



# MINERALS CORE STRATEGY & DEVELOPMENT CONTROL POLICIES

OCTOBER 2010



**Title**

The Minerals Core Strategy and Development Control Policies Development Plan Document.

**Subject matter**

Provides the vision, objectives and spatial strategy for minerals development in Rutland for the period to 2026 and the key policy framework for minerals development control together with a monitoring framework.

**Adoption Date**

The Minerals Core Strategy and Development Control Policies Development Control Policies Development Plan Document was adopted by the Council on 11<sup>th</sup> October 2010.

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## 1 INTRODUCTION

- 1.1 As a result of the Planning and Compulsory Purchase Act 2004 which came into force on 28th September 2004, Rutland County Council is required to provide a spatial strategy for Rutland and to undertake a review of the Rutland Local Plan, the Leicestershire Minerals Local Plan Review and the Leicestershire, Leicester and Rutland Waste Local Plan in the new Local Development Framework (LDF) format.
- 1.2 Rutland County Council is accordingly preparing an LDF for the County. Comprising a “folder” of Local Development Documents (LDDs), the Rutland LDF, together with the Regional Spatial Strategy for the East Midlands, will provide the spatial planning strategy for Rutland.
- 1.3 Rutland County Council is a mineral planning authority and as such is responsible for preparing mineral planning policies and for determining applications for minerals development against those policies. As part of the LDF, Rutland County Council is preparing the Rutland Minerals Core Strategy and Development Control Policies Development Plan Document (Minerals DPD). This is the first DPD to be produced by the Council.
- 1.4 Details regarding all of the DPDs that the Council is preparing, and in particular the proposed timetable for each DPD, are provided in the Rutland Local Development Scheme (LDS), which can be viewed on [www.rutland.gov.uk/lds](http://www.rutland.gov.uk/lds) .

### **The Scope and Nature of the Core Strategy and Development Control Policies**

- 1.5 This document sets out the Council’s policies and proposals on a range of key issues that are likely to influence the strategy for minerals planning in Rutland over the plan period which runs to 2026. It draws together work carried out by the Council to date and the evidence gathered during consultation on the Issues & Options Report (produced in July 2006), the Preferred Options Document (July 2008) and the Pre-Submission document in September 2009.
- 1.6 An informal consultation took place during July and August of 2006 into the key Issues and Options for the future of minerals planning in the County. Selected consultees included parish councils, quarry operators, landowners and statutory bodies including the Environment Agency, English Heritage and English Nature (now Natural England). The East Midlands Regional Assembly and Government Office for East Midlands were also consulted. In total 41 responses were received. A breakdown of the responses to the Issues and Options report is included in Appendix 3 of the Preferred Options Document (July 2008).
- 1.7 Consultation on Preferred Options for the Minerals DPD took place over a 6-week period between 3<sup>rd</sup> July 2008 and 14<sup>th</sup> August 2008. The Preferred Options were subject to extensive consultation and publicity in accordance with the Council’s Statement of Community Involvement. A total of 38 written responses to the consultation were received. A summary of the responses, the Council’s response to

the comments and subsequent changes made to the document are provided in a Regulation 28 pre-submission consultation statement, which may be viewed on the Council's website [www.rutland.gov.uk/ldf](http://www.rutland.gov.uk/ldf) .

- 1.8 Extensive consultation on the Pre-Submission document was undertaken for six weeks between 3<sup>rd</sup> September and 15<sup>th</sup> October 2009 in accordance with Regulations 27, 28 and 29 of the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008. A total of 24 responses were received. The responses are summarised in the Regulation 30 (1) (e) Statement which may be viewed on the Council's website [www.rutland.gov.uk/ldf](http://www.rutland.gov.uk/ldf) .
- 1.9 The Minerals Core Strategy and Development Control Policies DPD (the Minerals DPD) sets out the Core Strategy including a county-wide vision, measurable objectives, and a coherent strategy for minerals planning. It also includes generic criteria-based development control policies against which proposals for minerals development will be judged.
- 1.10 The Local Development Framework will include only one Minerals DPD. The reasons for this approach reflects the fact that Rutland is a relatively small mineral producing authority both in terms of the number of sites and the limited range of minerals produced in the County. The DPD does, however, address minerals issues associated with Ketton Cement Works, which is a site of strategic importance and as such can be dealt with in the Core Strategy.
- 1.11 Preparation of the document has been undertaken in accordance with the provisions of the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Development) (England) Regulations 2004 as amended in 2008. Consultation on the report will also be in accordance with this legislation and the Council's Statement of Community Involvement, which may be viewed on [www.rutland.gov.uk/sci](http://www.rutland.gov.uk/sci) .
- 1.12 Please bear the following points in mind when reading the policies:
- The Minerals DPD is designed to be read as a whole;
  - Policies are not listed in any priority order;
  - Where a policy contains a list of criteria, factors or proposals, these are not in any order of importance or priority, unless the policy specifically states they are;
  - Individual policies need to be read in the context of other policies in the DPD and not interpreted in isolation;
  - New development will be assessed against all relevant policies in the DPD and determinations will be expected to be in accordance with those relevant policies together with other parts of the development plan unless other material considerations indicate otherwise.;
  - The interpretation of various phrases and terms is in many cases an important part of the policy. Phrases or terms with a particular meaning are defined in the Glossary;
  - National policy is applicable but is not repeated.

### **Sustainability Appraisal**

- 1.13 The preparation of the Minerals DPD is subject to a full Sustainability Appraisal (SA), in line with the Planning and Compulsory Purchase Act 2004 and current planning

policy guidance (PPS 12). In addition, the preparation of the DPD must also be in accordance with the requirements of European Directive 2001/42/EC (known as the Strategic Environment Assessment, or SEA Directive).

- 1.14 Government guidance recommends that SEA should be integrated into SA as one combined approach. The purpose of this widened SA is to promote sustainable development by identifying the social, economic and environmental effects of a plan to promote positive outcomes and minimise any negative impacts.
- 1.15 WS Atkins have been appointed to carry out the SA; this has helped to ensure that the SA is independent.
- 1.16 The SA framework consists of a set of Sustainability Objectives that state desired outcomes. These objectives are distinct from the Strategic Objectives of the DPD (although there may be some overlap). However, the DPD's performance in terms of sustainability is appraised against the SA objectives, and therefore they have helped to guide the development of sustainable policies and proposals.
- 1.17 The SA objectives for the DPD have been developed by considering national sustainability objectives, and other plans and SAs. In line with Government guidance, the SA/SEA Framework is structured into 12 SA/SEA headline objectives highlighting the key sustainability objectives for the DPD and a series of decision-making criteria for each SA/SEA headline objective. The SA objectives were revised following consultation on the SA Scoping Report for the main LDF.
- 1.18 The original options (as set out in the Issues and Options Report) together with the Council's Preferred Options have all been assessed in the SA and the policies and proposals contained in this document have taken into account the findings and recommendations of the SA. Copies of the SA report are available on request and can be viewed at [www.rutland.gov.uk/ldf](http://www.rutland.gov.uk/ldf) .

