Q78: Should the policy require demonstration of exceptional circumstances for development in the Area of Outstanding Natural Beauty (AONB), as required by national policy?

Paragraph 14.7 of the draft Plan refers to the need for an applicant to demonstrate exceptional circumstances given that any planning application would be likely to be for a major development, but Policy MS 7 does not itself do not make this reference. Paragraph 154 of the Framework establishes that policies should provide a clear indication of how a decision maker should react to a development proposal. This omission renders the policy out of kilter with paragraph 154 as it does not make reference to a significant material consideration in the determination of any application for the site to which the policy refers.

The inclusion of a specific reference within the policy to the need to demonstrate exceptional circumstances would be in accordance with the Framework and therefore sound. It is suggested, however, that the policy is cross referenced with paragraph 14.7 of the draft Plan in order to make clear the tests to be applied to determining the presence or otherwise of exceptional circumstances. To include these within the policy itself would be unnecessarily verbose.

Q79: Should the policy set out the specific requirements of the habitats regulations with regard to the European sites and require submission of adequate information to enable an appropriate assessment to be carried out?

The thrust of the question appears to presuppose that an appropriate assessment would be required to be undertaken in any circumstances; the Company does not believe this to be the case, although it also believes that the lack of reference to appropriate assessment by either the policy or the paragraphs preceding it is unsound. References to the European sites should be removed from paragraph d) of the policy and formed into an additional paragraph. The additional paragraph within the policy should then set out a requirement to screen any development proposals for the presence of a significant effect on the European sites, requiring the submission of adequate information to allow that screening exercise to be carried out.

Paragraph 154 of the Framework establishes that policies should provide a clear indication of how a decision maker should react to a development proposal. The revisions sought would realise this policy aim by providing the decision maker with a ‘route map’ to follow in the light of receiving a development proposal without, by default, seeking an appropriate assessment that may not be warranted.
Q80: In paragraph 14.12 should the archaeological field evaluation and deposit modelling be done before submission of an application?

The nature of quarrying is such that it is always likely that archaeological assets will be lost in the course of that development. When combining this with what is already known about the archaeological environment both within the site and its environs pre submission archaeological field evaluation and deposit modelling would accord with the advice provided by paragraph 128 of the Framework, i.e., it would “… be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.”. As such it is felt the policy is sound.

Q81: Does the policy take into account the AONB Management Plan?

The Wangford site lies within an area characterised within the AONB Management Plan as ‘Estate Sandlands’ – which forms circa 38% of the AONB (the most commonly-found character area within the AONB). Referencing Page 31 of the AONB Management Plan, few of the listed important characteristics relate to the Site, indicating that the Site poorly contributes to and poorly represents the important characteristics of the Estates Sandlands element of the AONB. In turn, this suggests a development that accords with Policy MS7 represents an opportunity for long term enhancement in line with the aims and objectives of the Management Plan through the implementation of a well-designed mineral restoration scheme.

A number of relevant Objectives and Actions are included in Section 5 of the AONB Management Plan relating to prevention of adverse effects on landscape and scenic beauty, the special qualities of the AONB, wildlife (conservation, management and restoration of characteristic habitats and development and promotion of ecological networks within the AONB) and to farming and forestry (promoting sustainable farming techniques appropriate to the location). None of these are considered to be in conflict with the inclusion of Policy MS7 in the Plan. It would be perfectly feasible for a specific development proposal to accommodate and reflect, to the point that they are relevant and material, the Aims and Objectives of the Management Plan, leading to local term enhancement.

It is noted that the Management Plan is not referred to by Policy MS7 which may have a bearing on the soundness of the policy. It is suggested that an additional paragraph be added to the policy referring to the aims and objectives of the AONB Management Plan. This would accord with paragraph 154 of the Framework by providing a provide a clear indication of how a decision maker should react to a development proposal and that the Management Plan is material to its consideration.