village, development of the site has the potential to impact on non-car access. Consequently, provision is needed for safe pedestrian access between the village and Moreton station. As this is not included in the DGs, **MM 59** is required to add this provision.
98. The DGs do not adequately set out mitigation measures to reduce impacts on nearby residential properties to the northeast. Therefore, **MM 61.1** is necessary, which deals with the separation of the site's working area from these sensitive receptors.
99. Whilst the DGs provide some guidance on how to deal with the historic/cultural environment, more detail is needed on certain aspects, including archaeological potential, as recommended through the heritage assessment undertaken for the proposed allocation. **MM 61.1** covers this and sets out crucial mitigation measures and restrictions.
100. Other omissions rectified in the DGs by **MM 61.1** relate to provisions on avoiding visually intrusive material, providing photographic and topographic surveys, and structural monitoring of Hurst Bridge.

#### ***AS-26: Hurst Farm***

101. Hurst Farm will contribute to both River Terrace and Poole Formation aggregate, and the Plan contains comprehensive DGs subject to the following additions.
102. The HRA requires greater priority to be given to the benefits of wetland restoration and hydrological connection to the River Frome. Therefore, additional guidance needs to be inserted into the DGs, as set out in **MM 65**.

103. There are sensitive receptors to the north of this site on the north bank of the Frome and the DGs must provide guidance on how development proposals will consider them. As they omit to do so, **MM 66** is needed, which requires proposals to demonstrate how noise and visual impacts will be minimised to an acceptable level, failing which restrictions on parts of the site could be imposed.
104. The DGs do not adequately set out mitigation measures to reduce impacts on nearby residential properties to the east. Therefore, **MM 66.1** is necessary, which deals with the separation of the site's working area from these sensitive receptors.
105. Whilst the DGs provide some guidance on how to deal with the historic/cultural environment, more detail is needed on certain aspects, including archaeological potential, as recommended through the heritage assessment undertaken for the proposed allocation. **MM 66.1** covers this and sets out crucial mitigation measures and restrictions.
106. Other omissions rectified in the DGs by **MM 66.1** relate to provisions on avoiding visually intrusive material, providing photographic and topographic surveys, and structural monitoring of Hurst Bridge.

***AS-27: Land at Horton Heath***

107. The evidence relating to the omission site *AS-27 Horton Heath* indicates that, as well as gravel, it would contribute a significant quantity of Bagshot sand, thereby reducing the shortage of this aggregate in the Plan area. It scores relatively favourably in the SA and the MPAs have re-assessed it, finding there are reasonable prospects of mitigating potential impacts to an acceptable level.
108. Accordingly, it would be unjustified to omit *AS-27* from the Plan and, therefore, it must be added to the list of allocated sand and gravel sites in Policy MS-1 (see paragraphs 31 and 32 above). A consequential amendment to the Policies Map is required to illustrate this modification and ensure the soundness of the Plan.
109. However, development of *AS-27* may have significant impacts on hydrology and displacement of recreation as indicated in the HRA. To be effective, the need for mitigation or reduction of these effects to non-significant levels must have the force of policy, as addressed by changes to MS-1 in **MM 8**.
110. Furthermore, as with other sites, an associated set of DGs needs to be included in Appendix A to justify the allocation and ensure appropriate mitigation measures are effectively considered. **MM 67** inserts the relevant provisions, including the location of the site access and the need for a Transport Assessment dealing with impacts on the road network and rights of way. A consequential amendment to the Policies Map is needed to illustrate this new allocation and ensure the soundness of the Plan.

### **Omission Site: *Chard Junction Extension***

111. Overall, the main resources of sand and gravel are located within the south and east of the Plan area, and this is the area from where the sites have generally come forward for allocation. This geographical clustering means that there is a dearth of supply in the North and West of the area.
112. After the call for sites had closed, an omission site in the North West of the Plan area, *Chard Junction Extension*, was put forward for consideration, but too late to be assessed for inclusion in the submission version of the Plan. Whilst the site would contribute to supply where geographically needed, it is in the AONB and would require detailed supporting evidence to justify its allocation. Assessing it at this late stage would cause unjustifiable delay to the adoption of the Plan, and that would not be in the public interest. Nonetheless, the Plan is sufficiently flexible to consider the site against the development plan policies for non-allocated sites, should an application be made.

### **Crushed Rock Site**

113. The following paragraphs discuss the only allocated site for crushed rock and the modifications needed to justify its allocation.