### **Appropriate Assessment**

- 1.19 An Appropriate Assessment screening exercise, as required under Regulation 48 of the Conservation (Natural Habitat &c.) Regulations 1994, was undertaken on the Minerals DPD in relation to Rutland Water Special Protection Area (SPA) and Wetland of International Importance (Ramsar site) together with European Sites that lie outside of Rutland. This assessment found that the Minerals DPD had no significant effect on Rutland Water SPA/Ramsar site. There are no European sites within 5 km of the County boundary and it was considered unlikely that adverse effects on European Sites would occur beyond this area as a result of the policies within the DPD or from quarrying development that may be covered by the DPD. Natural England have confirmed their agreement with the findings of this assessment. A copy of the AA screening report can be viewed at [www.rutland.gov.uk/mineralscorestrategy](http://www.rutland.gov.uk/mineralscorestrategy) .

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## 2 BACKGROUND

### Rutland in context

- 2.1 Rutland is England's smallest County and was restored to independence in 1997 after being combined with Leicestershire since 1974. It is also the smallest unitary authority in the country (392 km<sup>2</sup>) after the square mile of the Corporation of London. The latest mid-year population estimates (2007) show the County as having a population of 38,400. This is projected to rise substantially to 47,300 by 2026 and to 49,200 by 2031.
- 2.2 Rutland is situated in the southeast of the East Midlands region and is bounded by Lincolnshire, Leicestershire and Northamptonshire and a small section of the City of Peterborough (see Figure 1).
- 2.3 Rutland is predominantly rural with only one settlement - the County town of Oakham - having more than 10,000 inhabitants. The County's other market town of Uppingham has a population of approximately 4,000. Rutland has 52 villages, the six largest of which each have a population of more than 1,000 and account for about 25% of Rutland's population. Consequently there are a large number of small, scattered settlements with over half the parishes containing populations of fewer than 300.
- 2.4 Rutland's towns and villages have a large number of buildings listed of historic and architectural interest (approximately 1600) and a large number (40) of designated conservation areas providing a built environment with a historic and distinctive character. The County has 31 scheduled ancient monuments and 2 registered parks and gardens. Historical and architectural sites include Oakham Castle, Lyddington Bede House, Normanton Church Museum, All Saints Church in Oakham and Wing Maze. The County is characterized by stone built villages which are primarily of local stone in the east of Rutland.
- 2.5 Rutland has 20 sites of special scientific interest including Rutland Water which is an internationally designated wetland site being designated as an EU Special Protection Area (SPA), a Ramsar site and a Site of Special Scientific Interest with importance for wintering and passage wildfowl. As such Rutland Water has the highest level of protection and any plans or proposals that may affect it must be subject to an Appropriate Assessment.
- 2.6 Rutland Water is the largest pumped freshwater reservoir in the country. The primary function of the reservoir is to provide water supply to the East Midlands and areas to the south and east. It attracts 600,000 visitors each year and has a major role as a recreational facility, the main activities include bird watching, cycling, walking, sailing and fishing, which attract large numbers of visitors to the area with importance for tourism and the local economy.

- 2.7 There are no Local Nature Reserves in Rutland and the region as a whole has a low proportion of land covered by nature conservation or geological sites. There are however 190 local wildlife sites and important areas of calcareous grassland and ancient and broadleaved woodland in the County. The County's limestone geology has importance for local quarrying and wildlife. The County has SSSIs designated for their geological interest and a number of Regionally Important Geological Sites. Rutland lies within two Biodiversity Conservation Areas where the Regional Plan proposes measures to establish large scale habitat creation projects.
- 2.8 The environmental quality of Rutland's landscape is high and the character of the landscape is varied with five different landscape character types. These range from high plateau landscapes across large areas of the north east and south west to lowland valleys in the centre and north west and on the County's southern border along the Welland Valley. A Landscape Character Assessment undertaken in 2003 identifies and provides objectives for five main landscape character areas in the County.
- 2.9 Economic activity rates for both men and women are above the East Midlands and national averages with low levels of unemployment. The service sector provides the most jobs in Rutland (about 77%) with the remainder in manufacturing (about 16%) and construction (about 4%). This broadly reflects the regional average but with a higher proportion of people employed in tourism related businesses (about 11%). Tourism is an important element of Rutland's economy. There are around 1.6 million visitors per year to Rutland. Rutland Water, the attractive market towns and villages and the quality of the countryside are the main attractions.
- 2.10 Rutland has very limited "brownfield" sites. Land which is unused or could be available for redevelopment amounts to only 10ha, compared to 5,660ha for the whole of the East Midlands (*Office of National Statistics*).
- 2.11 Rutland has one passenger rail route across the County which connects to the east coast main line and Stansted Airport and Birmingham to the west. London is accessed by Leicester or Peterborough. A direct once-daily rail link to London via Corby is due to commence in 2009. A freight-only line exists between Manton Junction and Kettering. RAF Cottesmore, a key MOD airbase which is of major strategic importance to the UK defence, is located in the County.
- 2.12 The road network links the County to the major cities within the region - Nottingham (A606), Leicester (A47), Peterborough (A47) and Northampton (A6003) as well as to significant towns in the region (Corby, Kettering, Stamford, Grantham etc). The A1 also crosses the north-east corner of the County providing excellent north-south road links further afield. A number of long-distance footpaths pass through the County.

### **Minerals in Rutland**

- 2.13 The particular geology of the area has given its name to the Rutland Formation which was formed from muds and sand carried down by rivers and occurring as bands of different colours, each with many fossil shells at the bottom. At the bottom of the Rutland Formation is a bed of dirty white sandy silt. Under the Rutland

Formation is a formation called the Lincolnshire Limestone. The best exposure of this limestone (and also the Rutland Formation) is the area near to Ketton.

