

## CPRE Rutland Response to the RCC Reg 19 Rutland Local Plan Public Consultation November 2024

### A. General Comments

A1. CPRE Rutland welcomes the opportunity to respond to the Rutland Local Plan under Regulation 19 and acknowledges that improvements have been made against the previous draft under Regulation 18. Given the charity's clear and declared purpose, to protect the countryside, there remain a number of areas of concern, some of which are judged to be issues of unsoundness and possible legal non-compliance (as defined in the NPPF).

A2. As one of the major voluntary organisations in the county, backed up by considerable and well respected resources in planning, environmental and related matters at national level, it is more than disappointing that as an addition to its regular meetings with the RCC CEO, CPRE Rutland has not been afforded any realistic opportunity to discuss its views with the plan makers in Rutland County Council, particularly in the light of the substantial responses to the Regulation 18 plan and previous consultations. Indeed, the overall scale and nature of responses to the Regulation 18 plan from across the community should have led the Council to consider much more significant changes than are apparent in the current draft; CPRE Rutland and others, in responses at that stage, noted that the degree of change required should have warranted a further stage of consultation at Regulation 18.

A3. The Statement of Community Consultation, October 2024, sets out in some detail the arrangements that have been made to ensure that the various documents were available for consultation at every stage of the plan development, but has very little to say about how the responses to those consultations might lead to changes in the plan; indeed, it would appear that, while the Council has affirmed that all responses at each stage have been considered, very few of them seem to have led to any significant change to the plan itself. It is hard to believe, therefore, that the consultations have provided any real opportunity for meaningful exchange of views or that the plan has genuinely been shaped by the needs of the community. The Council's approach would thus appear to be contrary to the NPPF, Paragraph 16c, which requires that plans should be shaped by early, proportionate and effective engagement between plan-makers, communities and local organisations, amongst others. Failure to engage effectively was emphasised previously in responses to the Regulation 18 Plan, and is likely to lead to reduced confidence in the community that their comments will actually change anything; it may have deterred some from responding to the current draft at all.

A4. A significant concern is the statement in the Council Leader's Foreword that, because of the forthcoming update to the NPPF, the Local Plan will need to be revised as soon as the current draft will have been adopted. CPRE Rutland challenges this assertion, partly because it is somewhat at odds with the many statements in the plan itself that it is intended to cover the period 2021-2041, but mainly because the NPPF revision is not yet confirmed, consultation having only recently been undertaken. The transitional arrangements in that revision, at paragraph 226, make it quite clear that a plan that has already reached the Regulation 19 stage, as the Rutland plan has, and include annual housing numbers within 200 of the revised delivery requirement, as Rutland's plan does, will be examined against the extant NPPF (in this case, December 2023). It is not clear that the subsequent update to the NPPF, once adopted, will require immediate revisions to local plans, but if it is the intention of Rutland County Council to launch such a precipitate revision, there seems to be little merit in investing any significant effort or cost in progressing the current draft to completion until the revised NPPF takes effect. This lack of clarity in the status of the plan calls into question the justification for pursuing the current draft any further at this stage.

A5. The sheer quantity of documentation provided could well seem to be out of proportion to the needs of such a small county as Rutland. The lack of a competently drafted strategic vision of how Rutland is expected to evolve over the plan period, together with the lack of any management or executive summary, setting out the main features of the plan and how it is expected to deliver the Council's vision for the future, adds to the difficulty for many organisations in formulating an effective response in the timescales available. These points were noted by CPRE Rutland, and others, in response to the Regulation 18 plan.

A6. Further to concerns about the vision, CPRE Rutland has identified a number of inconsistencies amongst the vision statement, as it currently stands, the strategic objectives and some of the related policies. These are noted in the comments against specific policies below.