#### ***PK-16 Swanworth Quarry Extension***

114. Whilst the DGs provide some guidance on how to deal with the historic/cultural environment, more information is needed on certain aspects. This is provided by **MM 68**, which sets out further detail on how impacts should be mitigated.
115. In order to reduce traffic impacts and avoid access from the B3069, there is a need for a new site access, the location of which must be identified in the Plan. As this is not covered in the DGs, **MM 69** is required which makes this provision, together with **MM 73** which identifies the location on Figure 18: *Swanworth Quarry Extension*. A consequential change to the Policies Map is also needed to ensure the soundness of the Plan.
116. The DGs refer to the creation of a tunnel. However, the proposal for a tunnel has been withdrawn by the promoters of the site and so is undeliverable. Therefore, this element of the DGs needs to be removed as it is ineffective, and this is achieved by **MM 70**.
117. The extension site is proposed to be worked while the existing site is still undergoing restoration. Consequently, there is the potential for cumulative impacts, particularly landscape and visual. The DGs need to direct that mitigation measures be implemented to reduce such impacts to an acceptable minimum. As they omit to do so, **MM 71** is necessary.
118. There is the possibility of residual adverse landscape and visual effects impacting on the AONB. Consequently, the need arises for a detailed Environmental Impact Assessment at the application stage to identify any residual impacts and to inform the MPA in its determination of compensatory environmental enhancements. The DGs do not cover this, necessitating **MM 72** to set out the requirement.

119. However, there is an area of land on the eastern side of the site which, if developed, would cause an unacceptable impact on the AONB. Therefore, the DGs must be amended to direct the prevention of working in this area, and to depict its location on Figure 18 of the Plan, as done by **MM 73**.

120. The DGs set out a restoration vision for the site but do not mention the requirement of creating limestone pasture of conservation interest, or natural re-vegetation, which would encourage successional limestone habitats. Furthermore, no mention is made of the need to restore the site to original ground levels in a phased manner, and for timely aftercare in this sensitive location. Accordingly, **MM 74** is required to include these matters.

### **Recycled Aggregate Site**

121. Only one site is proposed for allocation for recycled aggregate and the following paragraphs identify modifications needed to justify it.

#### ***RA01: – White's Pit***

122. The proposed allocation is within the Bournemouth Airport Aerodrome Safeguarding Area and at application stage an Aviation Impact Assessment will be needed. This must be set out in the DGs as provided for by **MM 75**.

123. Furthermore, there are surface drains in the vicinity of the site which need to be considered at application stage. Guidance to this effect must be added to the DGs as set out in **MM 76**.

### **Ball Clay Site**

#### ***BC-04: Trigon Hill Extension***

124. As noted at paragraph 50 above, this site has been taken out of the Plan. Consequently, for the Plan to be effective the associated DGs must also be removed as per **MM 77**.

### **Purbeck Stone Sites**

125. The following paragraphs set out the modifications required to justify this section of the Plan.

#### ***PK-02: Blacklands Quarry Extension***

126. It is necessary for the DGs' restoration vision to require unimproved limestone grassland as an after-use, and for bat roosts to be considered. To achieve this, the DGs need amending as per **MM 82**.

127. Part of the site has been granted planning permission. Consequently, at the request of the MPAs, and on the basis that allocation of the whole site is no longer justified, the site boundary requires amendment. This is dealt with by **MM 16**, which amends Figure 6: *Purbeck Stone Site Allocations* and **MM 83**, which amends Figure 21: *Blacklands Quarry*. A consequential change to the Policies Map is needed to illustrate this modification and ensure the soundness of the Plan.

***PK-10: Southard Quarry Extension; PK-17: Home Field; PK-18: Quarry 4 Extension***

128. It is necessary for the DGs' restoration vision to require unimproved limestone grassland as an after-use on these sites, and for bat roosts to be considered. To show this, the respective DGs need amending as per **MM 84**, **MM 87** and **MM 89**.

***PK-15: Downs Quarry Extension***

129. As noted at paragraph 53 above, this site has been removed from the Plan. Consequently, for the Plan to be effective, the associated DGs must be removed as per **MM 85**.

***PK-19: Broadmead Field***

130. There is a Site of Nature Conservation Interest adjacent to the proposed allocation, which requires protection from development. As this is not mentioned in the DGs, **MM 90** is needed to make appropriate provision.

131. The site contains water mains and other water-related infrastructure, which must be retained and protected. The DGs make no reference to this and consequently **MM 91** is needed to alert developers to this issue.

132. It is necessary for the DGs' restoration vision to require unimproved limestone grassland as an after-use, and for bat roosts to be considered. To show this, the DGs need amending as per **MM 93**.

***PK-21: Gallows Gore***

133. As noted at paragraph 53 above, this site has been taken out of the Plan. Consequently, for the Plan to be effective, the associated DGs must be removed, as per **MM 94**.

**Other Building Stone Sites**

***BS-02: Marnhull Quarry; BS-04: Frogden Quarry***

134. The site allocation details and DGs are sound as drafted.

***BS-05: Whithill Quarry***

135. The site allocation details in the Plan erroneously state the estimated mineral resource as 6,000 tonnes, whereas it is actually 140,000 tonnes. However, the site assessment considered the correct tonnage and, therefore, the error can be readily corrected by simply altering the figure in the Plan. Accordingly, for reasons of effectiveness, **MM 94.1** is required to amend the tonnage.

**Conclusion**

136. Subject to the identified modifications, the Plan's proposed allocations are sound. Overall, they generally provide a sufficient supply of economically viable minerals, and achieve an appropriate balance between the economic, social and environmental roles of plan making. Although there is a possibility

of future gaps in the supply of certain mineral types, the Plan has sought to make provision for what is currently known to be reasonably deliverable during the Plan period, and to monitor the situation. This is a sound approach.