- 2.14 Mineral resources are concentrated almost exclusively in the eastern half of the County and these consist mainly of limestone and clay. Some isolated pockets of sand and gravel deposits exist around the edge of the County but there is no evidence that these have ever been worked.
- 2.15 Rutland is relatively small in terms of mineral production and there are currently only 5 active quarrying operations, all of which are limestone quarries. In addition, limestone extraction is permitted at Thistleton Quarry (under a 1996 mineral review of an old Interim Development Order ironstone permission), but operations at this site have yet to commence pending the construction of a dedicated quarry haul road bypassing the village of Thistleton. Clay extraction is also permitted at Little Casterton, but operations are currently dormant. The largest minerals operation in the County is the Castle Cement works at Ketton, which relies mainly on locally quarried limestone and clays to produce around 1.4 million tonnes of cement each year.
- 2.16 Four of the operational sites, together with Thistleton quarry are concentrated in an area either side of the A1 within the north-eastern part of the County, near to the border with Lincolnshire. The Ketton Cement Works site lies in the south-east, close to the border with Northamptonshire. The clay quarry at Little Casterton is located near to the eastern boundary of the County.
- 2.17 Historically ironstone has also been worked in the County mainly to supply the steel works at Corby. However, there have been no ironstone workings since the 1970s. Three sites have dormant permissions but these would have to be subject to modern planning conditions before they could operate again. Technological and economic changes within the UK iron and steel industry has led to the demise of the County's ironstone as a source of iron ore because of its low iron content and level of impurities. Ironstone resources within the County are not therefore considered to have any future economic significance as a source of iron, although they could be worked as a source of building stone or low quality aggregate.

### **Policies and Plans**

- 2.18 The Minerals DPD has to be prepared in the context of a set of national and regional guidelines and strategies. The strategic context for the DPD is provided by a number of key policy documents including: National Planning Policy Statements (PPS) and Guidance (PPG); the Regional Spatial Strategy (RSS), and the Council's Community Strategy.
- 2.19 Planning policy for minerals in Rutland is currently provided by the following plans:
- The East Midlands Regional Plan adopted March 2009 (RSS).
  - Rutland Local Plan 1991-2006, adopted July 2001 (RLP).
  - Leicestershire Minerals Local Plan Review, adopted May 1995 (MLP).
- 2.20 Prior to the Planning and Compulsory Purchase Act coming into force, a significant amount of work had already been undertaken in preparing the Leicestershire and

Rutland Minerals Local Plan 2001-2016, and in respect of this the Leicestershire and Rutland Monitoring and Key Issues Report was published in May 2003. That report basically assessed the policies in the adopted MLP and made recommendations in respect of which policies should be retained and updated. This work has been carried forward as part of the base survey work for the Minerals DPD. The Key Issues Report can be viewed at [www.rutland.gov.uk/planningpolicy](http://www.rutland.gov.uk/planningpolicy) under the Minerals Local Plan.

### **National Planning Guidance**

- 2.21 The Minerals DPD has to take into consideration national planning policy and other material policy considerations, all of which are predicated on the principles of sustainable development. The DPD must be prepared in accordance with such guidance, but PPS12 (Local Spatial Planning) states that local development documents should not repeat or reformulate national or regional policy.
- 2.22 The most important documents include Mineral Policy Statement 1 (MPS1) (Planning & Minerals) (and the accompanying Practice Guide). Other national policy such as PPS7 (The Countryside and the Rural Economy), PPS12, PPS9 (Biodiversity and Geological Conservation), PPS25 (Development and Flood Risk), PPS4 (Planning for Sustainable Economic Growth) and PPS5 (Planning for the Historic Environment). are also particularly relevant, along with the current National and Regional Guidelines for Aggregates Provision in England 2005-2020 (June 2009). DfT/ODPM Circular 01/03 provides advice to local planning authorities regarding the safeguarding of aerodromes, technical sites and military explosive storage areas.

### **Regional Spatial Strategy (RSS)**

- 2.23 The RSS provides the spatial framework to inform the preparation of both planning documents and other regional and sub-regional strategies which have a bearing on land use. New planning documents which are prepared by the Council are now required to demonstrate general conformity with the RSS.
- 2.24 The RSS was issued in March 2009 and addresses the period up to 2026. Policy 37 of the RSS covers Regional Priorities for Minerals. The RSS also includes the East Midlands sub-regional apportionment for aggregates for the period 2001-2016.

### **Rutland Local Plan**

- 2.25 This Plan covers the whole of Rutland and relates to the period 1991 to 2006. Many of the policies in the Local Plan have been saved pending preparation of the new LDF for the County.

### **Leicestershire Minerals Local Plan**

- 2.26 The Leicestershire Minerals Local Plan was adopted in March 1995. Many of the policies in the Local Plan have been saved pending preparation of a new Minerals

Development Framework. This DPD contains policies that are intended to supersede some of the adopted MLP policies. The superseded policies are identified in Appendix 3.

### **The Community Strategy**

- 2.27 The Community Strategy (A Plan for Rutland 2008-2010) sets out the local vision for Rutland. The Community Plan has been developed by Rutland Together a community partnership involving local representatives from the public, private, business and the community and voluntary sectors theme groups and through a public consultation exercise in October 2007. The plan establishes a three year programme for the period 2008 -2011. It is based around the following key themes and their impact on Rutland:
- A Stronger and Safer community
  - A Cultural & Leisure Enriched community
  - Sustaining our Environment
  - Building our Infrastructure
  - Caring for All
  - A Brighter Future for All
- 2.28 The vision of the Sustainable Communities Strategy is to develop the Rutland Community and the environmental, social and economic infrastructure within Rutland to ensure that people can live, work and relax where they feel safe and enjoy a high quality of life in a sustainable way.
- 2.29 In respect of ‘sustaining our environment’, the vision is that of a County where natural resources and the environment are safeguarded and enhanced, to improve our quality of life and make a full contribution to global sustainability. Objectives for Sustaining our Environment are:
- To promote and adopt measures to combat the effects of Climate Change through the development of environmental policies for Rutland.
  - To conserve and enhance the landscape, cultural heritage, archaeological and built environments and ensure that local distinctiveness is protected.
  - To protect and enhance the wildlife and its habitats and important natural features within Rutland for the benefit of biodiversity and geodiversity.
  - To promote principles of sustainable living which preserve natural resources and general environmental awareness in the community
  - To reduce and control pollution and the County’s contribution to harmful carbon emissions.
  - To develop sustainable waste management practices for the whole of the waste stream and the impact on the environment
- 2.30 In respect of ‘Building our Infrastructure’, the Community Strategy has as an objective ‘to recognize that Rutland is mineral rich and that the industry plays an important part in the local economy’ and as a subsequent action ‘to develop a sustainable, long term program of restoration and new quarrying to meet industry and local needs for the next 20 years by 2009’.