A7. The value and effectiveness of a Local Plan must be judged by the clarity and consistency of its policies. The Local Plan is the principal guideline for decision-taking by the Development Control function when determining the outcome of planning applications. Many Local Planning Authority decisions are delegated to planning case officers; relatively few are made by the Planning Committee, where more in depth consideration of an application can take place and where the community are able to present a view on the application before a decision is made. It is of prime importance, therefore, that the Planning Policies in the Local Plan contain clear guidance and criteria regarding what is and is not acceptable. The distinction between what is acceptable and what is not must be defined with clarity for all interested parties so that there is minimal room for disagreement over a determination and thus minimal grounds for a possible appeal against it. This requirement is clearly set out in the NPPF at Paragraph 16d, but there are many instances in the current draft Regulation 19 Plan, in particular those concerned with meeting environmental constraints and the transition to net zero, where what is acceptable is couched in fairly vague or subjective terms. Specific cases are mentioned against individual policies in the response below; all such instances need to be addressed if the plan is to be seen as effective and fully compliant with the NPPF. Once again, this point, including the need to specify how progress towards net zero will be monitored, has been made strongly in previous consultation responses.

A8. There are very few references to the Infrastructure Delivery Plan (IDP) in the Local Plan itself, even though much of the anticipated development will be critically dependent on provisions identified in the IDP. The viability of several of the proposed housing sites, in particular, would be threatened without adequate infrastructure provision but these are not explicitly identified, which calls into question the overall effectiveness of the plan. A more positive approach is needed to ensure that essential infrastructure will be provided, where necessary on a site-by-site basis, and to accord with Strategic Objective 10.

## **B. Comments on Specific Chapters**

### **B1. Chapter 2 – Spatial Portrait**

Economy, Page 9 – The text refers to Table 1 but the relevant data are in Table 2 which follows.

Duty to Co-operate, Page 12 – The plan recognises that Rutland must co-operate with neighbouring authorities in several ways, but there is no mention of those other authorities co-operating with Rutland. There must be ways in which those authorities can assist in delivering some of Rutland's needs, particularly given the limited resources available within the county.

### **B2. Chapter 3 – Vision and Objectives**

CPRE Rutland continues to believe that the vision statement is more a summary of the aims of the plan and of the expected state of the county at the end of the plan period rather than a view of the anticipated and ongoing evolution of the county which will accommodate climate change, demographics, technology innovations, and, of course, community aspirations. Some aspects of the individual Strategic Objectives do, indeed, address some of the issues but not in a way consistent with a meaningful vision statement. Tying the achievement of the vision to the end date

of the plan period is too specific and ignores the expectation that the plan will, in any case, be updated every five years. A much more positive statement of the vision is required, which clearly underpins the essential coherence of the plan's policies.

SO1, Climate Change – It would seem to be essential that the results of '... positive action to achieve net zero and reduce our carbon footprint ...' can be easily measured if the Council is to ensure that this objective is actually met. The environmental policies and the IDP offer no specific or definitive indicators which would support this.

SO9, Make effective use of land and natural resources – Food security and energy generation and distribution facilities are key aspects of land use and should be included. The IDP makes it clear that Rutland will continue to be dependent on neighbouring authorities for most of its waste disposal; it is unclear, therefore, how the county could achieve self-sufficiency in this regard.

SO10, Ensure development is supported by essential infrastructure and services – While the IDP identifies a number of infrastructure improvements, there is very little in any of the plan's policies to ensure that all of the improvements listed in this objective and also some that are not listed, will actually be delivered.

### **B3. Chapter 4 – Climate Change**

Policy CC1, Supporting a Circular Economy – Surely local food production can also be a significant contributor.

Policy CC8, Renewable Energy – The policy, as worded would appear to allow for the use of BMV land for renewable energy under certain circumstances, whereas Policy EN6 explicitly states that BMV land must not be used in this way. This inconsistency must be resolved.

Policy CC8, Renewable Energy – It would be, at best, undesirable for too much of the county's land to be given over to renewable energy installations. Excessive development of the landscape would, in any case, be contrary to the plan's current vision statement, which requires that development respects Rutland's rural character and enhances its rural identity; it may also contravene Strategic Objective 9, Make effective use of land and natural resources. There must be a limit to such use as a matter of policy.

