

Rutland Quarry Forum comments on Chapter 10, Minerals and Waste, draft Local Plan Regulation 18 Consultation.

Rutland Quarry Forum:

Rutland Quarry Forum was formed in 2021 and established to improve:

- understanding of the impacts of mineral workings on local environments, and
- appropriate control measures to negate adverse impacts and to help promote high standards of operations at sites.

The forum comprises representatives from villages located within close proximity of the County's limestone quarries and Rutland Mineral Planning Authority.

The geology of Rutland results in limestone quarries being located around the eastern half of the County; according to the recent census the potential population affected by mineral workings represents approximately 40% the Rutland total.

Introduction:

Chapter 10 of the draft Local Plan details significant expansion of the mineral industry over the plan period effecting two distinct areas of the County, Ketton and the Thistleton - Clipsham - Stretton - Greetham local region.

The existing Ketton mineral workings will shortly be subject to a major planning extension, whilst the other local region is subject to various separate applications and consents, which collectively comprise a large sprawling array of at least 5 quarries on a scale far greater than historic quarrying practices.

An additional large scale quarry extension is currently being prepared for a site at South Witham which, although in Lincolnshire, abuts the County boundaries of Rutland and Lincolnshire and will add to the environmental impacts from mineral operations within this local region.

The actual scale of the developing industry is new to the County and presents new challenges to the Mineral Planning Authority.

The increased level of activity exposes these areas of the County to far greater environmental impacts than that from the historic low level quarry operations associated with Rutland.

In May 2022, the UK Government published the Environmental Principles Policy Statement, two of the principles being:

The prevention principle means that government policy should aim to prevent environmental harm;

The precautionary principle states that where there are threats of serious or irreversible environmental damage, a lack of scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.

The Precautionary Principle requires when an activity raises threats of harm to human health or the environment, precautionary measures should be taken even if some cause and effect relationships are not fully established scientifically. In this context the proponent of an activity, rather than the public, should bear the burden of proof.

It is imperative therefore that policies of the new local plan properly address the potential issues arising from this developing industry in order to afford effective protection to the residents who may be affected.

Current population census estimates there being up to 40% of the population of Rutland which lie within the limestone belt.

It is necessary that policies clearly detailing the safe development and control of site operations along with effective monitoring and management of emissions are developed to ensure the industry becomes a modern day and environmentally sustainable business within the County.

The current drafting of policies within Chapter 10 is very sparse on detail and does not address many of the potential concerns arising from the mineral activities.

We consider this aspect of the plan should be subject to much greater consideration and understanding and that specific policies are necessary for:

- i. Realistic quantitative environmental risk assessments based on site specific data which identify the exact nature and extent of potential adverse impacts,
- ii. Risk assessments reviews within 3 months of any increases equal to, or greater than 10% of original consented rates of mineral extraction,
- iii. Mandatory Health Impact Assessments for any proposed Mineral Application, or where any current activity exceeds consented mineral extraction rates by 10% or more,
- iv. Adequate infrastructure to support for this growing industry within Rutland,

- v. Reducing the visual impacts of the many quarries to the North Eastern area of, and entrance way to, Rutland,
- vi. Progressive restoration of any mineral workings within the County.
- vii. Effective and robust enforcement of planning conditions, thereby ensuring this growing industry within the County is operating the highest possible standards of protection for the residents of Rutland.
- viii. Mandatory liaison groups between the quarry operator, local residents and the mineral planning authority.

Lastly, it is important to record the structure of the Regulation 18 consultation document does not easily provide for comments regarding absence of policies.

Thus to ensure all concerns and commentary are registered as part of the formal Regulation 18 consultation, Rutland Quarry Forum has opted to submit their detailed response by letter separate to the formal consultation response document.

1. General:

The policies within the mineral section of Chapter 10 of the draft Local Plan need to be precise, unambiguous and provide clarity of intent.