## The Local Transport Plan

- 2.31 The Local Transport Plan (LTP) sets out the transport strategy for the County. It includes an implementation programme for the delivery of the strategy which integrates both government objectives for transport and the Council's strategic objectives. The latest LTP was published in March 2006 and covers the period 2006-2011. Its vision for transport is for a safe, convenient, efficient and attractive integrated transport infrastructure, well maintained, which encourages walking, cycling and maximises the use of public transport to reduce social exclusion, support the economy and provide a high quality of life to all residents. The objectives of the LTP are:
- To improve personal and road safety (whilst tackling the road safety implications of disadvantage)
  - To improve access to local services (improve rural transport) and reduce social exclusion
  - To integrate all transport & land use policy
  - To reduce congestion, promote sustainable forms of travel and transport, and reduce car use
  - To maintain and improve the quality of the environment
  - To care for existing assets and provide value for money

## Key Issues

- 2.32 The County Council considers that there are eight key core strategy issues that are most relevant to Rutland, namely:

ISSUE 1: SUPPLY OF MINERALS  
ISSUE 2: THE LOCATION OF FUTURE MINERAL WORKING  
ISSUE 3: RESIDENTIAL AND SENSITIVE LAND-USES  
ISSUE 4: NATURAL AND BUILT ENVIRONMENT  
ISSUE 5: TRANSPORTATION  
ISSUE 6: SAFEGUARDING MINERAL RESOURCES  
ISSUE 7: RECYCLED AND SECONDARY AGGREGATES  
ISSUE 8: RESTORATION AND AFTER-USE

These issues form the main topic areas for the Core Strategy and are expanded upon in Section 4 of this report.

- 2.33 It can be seen from the previous section that Rutland has distinctive characteristics in terms of being a minerals producing County. Compared to its mineral producing neighbours, Rutland is small both in terms of size and population. The County only has a handful of mineral sites and most of these are concentrated in the north east of the County. There are also hardly any mineral resources in the western part of the County.
- 2.34 Rutland also has one of the largest cement producing sites in the country and this dominates the areas around Ketton in the south east of the County. Added to this is the presence of Rutland Water in the middle of the County, but not far from the Ketton works. There is therefore a potential conflict between the needs of the cement

works and the protection of Rutland Water as an internationally significant nature conservation site and an important tourist attraction.

- 2.35 These factors in particular have a strong influence on the Spatial Strategy and Core Strategic Policies for Rutland.

### **Cross Boundary Issues**

- 2.36 Most of the aggregate produced in Rutland goes out of the Leicestershire/Rutland area - approximately 73%. This reflects Rutland's strategic location and also its small size and rural nature, so that there are not as many major construction projects here as in other, larger counties. This is one of the defining characteristics of Rutland and in some respects the small scale of the authority sets it apart from most other mineral producing authorities. Whilst it is recognised that other counties also export aggregates, it is clear that Rutland produces aggregate mainly for other counties needs.
- 2.37 No specific cross boundary issues have been raised by adjoining authorities.

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### 3 STRATEGY, VISION AND OBJECTIVES

#### Introduction

- 3.1 The use of minerals found in Rutland is important to the local economy. On the other hand, the extraction of minerals can affect the environment and the amenity of residents. The purpose of the Minerals DPD is to set down policies and proposals that protect residential amenities and the character and environment of Rutland, whilst ensuring there are sufficient supplies of the minerals needed.
- 3.2 National guidance contained in Planning Policy Statement 12 (Local Spatial Planning) (PPS12) sets out the Government's policy on the preparation of local development documents. PPS12 indicates that the Core Strategy is the key plan within the LDF. It should include:
- (1) an overall vision which sets out how the area and the places within it should develop;*
  - (2) strategic objectives for the area focussing on the key issues to be addressed;*
  - (3) a delivery strategy for achieving these objectives. This should set out how much development is intended to happen where, when, and by what means it will be delivered. Locations for strategic development should be indicated on a key diagram; and*
  - (4) clear arrangements for managing and monitoring the delivery of the strategy.*
- 3.3 The Minerals DPD therefore sets out the County Council's Strategic Vision and Objectives for minerals planning and aims to provide a clear, long-term guide to the minerals industry and local communities about the scale and form of minerals extraction across the County. Within this context the Council will, as far as possible, need to ensure that proposals for future minerals development are realistic and deliverable within the context of local and potentially sub-regional demand.

#### Spatial Vision

- 3.4 The Council's Spatial Vision for minerals development within Rutland is as follows:
- To safeguard resources of limestone within the eastern half of the County together with local sources of building stone;
  - To maintain a local supply of essential raw materials (limestone and clay) for the cement plant at Ketton together with a supply of limestone for aggregates purposes within the north east of the County in accordance with national and regional policy;
  - To ensure that local sources of building stone are available to contribute towards the maintenance and enhancement of the locally distinct built environment; and
  - To ensure that minerals development in Rutland is managed in a sustainable manner which both protects and enhances public amenity and the natural resources, landscape, cultural heritage and the diversity of wildlife and habitats

within the County, including special protection for Rutland Water, looking to the long-term as well as today.