**Issue 2: Whether the remaining Plan provisions promote sustainable development and seek to adequately implement and monitor delivery of the Plan's policies.**

**A – Puddletown Road Area**

**Policy MS-8: Puddletown Road Area Policy**

137. Puddletown Road and its surrounding areas comprise significant natural habitats, some of which are of national and international importance. However, the minerals which support these habitats are in high demand as construction aggregate, and a concentration of mineral workings cover the landscape.
138. Policy MS-8: *Puddletown Road Area Policy* (re-numbered MS-7) designates this area for co-ordinated management of minerals development, restoration and aftercare with a view to supporting nature conservation and improving the landscape. To achieve this aim, the MPA needs to work with site operators and landowners. Consequently, to be effective the policy must make clear that operators and landowners will have the opportunity to influence the detailed design and implementation of restoration and future development proposals. An amendment is required to the policy to achieve this, as set out in **MM 19**.

**B - Safeguarding**

**Policy MS-9: Preventing Land-Use Conflict**

139. The MSP builds on the largely generic safeguarding provisions in the MS by identifying specific sites and infrastructure to be safeguarded in a list at Appendix B to the Plan. However, to be effective, the list must be referenced in Policy MS-9 (re-numbered MS-8), which should also explain that the list will be updated through regular monitoring. This is accomplished by **MM 22**.
140. The MS safeguards an area of clay around the existing Swanage Brickworks to ensure the availability of future supplies, and the MSP safeguards the Brickworks through its inclusion in Appendix B. The intention is for the Brickworks, including the area identified in the MS, to be safeguarded in the MSP. To be effective, this requires clarification, as set out in **MM 20**.
141. Due to the formation of Dorset Council and BCP Council, the consultation area provisions require amendment to be effective. Whilst the consultation area in the Plan was intended to direct the former district/borough councils to consult the former Dorset County Council, the districts/borough and the county have now merged into unitary authorities. Nonetheless, given the newness of the set-up, the MPAs wish to retain the consultation areas to alert development management officers to the need to consider the impacts of other development on mineral resources and to minimise instances of sterilization. Accordingly, **MM 22.1** is required to explain the changes, and to amend Policy MS-9 (re-numbered MS-8). The Policies Map must show the consultation areas to ensure the soundness of the Plan.



142. The Plan rightly provides for minor development to be excepted from the consultation provisions and lists types of excepted development. However, to be justified, prior approvals, which are not listed in the Plan, should be listed, and temporary permissions should not include certain use classes, and this needs additional text. These amendments are made by **MM 21**.

### **C - Implementation and Monitoring**

143. The MSP contains a detailed implementation and monitoring framework. However, it is not always clear what action would be required if certain monitoring triggers were met. Consequently, to be effective, **MM 24, MM 25, MM 28, MM 31, MM 32, MM 33, and MM 34** are required, which set out the proposed responses.

144. Consequent to the removal of the area of search from Policy MS-2, which has been re-named *Sand and Gravel Unallocated Sites*, to be effective amendments are needed to the associated implementation and monitoring section. These changes are set out in **MM 23** and **MM 27**.

145. The monitoring section for Policy MS-4: *Site for the provision of recycled aggregate* was inadvertently omitted from the framework, and to be effective, must therefore be inserted. **MM 29** does this.

146. As policy MS-5: *Site for the provision of ball clay* is to be removed from the Plan, so too must its monitoring section, which is now ineffective. This is done by **MM 30**.

### **Conclusion**

147. Subject to the identified modifications, the remaining Plan provisions promote sustainable development and seek to adequately implement and monitor delivery of the Plan's policies.

## **Assessment of Legal Compliance**

148. My examination of the legal compliance of the Plan is summarised below.

149. The MSP has been prepared in accordance with the MPAs' Local Development Scheme.

150. Consultation on the MSP and the MMs was carried out in compliance with the MPAs' Statements of Community Involvement.

151. The SA, as indicated above, is adequate.

152. The HRA, as indicated above, is compliant with legislation and caselaw.

153. The MSP has regard to the purpose of conserving biodiversity in accordance with section 40 of the *Natural Environment and Rural Communities Act 2006*.

154. The development plan as a whole, constituting the MS and the MSP, includes policies designed to secure that the development and use of land in the MPAs' area contribute to the mitigation of, and adaptation to, climate change.

155. The MSP is in general conformity with the 2014 MS.

156. The MSP does not set out the policies in the existing development plan which it is intended to replace. Consequently, to be legally compliant, **MM 95** is required which inserts a schedule of superseded policies into the MSP. Subject to this modification, the MSP complies with all relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

### **Overall Conclusion and Recommendation**

157. The Plan has a number of deficiencies in respect of soundness and legal compliance for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

158. The MPAs have requested that I recommend MMs to make the Plan sound and legally compliant and capable of adoption. I conclude that with the recommended MMs set out in the Appendix the Dorset and BCP Mineral Sites Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the NPPF.

*Elizabeth C Ord*

Inspector

This report is accompanied by an Appendix containing the MMs.