

For and on behalf of
Mr Eatough

Regulation 19 (Pre-Submission) Rutland Local Plan Consultation Response

**Prepared by
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1.0 INTRODUCTION

1.1 These representations have been prepared by DLP Planning Ltd on behalf of our client, Mr Eatough, to object to the soundness of the Rutland Local Plan ('the emerging Local Plan') prepared by Rutland County Council ('the Council') for public consultation between 21 October 2024 and 2 December 2024 under Regulation 19 of the Town and County Planning (Local Planning) (England) Regulations 2012.

1.2 These representations focus on the policies that specifically relate to Minerals and Waste development, with a focus on Ketton Cement Works, and provides a response to the following policies:

- Policy MIN2
- Policy MIN4
- Policy MIN10

1.3 These representations have reviewed the pre-submission draft Local Plan in the context of Paragraph 35 of the National Planning Policy Framework ('NPPF'), which sets out that Local Plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound' if they are:

- Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development.*
- Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence.*
- Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and*
- Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.*

2.0 REPRESENTATIONS TO DEVELOPMENT POLICIES

- 2.1 As a general comment, it would be helpful if the Local Plan could include paragraph numbers so that representations can be easily linked to the relevant supporting text to policies.

Policy MIN2 – Mineral Provision

- 2.2 Policy MIN2 is unsound as it is inconsistent with national policy nor appropriately justified.
- 2.3 Policy MIN2 sets out that *“A stock of permitted reserves of at least 15 years for cement primary and secondary materials (limestone and clay) will be sought to maintain an existing plant, and at least 25 years where major investment is required for a new plant, or the maintenance and improvement of existing plant and equipment”.*
- 2.4 Paragraph 220 c) of the NPPF sets out that minerals planning authorities should plan for a steady and adequate supply of industrial minerals by:
- “c) maintaining a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant, and the maintenance and improvement of existing plant and equipment.”*
- 2.5 There is then a footnote associated with paragraph 220 c) (footnote 78) which states:
- “These reserves should be at least 10 years for individual silica sand sites; at least 15 years for cement primary (chalk and limestone) and secondary (clay and shale) materials to maintain an existing plant, and for silica sand sites where significant new capital is required; and at least 25 years for brick clay, and for cement primary and secondary materials to support a new kiln.”*
- 2.6 Footnote 78 is quite clear that, for cement primary (chalk and limestone) and secondary (clay and shale), at least 15 years reserves are required to maintain an existing plant and at least 25-year reserves for brick clay, and for cement primary and secondary materials are only where there is a requirement to support a new kiln.
- 2.7 Policy MIN2 as drafted conflicts with footnote 78 as it sets out that reserves of 25 years are required where major investment is required for a *“new plant, or the maintenance and improvement of existing plant and equipment”.*
- 2.8 To be consistent with national policy, the wording of Policy MIN2 should be amended to read:
- 2.9 *“A stock of permitted reserves of at least 15 years for cement primary and secondary materials (limestone and clay) will be sought to maintain an existing plant, and at least 25*

years to support a new kiln”.

Non-Aggregate Provision

- 2.10 The supporting text reinforces that national policy requires the Local Plan to provide a stock of permitted reserves to support the maintenance of cement production of at least 15 years. It adds that Ketton Cement Works has an annual output of around 1.4Mt of cement and that recent levels have been around the 1.4Mt or just below which indicates there is no need to increase the output further.

Landbanks

- 2.11 The supporting text refers to the requirement of “...at least 25 years where major investment is required for a new plant, or the maintenance and improvement of existing plant and equipment”. As per the representations to Policy MIN2, this should be amended to read as follows to be consistent with national planning policy:

“...at least 25 years to support a new kiln”.

- 2.12 Regarding Ketton Cement Works, the Plan refers to the fact that it has an annual output of around 1.4Mt of cement and at this rate, there are sufficient permitted reserves to carry operations through to around the middle of the plan period but not up to 15 years and it is likely therefore that the cement works will need to secure additional reserves before the plan period ends. Whilst we note there is a requirement for additional reserves, we previously asked for the evidence that confirms the remaining permitted reserves as this is unavailable in the Local Aggregates Assessment.
- 2.13 The Officer’s response to our previous representations clarifies that information on the exact current remaining reserves at Ketton Cement Works cannot be published to protect commercial confidentiality.
- 2.14 Due to the absence of this information from the public domain, there is no clear evidence that the Ketton Cement Works does in fact have sufficient permitted reserves to carry operations through to around the middle of the Plan period, and not beyond this. As such, to fully understand the justification in relation to additional reserves being required, it is necessary for this information to be made publicly available. By not providing this evidence, the Plan fails to demonstrate that it has been positively prepared, is justified, or effective. Should this information not become available, then this may be subject to an FOI request.