### Strategic Objectives

- 3.5 The starting point for considering Rutland’s objectives for future minerals development is the Government’s own objectives for minerals planning as set out in Minerals Policy Statement 1 (Planning and Minerals) (MPS1) and its accompanying Annexes. The County Council also faces the challenge of ensuring that all of the LDDs produced contribute towards the achievement of sustainable development, as required by Section 39 of the Planning and Compulsory Purchase Act 2004.
- 3.6 MPS1 states that:  
*“Minerals planning aims to provide a framework for meeting the nation’s need for minerals sustainably, by adopting an integrated policy approach to considering the social, environmental and economic factors of doing so and securing avoidance or appropriate mitigation of environmental impacts where extraction takes place”.*
- 3.7 Rutland’s Community Strategy relates to all aspects of land–use and development in the County. The latest Sustainable Community Strategy is for the period 2008-2011. The Community Strategy objectives set out in paragraphs 2.29 and 2.30 above are also applicable to this Plan.
- 3.8 Government guidance does not advocate the identification of aims for the Plan although it does advise that the Core Strategy should include strategic objectives which form the link between the high level vision and the detailed strategy and that they should expand the vision into the key specific issues for the area which need to be addressed. The Council has therefore prepared strategic objectives, taking into account those of the government and the Community Plan but also reflecting Rutland’s characteristics in respect of minerals resources and production within the County.
- 3.9 The objectives of the Core Strategy are as follows:
- A) To safeguard Rutland’s mineral resources from unnecessary sterilisation, in particular resources of limestone within the eastern half of the County together with local sources of building stone
  - B) To maintain a local supply of essential raw materials (limestone and clay) for the strategically significant cement plant at Ketton together with a supply of limestone for aggregates purposes within the north east of the County in line with national and regional policy guidance.
  - C) To support the distinctive local identity of Rutland through the supply of locally sourced building materials and encourage their use within the County for the purposes for which they are most suitable.
  - D) To protect and enhance the biological and geological diversity within Rutland.
  - E) To protect and enhance the natural, historic and built environments and the landscape of Rutland, including green infrastructure and special protection for Rutland Water, and ensure that local distinctiveness is protected.

- F) To secure sound work practices which prevent or reduce as far as possible, impacts on Rutland's communities arising from the extraction, processing, management or transportation of minerals.
- G) To reduce the impact of mineral development on the environment by sustainable design and construction, encouraging the prudent use of resources, including the use, where practicable, of alternatives to primary aggregates, and addressing the implications of flood risk and climate change
- H) To protect and seek to enhance the overall quality of the environment once extraction has ceased, through high standards of restoration and appropriate after-use.
- I) To promote the sustainable transport of minerals and reduce the adverse effects of road-borne transport.
- J) To complement and support the Sustainable Communities Strategy and the Core Strategy for Rutland, in particular the vision that by 2026 Rutland will have become a more sustainable and healthier place to live, work and visit, and the attractiveness of Rutland's countryside would have been enhanced through reducing the impact of development on the environment, and protecting and enhancing Rutland's environmental assets.

3.10 The County Council feels that these objectives either in isolation or in combination reflect the key issues, which are addressed in the Section 4. Several also influence the Spatial Strategy as will be explained in the following paragraphs.

### **Formulating the Spatial Strategy**

- 3.11 Developing the themes arising from the development of the Strategic Vision and the Strategic Objectives, it has become clear what a Spatial Strategy for the future of mineral working in Rutland should encompass. Indeed this is probably the most crucial element of the DPD as it sets out the framework for where new mineral working is most likely to be located and which areas may be precluded from new working over the DPD period.
- 3.12 The strategy has to take on board several important factors – some of which may appear to conflict – but that is the nature of mineral working. On the one hand minerals can only be worked where they are found. In this sense it is not possible to put mineral sites anywhere – they clearly have to be related to the actual resource. On the other hand, minerals are valuable resources and should not be wasted – indeed they are worthy of long term protection. Inevitably mineral workings will have an impact on communities and the environment and it is the role of the County Council (as supported by the minerals industry) to ensure that this impact is kept to an acceptable level.
- 3.13 A starting point for the Spatial Strategy is to look at where the important resources are located. Figure 2 shows where these resources are located. They consist of both limestone and clay and as can be seen, are mainly in the eastern half of the county. However, just because a mineral resource is shown on a plan, it does not mean that it will be worked. There are inter-linking issues here – one is the actual extraction of the mineral during the DPD period – the other is how best to protect the mineral from sterilisation beyond the DPD period so that the resource can be conserved.

- 3.14 Historically minerals have not been worked in the western half of the County due to the scarcity of workable mineral deposits and none are proposed now. So the first part of the Spatial Strategy reflects the lack of existing or proposed mineral workings in the western half of the County.
- 3.15 The Spatial Strategy also has to take into account the existence of Rutland Water as a feature of both environmental and economic significance. This is truly a strategic site and one which is locally distinctive to Rutland. However at the same time consideration needs to be given to the future of the Cement Works at Ketton in the south east. This needs the security of having permitted reserves “in the bank” because of the large investment in the works and its importance both to the local, regional and national economy.
- 3.16 MPS1 indicates that it is not necessary to maintain a landbank beyond the end of the DPD period if review and updating take place regularly. This has significance particularly for aggregates provision in the County and whether or not additional sites need to be allocated for that purpose. All of the aggregates producing sites are in the north east of the County. Any future workings in this area would need to be considered very carefully because of the potential cumulative impact, but at the same time accepting that it is often easier and more viable to extend an existing site than to open up a completely new quarry on green field land.
- 3.17 Spatially, therefore, there are 2 distinct areas within the eastern part of the County: the north where there is a concentration of sites extracting limestone primarily for aggregate purposes; and the south which is dominated by the Ketton Cement Works. Given the variable nature and quality of the resource, it is not possible to specify potential locations for locally sourced building and roofing stone.
- 3.18 The Spatial Strategy also takes on board the Strategic Objectives, in particular A, B, C, D, E and F. All of the objectives could have spatial elements but because of the particular circumstances of Rutland, objectives G, H and I are more site specific and cannot readily be dealt with spatially. This will be explained in the relevant sections of Part 4 dealing with recycling, restoration and transport.
- 3.19 The Spatial Strategy, therefore, reflects the geographical split of the eastern half of the County and the need to provide more reserves of limestone and clay for Ketton Cement Works together with a supply of limestone for aggregate purposes, whilst at the same time recognising the importance of Rutland Water and safeguarding local communities from the impact of mineral workings. Further details of how the Spatial Strategy will work and the related policies are set out in the next section.

### **Sustainable Development**

- 3.20 The Government’s UK strategy for sustainable development, ‘Securing the Future’, published in March 2005, set out how the goal of sustainable development should be pursued by Government, businesses and individuals in an integrated way to provide:
- an economy that delivers high levels of employment;
  - a society that promotes sustainable communities;

- the protection and enhancement of the physical and natural environment; and
- the efficient use of resources and energy.

These are the four aims of sustainable development as summarised in MPS 1 at paragraph 8.