### **B4. Chapter 5 – Spatial Strategy**

Policies SS2, Development within Planned Limits of Development and SS3, Small scale development on the edge of settlements – Planned Limits of Development (PLD) around settlements are important to ensure that development does not stray into open countryside. It is not clear that PLDs around smaller villages have caused any problems for those communities in the past and it is therefore difficult to understand why they have been removed. Even taking account of the constraints set out in the policies, some of which are fairly vaguely worded and likely to be difficult to enforce, without PLDs there will be greater opportunities for development to encroach on the surrounding rural environment. It is not clear that this policy is fully compliant with Strategic Objective 8, Protect and enhance the built and natural environment.

With reference to the Background Paper: Spatial Strategy for new development August 2023, paragraphs 3.5 and 3.8 make it clear that development in the small villages is unsustainable. The section entitled Monitoring past performance in paragraph 5.13 refers to the Council's Authority Monitoring Reports for the period 2006 to 2021 which show that nearly 27% of all dwelling completions were identified as windfall completions in the small villages, against an expected provision of 10% (see related comment below against Policy H1). It has to be concluded from these data that unsustainable development in the small villages has far exceeded planning intentions and that additional measures are necessary in future to achieve sustainable development. PLDs clearly have an important part to play in containing such development and their removal from the small villages seems most likely to increase unsustainable development. These policies are thus judged to be inconsistent with Policy H1, unjustified and unlikely to be effective.

Policy SS4, Future Opportunity Areas – CPRE Rutland's position on the possible development of St George's Barracks has been made very clear in previous consultations, and the charity therefore welcomes the proposal to limit any such development to no more than 500 homes. There, of course, remains a risk that the site will not be relinquished for development and it cannot therefore be relied upon to meet any future needs.

Consultation to date on the St George's Barracks opportunity was in the context of a much larger development at the heart of the previously withdrawn draft local plan. There has been no consultation to date on the Woolfox opportunity area. There has therefore been no opportunity so far for effective consultation on these options, and the possible revision to this local plan soon after it will have been adopted could seriously limit any further opportunities for a fully comprehensive consultation.

Although the policy makes it clear that these areas do not have an allocation in this plan, the real concern is that no need or clear public appetite to develop either of these sites has been identified, and is certainly not evidenced in the housing need figures in the current Regulation 19 Local Plan. As the policy is currently worded, furthermore, there is no stated requirement to demonstrate the need for such development in preparing masterplans and there would be no justification on the basis of co-operation with neighbouring authorities.

CPRE Rutland believes that this policy serves mainly to add uncertainty and confusion to the housing development situation in Rutland and would lead to housing numbers way in excess of any established need. It is judged to be unsound at this stage.

## **B5. Chapter 6 – Housing**

Policy H1, Sites proposed for residential development – Of the total amount of housing still to be committed (1189 from Table 3), more than half is allocated to the Stamford North development. This development has clear dependencies on South Kesteven District Council, which must carry some degree of risk. These risks should be identified and acknowledged in the Plan and a carefully considered statement of how these risks will be managed, in terms of appropriate mitigations and alternatives, should be included within the Plan. It is also of note that there were significant objections to this development in responses to the Regulation 18 plan. This policy would appear not to be fully justified.

Policy H1, Sites proposed for residential development – With reference to the small villages and hamlets, the Authority Monitoring Reports record 672 completions over the 15 year period between 2006 and 2021. This averages at 45 new dwellings per year and equates to 26.7% of all new housing development in Rutland. Table 3 of policy H1 assumes an indicative target of 3.1% of new housing supply will be contributed by windfall development in the small villages and hamlets, a total of 37 new completions over the eighteen year period to 2041. In view of the historical performance in delivery of housing in small villages, the total of just 37 new completions over the next 20 years cannot realistically be justified (see related comment above against Policies SS2 and SS3).