Apart from setting standards to proposed developers as to what is an acceptable development, the policies must also provide residents with an absolute assurance that any development will not impact their health or wellbeing nor the environment in which they live.

Over the plan period these policies will be the reference by which quarry operators will construct their future development proposals.

It is imperative that the highest standards are set at this stage giving RCC the greatest control over future development.

As drafted, some of the draft policies do not meet this standard. Thus it is likely they will be subject to ambiguity of interpretation, give rise to difficulties for planning development control and possible lack of appropriate protection for residents impacted by mineral workings. The following draft policy is a typical example of such concerns and we would propose the following amendments in red to Policy MIN 4:

Policy MIN4 - Development criteria for mineral extraction.

Proposals for extraction of minerals will be permitted where it can be demonstrated that the development:
complies with the spatial strategy for minerals set out in Policy MIN1 and relevant Local Plan policies;

is required to maintain a sufficient supply of material with respect to:

- i. The adopted aggregate provision rate and/or the maintenance of a landbank, or
- ii. The adopted cement production rate and/or maintaining a stock of permitted reserves for cement materials, or
- iii. Supporting conservation of the historic environment or maintaining the local distinctiveness of the built environment within Rutland;

maximises the recovery of the reserve whilst minimising waste; promotes the most appropriate end-use of materials; and is environmentally acceptable and avoids and/or minimises potentially adverse impacts (including cumulative impacts) to acceptable levels. Proposals for the extraction of minerals to support conservation of the historic environment or maintaining local distinctiveness must demonstrate that this is the main purpose of the proposal.

Preference will be given to proposals for mineral extraction at allocated sites. Proposals on unallocated sites or outside of the areas identified in the spatial strategy will be considered where:

the proposal relates to extraction of aggregates or cement materials (limestone and clay) and cannot reasonably or would not otherwise be met from committed or allocated reserves, or from within the cement primary and secondary materials Area of Search; or

extraction of the mineral can be clearly demonstrated to be ancillary to the proposed development (e.g., agricultural reservoirs); or

the proposal is for the prior extraction within a Mineral Safeguarding Area.

Proposals for minerals development must ~~be expected to~~ **be supported by quantitative risk assessment which** identifies and determines the nature and extent of potentially adverse impacts likely to result from the development and demonstrates how the proposal will protect local amenity **within the immediate area and adjoining settlements**, particularly in relation to dust, noise and vibration; secure safe and appropriate site access; and make provision to secure highway safety, **including safety of loads, deposition on minerals on highways, safety of pedestrians especially where there is a lack of footpaths and any increased risk caused to the safety of vulnerable road users.**

Where potentially adverse impacts are likely to occur appropriate mitigation measures must be identified to avoid and/or minimise impacts to an **acceptable levels deemed appropriate by contemporaneous environmental legislation.** Where adverse safety impacts have been identified measures must be introduced to reduce these to an acceptable level.

~~Where applicable a~~ **A site-specific management plan should** ~~must be developed to ensure~~ the implementation and maintenance of such measures throughout construction, operation, decommissioning and restoration works.

Should extraction rates at site exceed 110% of original consented rates the operator must, within 3 months of increased rates, review the risk assessments and mitigation measures supporting the original application to determine the validity of assumptions used and whether the mitigation measures remain appropriate.

2. Other comments:

The new local plan provides opportunity to enable future mineral developments to clearly demonstrate their actual impacts of their activities on the local environment.

Although the understanding of harm from mineral extraction has improved significantly over the past decade, the full impacts on human health are only now being realised.

RQF consider the comments submitted on 13th September 2022 in response to the formal Issues and Options consultation remain valid and have developed the key issues into the detail needed for new Mineral Policies.

Detailed below are proposals for the Mineral Policies which the RQF consider need yet to be included within the new Local Plan:

i. Effective Risk Appraisal:

With current proposals for 4 large quarries to be operating within the North Eastern area of the County and at least 1 additional quarry located along the boundary of neighbouring Mineral Planning Authority during the plan period, it is apparent this area will become subject to significant impacts if not properly understood and controlled.