- 3.21 PPS1 (Delivering Sustainable Development) (2005) identifies that sustainable development is the core principle underpinning planning. It states that at the heart of sustainable development is the simple idea of ensuring a better quality of life for everyone, now and for future generations. It states that one of the key principles in contributing to the delivery of sustainable development is to address the causes and potential impacts of climate change through policies which reduce energy use, reduce emissions, and take climate change impacts into account in the location and design of development.
- 3.22 The Government's objectives for minerals planning and the requirement for them to contribute to the achievement of sustainable development, as required in Section 39 of the Planning and Compulsory Purchase Act 2004, are set out in paragraph 9 of MPS1.
- 3.23 The Regional Plan for the East Midlands embraces the sustainable development principle. RSS Policy 1 sets out the Core Objectives which are intended to deliver sustainable development in the East Midlands.
- 3.24 The County Council has signed up to the Nottingham Declaration on Climate Change, which commits it to working at a local level towards a 20 per cent (national) target for carbon dioxide reduction (from 1990 levels) by 2010. The Sustainable Communities Strategy supports measures to combat the effects of climate change and includes actions to support development of a county-wide alternative energy policy and encourage a consistent approach to the development of and increased reliance upon renewable energy by July 2011.
- 3.25 Taking into account national policy objectives and building upon the Strategic Objectives and Spatial Vision, of the Plan, the County Council considers that it is appropriate at the outset to include an overarching sustainability strategy policy aimed at ensuring that proposals for minerals development are designed in accordance with the principles of sustainable development. This policy is complemented by other policies in the plan that seek to mitigate the effects of climate change through measures such as the reduction of emissions, air quality and pollution control, the protection of groundwater and the avoidance of flood risk.

**MCS Policy 1 – Sustainable Development**

**The Council will require all proposals for mineral development to demonstrate that the Government's objectives for sustainable minerals development have been addressed whilst ensuring that there will be no significant loss in the aims of sustainable development.**

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## 4 THE CORE STRATEGY POLICIES

### 4.1 The Supply of Minerals (*Objectives B and C*)

#### Background

- 4.1.1 It is the responsibility of Mineral Planning Authorities (MPAs) to make provision for the supply of materials for the legitimate needs of the community whilst, at the same time, ensuring that the adverse effects of mineral extraction are kept to a minimum.
- 4.1.2 Within Rutland, both aggregate and non-aggregate minerals are produced. Aggregates are materials used in the construction industry for building purposes, including asphalt, concrete and mortar. The aggregates extracted in Rutland comprise of limestone used for crushed rock. Non-aggregate minerals is the term used to cover the remaining minerals. Within Rutland, these comprise limestone and clay used in cement production, limestone for building stone and clay for making bricks.
- 4.1.3 It should also be borne in mind that Rutland is a small county, both geographically and in terms of population, compared to the surrounding mineral planning authorities. The mineral output from those counties is significantly higher reflecting their size and greater mineral resources.

#### Landbanks

- 4.1.4 The Government expects MPAs to have a “landbank” of permitted reserves of aggregates and for some other minerals such as limestone for cement and silica sand. A landbank is the total amount of minerals across the county that has existing planning permissions for quarrying and mineral extraction. MPS1 states that MPAs should use the length of the landbank as an indicator of when new permissions for aggregate extraction are likely to be needed. In the case of crushed rock aggregate this should be at least 10 years.
- 4.1.5 Minerals Planning Guidance 10 (Provision of Raw Material for the Cement Industry) (MPG10) states that MPAs should normally aim to maintain a cement plant with a stock of permitted reserves of at least 15 years.

#### Aggregates

- 4.1.6 Historically Rutland has been linked with Leicestershire for the regional apportionment of crushed rock, which includes both igneous rock and limestone (Rutland has no igneous rock reserves) and received a joint apportionment via the East Midlands Regional Aggregates Working Party (EMRAWP). The latest sub-regional apportionments joint figure for crushed rock for the East Midlands Region (as quoted in the RSS) is 523 million tonnes (mt) over the period 2001-2016.

- 4.1.7 However, the actual limestone provision is only 4.9% of this total based on the East Midlands Regional Aggregates Working Party (EMRAWP) figures. The combined Leicestershire and Rutland total for limestone is therefore 25.6mt (EMRAWP Annual Report 2004 – Table 2).
- 4.1.8 Based on average sales over the period 1997-2001 (the period used to calculate the sub-regional apportionment figures), the County provided some 19% of the combined total for limestone used for aggregate purposes from Leicestershire and Rutland. This equates to 4.864mt over the period 2001-2016 based on the approved regional apportionment, an annual requirement of some 304,000 tonnes. This is equivalent to about 1% of the total regional apportionment.
- 4.1.9 The sub-regional apportionment only covers the period from 2001 to 2016, which does not tie in with the end of the DPD period (2026). The 2001-2016 apportionment has therefore been rolled forward to 2026 by assuming the requirements after 2016 continue at the same average rate. If the DPD period were assumed to be 21 years inclusive (2006-2026), this would result in a total requirement for Rutland of 6.4mt.
- 4.1.10 The current aggregate landbank for Rutland is approximately 30 years (permitted reserve of approximately 9mt as at the end of 2007 divided by an annual requirement of 0.304mt). The existing permitted reserve represents an excess of some 2.6mt above the total requirement for the period to 2026.
- 4.1.11 In purely quantitative terms, Rutland therefore has sufficient reserves to provide a 10 year landbank as specified in MPS1 and to meet the sub-regional apportionment requirements over the plan period. There is therefore no need to allocate new aggregate sites. All of the existing operational sites have recently been granted extensions (1.8mt at Woolfox Quarry in 2005, 1.2mt at Greetham Quarry in 2007 and 1.5mt at Clipsham Quarry in 2010.) In addition, it is estimated that the building stone quarry off Hooby Lane, Stretton contains 'waste' limestone totalling some 392,227 tonnes. It is anticipated that approximately 6,500 tonnes of 'waste' rock is likely to be produced from this site each year. The remaining permitted site (Thistleton Quarry) is yet to commence operations but has significant permitted reserves.
- 4.1.12 Based on historic levels, output from the three existing aggregate sites in the County could meet the annual requirement of around 304,000 tonnes without the projected output from the currently inactive site at Thistleton. However, it must be stressed that because there are only a few sites, the total aggregate output for the County can be significantly affected if just one site either ceases or significantly reduces production. For this reason, the situation at all sites will be closely monitored to make sure that maintaining historical annual output levels remains viable.
- 4.1.13 The Council will need to give particular consideration to any revisions in national and regional guidelines for the provision of aggregates. In this respect, revised National and Regional Guidelines for Aggregates provision in England for the period 2005-2020 were published in June 2009. The revised forecasts show a decrease in forecast consumption of aggregates. The East Midlands Regional Assembly will be responsible for apportioning the regional guidelines to the local authority in collaboration with Mineral Planning Authorities, taking account of technical advice from the Regional Aggregates Working Party. Aggregates apportionment is one of the issues that the Regional Assembly propose to undertake as part of a further

'Partial Review' of the Regional Plan that has been requested by the Government. This is due to be completed by 2011.