Policy H1, Sites proposed for residential development – This policy sets out a requirement for 314 houses in Uppingham. Policy E1, Strategic employment land allocations, allocates 6.8 hectares at Uppingham Gate for employment uses. The Uppingham Neighbourhood Plan, however, proposes a mix of employment and residential use at Uppingham Gate, which is not clearly reflected in the Local Plan policies as written. This inconsistency needs to be resolved to ensure that the Local Plan remains in general conformity with extant neighbourhood plans, as required by the NPPF.

Policy H2, Cross-boundary development opportunity – Stamford North – The provision of other infrastructure, including energy and broadband, is not specifically mentioned but should surely be included. Presumably

responsibility for this will be shared with South Kesteven authorities; the dependency on those authorities should be set out here.

Policy H7, Affordable housing – If it should be agreed that a commuted sum in lieu of onsite provision should be made, how will the Council ensure that this sum is then spent on providing the requisite affordable homes? This should be defined as a matter of policy.

Policy H7, Affordable housing – Confusion remains under the heading 'Why is this policy needed' in the paragraph on the HMA, page 106, which seems to say that the HMA recommends 78 affordable units per year, with 36 (not clear if these are included in the 78 or additional) for ownership. These figures do not obviously align with the total need for just 123 houses per year or the requirement stated elsewhere for 30% of developments to be affordable homes. According to the table under Policy H1, furthermore, well over half of the declared housing need is accounted for by commitments and completions made since March 2021, but it is not stated how many of those are regarded as 'affordable'. It is not clear, therefore, if the 30% figure applying to applications still to be made will necessarily meet the overall requirement, or if the figures in this policy are justified.

## **B6. Chapter 7 - Economy**

Policy E1, Strategic employment land allocations – see comment above at Policy H1 regarding the inconsistency with the Uppingham Neighbourhood Plan. This point was made previously in response to the Regulation 18 Plan.

## **B7. Chapter 8 – Sustainable Communities**

A comprehensive definition of what is meant by “sustainable” in this context is required to clarify a clear boundary line between what development will be considered sustainable and what development will be considered unsustainable, in order to allow rational and acceptable decisions to be made concerning the scale and location of development in the county. This is regarded as key to fulfilling Strategic Objective 2, Delivering sustainable development.

Policy SC4, Pollution control – This policy is incapable of implementation because of its subjectivity and vagueness. It clearly presents a presumption in favour of development. It is merely a wish list which it is impossible to accomplish. It even fails to acknowledge the significant increase in air pollution likely to arise from additional rural traffic as the population grows. As written, this policy is ineffective and needs to be re-constructed with a presumption against development and subject to defined and measurable targets to specify defined thresholds of air pollution which need to be guaranteed for development to be approved; these thresholds must not exceed present measured levels of pollution.

## **B8. Chapter 9 – Environment**

Policy EN1, Protection of Sites, Habitats and Species – As currently worded, the policy would appear to provide a presumption in favour of development on sites which should be protected; it contains a number of ill-defined conditions relating to when development would be allowed and which are open to wide interpretation. This policy needs to be rewritten with a presumption against development with clearly defined and measurable conditions as to standards when development might be considered. The conditions need to be redefined in such a way that there is clarity and no ambiguity as to how they should be interpreted by Development Control. The policy is regarded as ineffective and potentially in breach of Strategic Objective 8, Protect and enhance the built and natural environment.

Policy EN2, Local Nature Recovery Strategy – It is not clear how the Local Nature Recovery Strategy (LNRS) can inform the preparation of this Local Plan and guide policy requirements when it is not due to be published until later in 2025, as stated under 'Why this policy is needed'. While statutory guidance may be anticipated as part of the Government's

work on planning reform, there seems to be no mention of such strategies in the NPPF revision. It is doubtful, therefore, if this policy area is sound.

