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Submission regarding legal compliance and soundness

Thank you for the opportunity to comment on the Rutland Local Plan as part of the Regulation 19 consultation process. Upon review, I submit that the Local Plan is neither legally compliant nor sound under the definitions and criteria set out in the National Planning Policy Framework (NPPF) and relevant legislation in its current form. This response focuses on concerns related to the Plan's policies on mineral rights, particularly the ambiguity regarding the AoS in the wording (MIN 1) and unjustified extension of mineral extraction planning beyond the required 15-year period as outlined (MIN 2) by allowing 25 years of reserves for "the maintenance and improvement of existing plant and equipment". This is in the context of Rutland County Council's declared climate emergency, and strategic objective 1 and strategic objective 11.

1. Legal Compliance Issues

The Plan raises concerns over compliance with the Planning and Compulsory Purchase Act 2004 (PCPA) and the Town and Country Planning (Local Planning) (England) Regulations 2012, as it:

- **Contradicts the Council's Climate Emergency Declaration**

Rutland County Council has declared a climate emergency, recognizing the urgent need to reduce carbon emissions locally. However, the Plan as written proposes in MIN 2 mineral policies that extend extraction activities beyond the 15-year minimum required by the NPPF. This is inconsistent with the Council's own stated commitments to prioritize rapid and significant reductions in greenhouse gas emissions.

- **Fails to Justify Alignment with Climate Objectives**

The lack of integration between mineral policies and climate objectives raises questions about whether the Plan has been prepared in accordance with local commitments and national legislation that prioritizes sustainable development and emission reductions.

2. Lack of Soundness

The Plan is unsound under the NPPF's tests of soundness:

2.1. Positively Prepared

- **Unjustified Extension Beyond 15 Years**

The NPPF requires Local Plans to provide a **minimum 15-year supply of mineral reserves**, but the Rutland Local Plan proposes policies that extend the planning horizon for reserves beyond this period by including the wording "the maintenance and improvement of existing

plant and equipment.” (MIN2). This extension is unnecessary and conflicts with the Council’s climate emergency declaration. By prolonging operations at mineral extraction sites, including Heidelberg Cement’s plant—identified as the largest contributor to local greenhouse gas emissions—the Plan undermines efforts to meet local and national carbon reduction targets.

2.2. Justified

- **No Evidence to Support Extension Beyond 15 Years**

The Plan lacks proportionate evidence to justify mineral reserve planning beyond the 15-year timeframe. There is no demonstration of need, no exploration of alternatives, and no alignment with the Council’s climate priorities. Given the climate emergency, extending reserve availability beyond the statutory minimum is unwarranted and contradictory to sustainable development principles.

2.3. Effective

- **Contradictory wording open to legal challenge**

MIN 1 states “Whilst the whole of the cement AoS is shown for exploration purposes, any detailed working proposals to extract minerals need to be sufficient to maintain a stock of permitted reserves of at least 15 years. This does not mean that the whole area will be extracted....Industry has confirmed that the cement AoS is sufficient to secure 15 years stock.”. The area of search has been made deliberately larger than is required to enable the right area within the area of search to be utilised, “The cement AoS covers a large area. In order to manufacture good quality cement product, it is essential that the correct balance or "recipe" between the various ingredients is secured and maintained. The recipe is constrained by a number of factors such as quality, location, depth and accessibility. Thus, a large area is required to take account of all these aspects as well as covering both limestone and clay reserves.”. It is not clear from the current wording that the intention is that the area of search has been made larger than is needed with the expectation that planning will only be brought forward for a portion of the search area. This is evidenced by Heidelberg Cement’s recent application to develop the entire search area.

- **Failure to Balance Development with Climate Goals**

Extending mineral extraction beyond the required timeframe perpetuates high-carbon industrial activities, hindering the local transition to net zero. This approach is neither deliverable nor effective in balancing economic development with environmental sustainability over the Plan period.

2.4. Consistent with National Policy

- **Conflict with National Sustainability Objectives**

The NPPF requires Local Plans to deliver sustainable development and actively contribute to greenhouse gas reductions. Having reference in the plan to extending mineral reserves beyond 15 years enables continued operation of one of Rutland’s highest-emission

industries, conflicting with the NPPF's emphasis on sustainability and the UK's broader decarbonization goals.

3. Climate Emergency and Heidelberg Cement's Emissions

Heidelberg Cement is acknowledged as the **single largest contributor to greenhouse gas emissions in Rutland**. Allowing policies that extend its operations beyond the 15-year period mandated by national policy will exacerbate local emissions and delay meaningful progress on climate action. This directly contradicts the Council's declared climate emergency and undermines public trust in its commitment to reducing carbon emissions.

Local Plans should reflect the urgency of climate action by limiting extractive industries that are incompatible with net zero goals. Securing reserves for a 15-year supply, as required by the NPPF, is sufficient and strikes an appropriate balance between economic and environmental priorities. Any policies extending operations beyond this timeframe lack justification and fail to demonstrate sound planning.

Conclusion and Recommendations

The Rutland Local Plan is unsound and non-compliant in its current form due to its unjustified extension of mineral reserve planning beyond the required 15 years. To align the Plan with legal and soundness requirements, the following actions are recommended:

1. **Adhere to National Guidance:** Restrict mineral reserve planning to the 15-year supply required by the NPPF, avoiding unnecessary extensions.
2. **Align with Climate Objectives:** Revise policies to ensure consistency with the Council's climate emergency declaration, prioritizing carbon reduction over prolonged industrial emissions.
3. **Justify the Strategy:** Provide evidence demonstrating why any extension beyond the 15-year minimum is necessary, proportionate, and consistent with local and national decarbonization commitments. Clarify that the area of search has been made deliberately large with the expectation that only a proportion of the area will be developed.
4. **Mitigate Emissions:** Introduce measures to accelerate emission reductions from existing industrial activities rather than prolonging high-carbon operations.

Without these revisions, the Plan risks being found unsound during independent examination. Thank you for considering this submission.

Yours faithfully,
William Bryant

[Redacted Signature]