The historic practice of assuming there to be no significant harm due low background levels of pollutants has resulted in very limited knowledge and understanding on which to test such assumptions.

As the size of the industry increases within this area, so do the risks. It is extremely important there is proper understanding of risk.

This is clearly defined in the Governments recently published Environmental Principles Policy Statement of 2022.

Prior to any planning application there is ample opportunity for competent operators to gather meaningful data on which to base their risk assessments.

It is essential to record monitoring data of site emissions in a transparent and scientific manner thereby providing evidence of meaningful and precise understanding of the impacts from their emissions.

Thus policies are required for quantitative assessments of air quality and potential risks which are based on actual real time monitoring, rather than the current practice of theoretical emission levels.

Additionally policies are necessary to ensure that any significant changes to mineral practices, including where current any mineral extraction exceeds consented rates by 10% or more, are subject to mandatory review of the original risk assessments.

ii. Health Impact Assessments:

Over recent years there has been greater understanding of the impacts of the harmful PM10 dust particulates associated with breathing difficulties. Modern day research has shown limestone quarries are a major source of PM 10 arisings however, based on historic assumptions that such particles have limited travel, offsite monitoring data from mineral workings is very limited. Thus it is considered that such assumptions have not been properly validated.

The draft local plan highlights that 36% of the population is of retirement age and by the end of the plan period there will be 30% of the population will be aged 80 and over. This cohort of the community is most susceptible to the risks of such particulates making it imperative that harmful emissions are properly understood and controlled.

Without detailed Health Impact Assessments the extent of potential damage to local residents health from this growing industry is uncertain and needs to be fully assessed and understood to allow effective preventative measures to be taken. This is in accord with the Precautionary Principle.

Therefore policies are required for mandatory Health Impact Assessments for any proposed Mineral Application, or where any current activity exceeds consented rates by 10% or more.

iii. Supporting Infrastructure for Mineral Activities:

The creeping piecemeal development of 5 individual quarries will, over the plan period, have significant impacts on infrastructure and services within the local area.

Local highways are unlikely to support the predicted increases in heavy good vehicles, particularly along the B668 and at the A1- Stretton intersection.

Effective monitoring of particulates needs to be implemented to ensure no harm to the health of local residents.

Robust Policies are needed to ensure adequate supporting infrastructure for this growing industry within Rutland.

Finally, the visual impacts of the many quarries to this area of, and entrance way to, Rutland needs to be properly planned to ensure the area does not degenerate into an industrial wasteland.

The current draft plan is silent on these issues and better long term planning vision and policies are needed to protect the historic rural qualities of Rutland.

iv. Restoration of Mineral Workings:

The draft plan lacks policies for mineral site restoration. This has been a significant weakness of previous local plans and has led to the inability of the Mineral Planning Authority to enforce restoration requirements on many historic worked out quarries within the region.

The plan must provide policies to require progressive restoration of any mineral workings within the County. Wherever possible the restoration should meet the requirements of the Leicestershire, Leicester and Rutland Biodiversity Plan objectives for increasing the area of calcareous grasslands within the region. The Biodiversity plan identifies worked out limestone quarries as one of the main types of habitat needed for achieving this key objective.

v. Inspections and Enforcement

There is ample evidence that planning conditions are not being adequately enforced. The basic problem is that some quarry operators have little regard for the public interest. When issues have been raised, the response by the Minerals Authority has been slow and effective measures have not been taken. It would appear that the presumption is permitting operators to minimise their costs, rather than protect public health and amenity.

This is due partly to planning conditions being ambiguous and partly to inadequate enforcement resources.

Policies are required which:

- ensure that planning conditions are written in such a way that enforcement is possible

- charge operators for more frequent inspection visits (as legislation allows)
- ensure that noise, dust and traffic issues are promptly investigated and remedial action enforced.