- 4.1.14 Taking into account all of the above, the County Council is committed to maintaining the annual apportionment of around 304,000 tonnes per annum up until the end of the plan period. As stated, this will be kept under review and monitoring results (subject to commercial confidentiality) will be published in the Annual Monitoring Report.

## **Non-aggregates**

### **Ketton Quarry - Caste Cement Works**

- 4.1.15 By far the largest mineral operation in Rutland is at Ketton Quarry, which uses limestone, in conjunction with on-site clays for the manufacture of cement at the adjacent works.
- 4.1.16 Although published back in 1991, MPG10 remains Government guidance in respect of cement manufacture. At paragraph 2, it states that the cement industry is of major importance to the national economy and that it is necessary to have an adequate supply of raw material in order to maintain production. MPG10 also advises that landbanks of at least 15 years permitted reserves should be maintained for each plant (or 25 years in the case of further significant investment).
- 4.1.17 Ketton Quarry has the benefit of a relatively recent planning approval, granted on appeal in 2002. Mainly as a result of the 2002 permission the Ketton site has more than 15 years permitted limestone reserves. However, at current production rates, reserves at the site will soon fall below 15 years, possibly before the Minerals DPD is adopted. The use of limestone at the Ketton Works is restricted to material extracted from the adjacent Grange Top Quarry.
- 4.1.18 Ketton Quarry needs to be addressed separately because it is subject to a specific landbank requirement in MPG10. At the public inquiry in 2002 into the previous extension, the Inspector did not consider it appropriate to look beyond a 15 year landbank for the site. No significant investment in cement production plant at the site has taken place since then and the County Council considers that at this point in time the commitment should be to maintain a 15 year landbank at Ketton. The implications of achieving this are discussed further in the next section on the location of mineral workings.

## **Building Stone**

- 4.1.19 Currently Rutland produces building stone from four sites. Two quarries produce both limestone aggregate and building stone (Clipsham and Greetham Quarries), one primarily produces building stone (Hooby Lane, Stretton) and there are small reserves of freestone at Ketton Quarry. In addition, it is understood that there is building stone suitable for building purposes at Thistleton Quarry.

- 4.1.20 National policy (Annex 3 to MPS1) stresses the importance of high quality stone for conservation and restoration purposes and for new building. It also recommends that MPAs should indicate preferred areas for extraction and safeguarding areas but does not advocate the use of a landbank policy.
- 4.1.21 It has not been possible to produce an accurate assessment of future needs for building stone in Rutland with any confidence that would lead to realistic forecasts at this stage in the planning process. Some information is available, mainly in respect of the areas in and around existing quarries but large tracts of the limestone resource do not have detailed borehole information to suggest where valuable building stone may be located. In addition, even if that information was available the prediction of future requirements and matching these to supply is not a simple arithmetic exercise (as in the case of aggregates), as several key variables, unique to building stone production are present. These include specific stone types being reserved for particular repair and maintenance jobs on individual buildings. There is also a high percentage of wastage in producing building stone products, and sudden changes in the variability of the deposit can make areas unsuitable.
- 4.1.22 The three main building stone sites produce around 20,000 tonnes of usable stone a year. Of the three sites producing building stone, the Council estimates from discussions with operators that around 50% is used locally, i.e. within 10 miles of the site, but not necessarily within Rutland. The other 50% goes out of the County to other parts of England.
- 4.1.23 The predominantly stone built towns and villages of Rutland are an intrinsic part of the area's distinctive character. The designated 40 conservation areas and existence of 1600 listed buildings are indicative of the quality of the environment. The Community Strategy aims to conserve and enhance the built environment and to this end planning policy requires new housing development and extensions to existing houses in the County to be sympathetic to the local character, including building materials. As a result, local stone, particularly from the Clipsham and Hooby Lane quarries is used in local new build and in repair of existing buildings and walls. There is therefore a local demand for stone but a large proportion of the stone produced goes out of the County.
- 4.1.24 The County Council recognises that there will continue to be a need for relatively small amounts of different types of stone. But at current levels of output, from three different sources, it is considered that sufficient permitted reserves currently exist to cater for local conservation and building needs. In addition, Thistleton Quarry may also produce significant amounts of building stone. For this reason, it is not considered that any specific provision in respect of building stone supply is necessary, but it is recognised that a flexible approach to the supply of building stone should be adopted because of the ad hoc nature of demand and the variable nature and quality of the resource. Building and roofing stone quarries should be operated for the principal purpose of extracting traditional building materials, although the sale of aggregate by-products may be required to ensure economic viability and efficient use of resources.

**MCS Policy 2 – The Supply of Minerals in Rutland****The County Council will:**

- A) Make provision for the production of limestone aggregate (crushed rock) until 2026 in accordance with the East Midlands Regional Plan together with the maintenance of a landbank in line with national and regional policy.**
- B) Maintain a sufficient stock of permitted reserves for limestone and clay in line with national policy guidance in order to supply the Cement Works at Ketton at the existing output of 1.4mt of cement production per annum.**
- C) Allow proposals for the supply of local sources of building and roofing stone where necessary for conservation purposes and maintaining the local distinctiveness of the built environment within Rutland.**
- D) Allow proposals for minerals development only where they will not cause unacceptable harm to the environment or communities.**

#### **4.2 The Location of Future Mineral Working (The Spatial Strategy)** **(Objectives B, C, D, E & F)**

- 4.2.1 Geological circumstances dictate that minerals can only be worked where they exist. Therefore, unlike most other forms of development, the range of alternative locations available for mineral working is extremely limited and conflicts of interest may occur. The Government says that MPAs must provide clear guidance to the minerals industry and the public about where mineral extraction may take place. However, national policy guidance also states that minerals that are needed should be secured from environmentally acceptable sources.
- 4.2.2 MPS1 states that plans should indicate how they will facilitate the supply of minerals that can be worked economically and the places where mineral extraction is most likely to take place and that they may take the form of sites, 'preferred areas' or 'areas of search'.
- 4.2.3 In an attempt to be as pro-active as possible in providing certainty both for the industry and the public on where any new workings are likely to be considered to be located or likely to be acceptable, the Key Diagram (Figure 3) shows existing quarries, 2 broad areas for future extraction (one related to limestone for aggregates covering the north east of the County and the other limestone and clay for cement purposes covering the area in the vicinity of Ketton Cement Works) together with a protection area around Rutland Water. The significance of these is explained in the following sections and relates to the Spatial Strategy (as outlined in paragraphs 3.11 – 3.19 above). Proposals for any minerals development within the Areas for Future Mineral Extraction as shown on the Key Diagram will be considered against the provisions of MCS Policies 4, 5 and 6.