Policy EN3, Biodiversity Net Gain – To comply with subparagraph (d) of the policy will require the LNRS to be specified, but it has yet to be published, as noted above in comments under Policy EN2. Also, further details are required of the independent review of Biodiversity Gain Plans and long-term monitoring, including the criteria for assessment and the likely timescales for the review. It is doubtful, therefore, if this policy area is sound.

Policy EN5, Ancient Woodland and Ancient and Veteran Trees – This policy is about protecting ancient woodland and veteran trees but is worded as if proposals for development will be accepted provided their loss or destruction can be avoided. It would be much more positive to state that proposals will be rejected if loss or destruction could be caused. It is, in any case, unclear what sort of development might be expected to protect or enhance such features.

Policy EN6, Protecting agricultural land – This policy clearly states that BMV land (grades 1 & 2) will not be allowed to be used for renewable energy, but the Mallard Pass proposal does exactly that. Should this take precedence over SofS/PINs decisions? The policy is also inconsistent with Policy CC8, as noted above, and potentially in breach of Strategic Objective 8, Protect and enhance the built and natural environment and Strategic Objective 9: Make effective use of land and natural resources.

Policy EN8, Important open space and frontages – This policy provides a presumption in favour of development subject to the development not having an adverse impact upon a number of subjective and vaguely defined principles. This will present great difficulties for determination by Development Control and will undoubtedly fuel disagreement and tensions between the Local Planning Authority and the Rutland community. Any possible exceptions permitting any development need to be clearly defined to avoid any ambiguity or challenges over differences of opinion. As written, this policy is unsound.

Policy EN12, The historic and cultural environment – third paragraph, correction – 'A Historic Impact Assessment' should read 'An Heritage Impact Assessment'.

Policy EN13, Protecting heritage assets – This policy, again, contains a number of vaguely worded conditions, and does not clearly accord with Strategic Objective 8, Protect and enhance the built and natural environment. Applicable national policies which affect heritage assets need to be clearly specified, and terms such as 'significant weight', 'affecting views', etc. must be much more tightly defined if difficulties in determining applications are to be avoided. There should be a clear presumption against development around heritage assets whilst clearly explaining the considerations which will be weighed in those exceptional circumstances where development applications may receive sympathetic consideration. These cases should be limited to where a clear and demonstrable public benefit results from any development which might impact heritage assets.

## **B9. Chapter 10 – Minerals and Waste**

The Rutland Quarry Forum is regarded as a significant authority on quarry issues; CPRE Rutland has liaised with this body regarding a response to the policies in this chapter.

The Forum is concerned that previous comments have not resulted in any significant changes in producing the Regulation 19 Local Plan, and that conditions attaching to many of the policies in the Regulation 19 plan remain too vague or subjective. The Forum has not, furthermore, had any opportunity to discuss its concerns with the Council. These concerns mirror those of CPRE Rutland more generally, as detailed elsewhere in this response.

The Forum regards the minerals policies as essentially unsound, in particular MIN4, Development criteria for mineral extraction, and that there are a number of key policies missing. It is understood that it therefore intends to resubmit

its Regulation 18 plan comments as part of its response to the Regulation 19 draft plan; these comments are reproduced for reference purposes as Appendix 1 below. CPRE Rutland fully supports this position.

Policy WST1, Capacity requirements and spatial strategy for waste development – Should nuclear reactors be sited in the county in order to meet future energy needs, there might then be a need to dispose of radioactive waste. To be fully effective, the policy should cover this.

#### **B10. Chapter 11 – Infrastructure and Delivery**

Policy INF1, Infrastructure and connectivity – The policy itself tends to focus on how CIL funds will be managed and makes no explicit reference to the Infrastructure Delivery Plan (IDP), which is discussed only in the narrative under 'Why is this policy needed?'. The IDP identifies over 80 interventions to support the ambitions of the Local Plan. Of these, 30 are regarded as either Critical or Essential to the success of the local plan overall and only 5 are not apparently required in the period 2026-2031. For well over half of the interventions, costs are recorded as unknown and the IDP recognises a significant funding gap between what is needed and what will be available. These uncertainties would appear to threaten the viability of a number of developments which the local plan would otherwise support. Much work is still needed, therefore, on infrastructure provision before the plan as a whole could be regarded as completely viable.