- 2.15 Since the submission of our previous representations, a planning application has been submitted by Heidelberg Materials for the extension of the Ketton Cement Works.
- 2.16 The Planning Statement which has been submitted to support this application sets out that the existing reserves are “*expected*” to be exhausted in c.2032 and that the two extensions applied for will add approximately **25 years** to the existing reserves. The Applicant’s justification for this is based on major investment in a new access road and likely investment in carbon capture technology in coming years. This is specifically more than the “*at least 15-years*” requirement cited in national policy “*to maintain an existing plant*” and the justification is not for a new kiln as per the footnote 78 requirement which would support at least an additional 25-years.
- 2.17 In the context of the pending planning application, we therefore have serious concerns about the lack of information publicly available in respect of existing reserves at Ketton Cement Works and the amendments that have been made to Policy MIN2 to enable “*at least 25 years where major investment is required for a new plant, or the maintenance and improvement of existing plant and equipment*” which is not consistent with the requirements of national policy.

Policy MIN4 – Development Criteria for Mineral Extraction

- 2.18 Policy MIN4 is unsound as it is not effective.
- 2.19 We previously raised that this policy should be amended to ensure that extraction of minerals will also consider impacts on landscape, ecology, heritage, visual/light and flood risk. The Officer’s response to our previous representations (representations ID: 6952) notes that impacts on landscape, ecology, heritage, visual/light and flood risk impacts are captured within the first paragraph of the supporting text for Policy MIN4. However, the supporting text is not a policy requirement and to ensure that this policy is effective in ensuring any potential impacts are considered, it should be amended to include consideration of those areas we have identified.
- 2.20 Furthermore, the first paragraph of the supporting text to Policy MIN4 sets out the following:

“National policy requires proposals for mineral extraction to be environmentally acceptable and avoid and/or minimise potentially adverse impacts to acceptable levels. This includes impacts on the natural and historic environment and on human health, including from noise, dust, visual intrusion, traffic, tip and quarry slope stability, differential settlement of quarry backfill, mining subsidence, increased flood risk, impacts on the flow and quantity of surface and groundwater and migration of contamination from

the site”.

- 2.21 The supporting text does not explicitly state light pollution; therefore this should be added for absolute clarity.
- 2.22 Cross reference should also be made to the specific policies relating to the various technical aspects to ensure absolute clarity for Applicants. This includes Policies CC14 (Flood Risk), SC1 (Landscape Character), EN1 (Protection of Sites, Habitats and Species), EN12 (The Historic and Cultural Environment) and EN13 (Protecting Heritage Assets).
- 2.23 It is acknowledged that Policy SC3 (Promoting Good Quality Design) relates to built form, and the principles cannot necessarily be applied to quarry works, therefore cross reference to this policy is not required. However, we do believe that it is necessary for Policy MIN4 to ensure neighbour amenity is protected against adverse impacts and properly considered and should therefore consider a wider range of areas identified.

Policy MIN10 – Mineral Provision

- 2.24 Policy MIN10 is not sound as it is not effective.
- 2.25 The inclusion of Policy MIN10 is welcomed. However, it is noted that this policy only relates to the implementation of minerals and waste development and omits restoration and aftercare.
- 2.26 It is therefore recommended that in order for the policy to be effective, that the wording of the policy is amended to include restoration and aftercare as shown underlined below:

‘The implementation, restoration and aftercare of minerals and waste development will be controlled and managed through the use of the following measures:

- (a) planning conditions,
(b) planning obligations and / or legal agreements to:*

- ensure that requirements are met (but only where the use of planning conditions alone is not adequate), and / or
 - provide benefits to compensate the local community affected by the development (where appropriate),
- (c) monitoring of permitted operations by the planning authority to ensure compliance with planning conditions, and
(d) establishment of a Local Liaison Group (where appropriate)’*

- 2.27 This will ensure that the requirements of Policy MIN9 can be effectively managed and

implemented post extraction.

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