Policy INF2, Securing sustainable transport – A requirement for public EV charging infrastructure should be included if the policy is to be fully effective.

Policy INF3, Walking and Cycling and non-car based journeys – These provisions presumably include electric bicycles and scooters. Suitable charging facilities should be included in addition to storage if the policy is to be fully effective.

Policy INF4, Supporting Community Health & Wellbeing – First paragraph, correction – 'Integrated Care Board', not 'Integrated Health Board'.

Policy INF4, Supporting Community Health & Wellbeing – Surely there must be some degree of collaboration with the ICBs in all the surrounding areas, not just LLR, although the Lincolnshire ICB is mentioned in the IDP. Again, this point was raised in response to the Regulation 18 Plan.

#### **B11. Chapter 12 – Monitoring and Review Framework**

It has not been possible to comment on this chapter in earlier consultations as it was not included in the draft plans at that time.

The approach to monitoring the plan's effectiveness seems to focus mainly on the achievement of housing targets and the number of applications approved or otherwise in accordance with the various policies. Although environmental issues are a key consideration in all future development, there are very few indicators specified to allow progress towards environmental targets, in particular net zero, to be monitored. The plan is judged to be ineffective in this regard.

The possibility of reviewing the plan to align with the revision to the NPPF expected in early 2025 is not mentioned under the heading of 'Reviewing the Plan Statement'.

The monitoring framework should be revised to ensure its effectiveness.

## C. Conclusion

**C1.** Although there is much to commend the latest draft Regulation 19 Local Plan, CPRE Rutland finds that there are a number of issues which cast doubt on its soundness and which, in some cases, amount to legal non-compliance. Key issues are:

- i) The consultation process throughout the plan development has not clearly taken full account of responses from those consulted. The engagement with the community has appeared somewhat one-sided and not in accordance with the Council's Statement of Community Consultation or the requirements of the NPPF. Inconsistencies with neighbourhood plans add further to the belief that the local plan is not community-led, and these will need to be resolved to ensure full compliance with the NPPF.
- ii) The possible need for an early plan update to recognise the forthcoming NPPF revision has led to confusion over plan's status and the significance of this current consultation.
- iii) There is still no clear or positive vision statement for the county to underpin the coherence of key policies. The scale of development, furthermore, which some of the policies might allow could well prove contrary to the extant vision statement. Measures should be adopted to limit development accordingly.
- iv) There are a number of instances of inconsistencies between the strategic objectives and related policies. These inconsistencies must be resolved if the objectives are to be fully achieved.
- v) Many policies, especially those concerned with meeting environmental requirements, contain vague or subjective conditions which are likely to lead to difficulties in determining applications and leave significant scope for challenges. These conditions must be tightened up in order to ensure full compliance with the NPPF.
- vi) Plan policies and the Infrastructure Delivery Plan are not closely enough integrated, threatening the successful delivery of some of the policies as well as the fulfilment of Strategic Objective 10.
- vii) The lack of a management summary of the plan contents adds to the difficulties of preparing a meaningful response to the large quantity of documentation provided.

**C2.** CPRE Rutland strongly recommends that deficiencies identified in the current draft plan must be resolved before proceeding to the examination in public.

Please address any response to:-

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**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.

## **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:

- a) complies with the spatial strategy for minerals set out in Policy MIN1 and relevant Local Plan policies;
- b) 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;
- c) maximises the recovery of the reserve whilst minimising waste;
- d) promotes the most appropriate end-use of materials; and
- e) 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:

- a) 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
- b) extraction of the mineral can be clearly demonstrated to be ancillary to the proposed development (e.g., agricultural reservoirs); or
- c) the proposal is for the prior extraction within a Mineral Safeguarding Area.

Proposals for minerals development must 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 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.

A site-specific management plan 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.

### **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.