**MCS Policy 3 – General Locational Criteria**

**Planning Permission will not be granted for any minerals development outside of the Areas for Future Minerals Extraction as shown on the Key Diagram with the exception of small quarries for building and roofing stone unless:**

- There is a proven need for the mineral;
- The proposal does not conflict with any of the other policies in the Plan.

**Planning permission will only be granted for minerals development within the Areas for Future Mineral Extraction as shown on the Key Diagram where the proposal is an extension to an existing extraction site or is a small quarry for building or roofing stone.**

**Cement Production**

- 4.2.4 In the Council's view, any new workings in the area around Ketton should be set aside for the cement works. The County Council does not wish to complicate or exacerbate the situation in this area by allowing other mineral workings which could lead to additional impacts on the environment or local communities. Therefore, any proposal for mineral extraction in this area will be resisted unless it is directly linked to the production of cement at the Ketton Cement Works.
- 4.2.5 As a consequence of the situation described in paragraph 4.1.17 above (and one which was anticipated by the Inspector at the 2002 public inquiry), the cement works will need to secure additional reserves well before the plan period ends. In this regard, the County Council has identified an Area of Search (AOS), which is shown on Figure 4, within which it is considered that there would be sufficient reserves to secure at least 15 years additional working.
- 4.2.6 The Area of Search 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.
- 4.2.7 Whilst the whole of the Area of Search (AOS) is shown for exploration purposes, any detailed working proposals to extract minerals need to be sufficient to maintain the 15 year landbank. This does not mean that the whole area will be extracted. However, given the current reserve position at the site it is likely that a planning application will come forward within the AOS during the plan period to secure additional reserves for the cement works.
- 4.2.8 In terms of any future application within an area of search, the Council will expect the highest standards of landscape impact mitigation and restoration and the protection

of the prime nature conservation interests. Furthermore, the location of the cement works and associated extraction areas is within an area of intensive quarrying which has already significantly altered the landscape. Any proposals for extending mineral extraction in relation to cement manufacture will need to address what measures can reasonably be taken to improve the general visual amenity and landscape of the area within Castle Cement's ownership/control and to protect people and local communities from the adverse impact of mineral working.

- 4.2.9 The cement works are of national importance. Whilst the quarry and works themselves can cause environmental impacts and affect local communities, this has to be balanced against the importance of the cement works not only in terms of local employment but also as an important contributor to national cement production.
- 4.2.10 Site identification within an AOS depends on the quality and quantity of the mineral reserves and is also dependent on land ownership and operational requirements. In order to be able to address the complex nature of these requirements and to facilitate necessary detailed investigations there are benefits in identifying an extensive AOS. The AOS shown on Figure 4 relates approximately to the known extent of limestone reserves and does not take account of land ownership constraints.
- 4.2.11 Any application will be subject to a full consultation with the local community and is likely to require a full Environmental Impact Assessment. MCS Policy 4 highlights specific requirements that will need to be addressed. In respect of any application, the Council will also seek co-operation from Castle Cement (the operator) on the following matters:
- High standard of restoration/after-care which should include a financial guarantee or restoration bond
  - Potential to increase rail transportation from the works
  - Measures to improve energy/resource efficiency at the cement works
  - Appropriate community and nature conservation benefits

**MCS Policy 4 – Ketton Quarry Area of Search**

**Planning permission will be granted for proposals for the winning and working of limestone and clay for use in cement manufacture at Ketton Cement Works from land within the Area of Search shown on Figure 4 provided that the proposals accord with the requirements of other relevant policies contained in the Minerals Plan and subject to:**

- **The implementation of a suitable scheme of ameliorative measures, including appropriate stand-offs and landscaping, to limit potential impacts on the amenity of local residents and the users of the locality and the impact on the quality and character of the landscape**
- **Appropriate archaeological investigation at a pre-determination stage;**
- **Provision for the retention or suitable temporary diversion of the Hereward Way and any public right of way that would be affected;**
- **The provision of suitable measures to ensure the conservation and enhancement of the special features of interest of Shacklewell Hollow and North Luffenham Quarry Sites of Special Scientific Interest;**

- **The provision of suitable measures to protect and where appropriate enhance:**
  - **trees, woodland and other landscape features within and adjoining the site;**
  - **watercourses crossing the site; and**
  - **groundwater abstractions present in the locality, unless the need for, and benefits of, the development in that location outweigh the likely loss or damage, in which case appropriate mitigation or compensation measure should be provided.**
- **The provision of suitable measures to protect the Windmill, off Empingham Road, Ketton and its setting;**
- **Reclamation and after-use proposals which reflect the objectives of the Ketton Plateau landscape character sub-area, and provide the best balance of enhancing biodiversity and the preservation of best and most versatile soil resources, having regard to the aerodrome safeguarding zone requirements for RAF Cottesmore and RAF Wittering;**
- **A Flood Risk Assessment demonstrating that the development will be safe, without increasing flood risk elsewhere, and, if possible, will reduce flood risk overall.**
- **The incorporation, where viable, of proposals for the recovery of building stone.**

## **Aggregates**

- 4.2.12 As set out in paragraph 4.1.11 above, there is no need to allocate any new sites for aggregate production. All of Rutland's aggregate production is concentrated in the north-eastern area of the County as shown on the Key Diagram. Whilst these sites are important to ensure continuity of supply, the Council is keen to ensure that any new working in this area is strictly controlled so that local communities in this area are not unduly impacted upon.
- 4.2.13 This does not mean that extensions to the existing operations will necessarily be ruled out, but they will be subject to scrutiny to make sure that they do not cause or add to environmental impact. In any event, given the current reserve and supply position, any proposals for new or extended aggregate sites will have to demonstrate that there is a need for the reserve. If an extension would also include significant building stone of suitable quality, then this would be advantageous.
- 4.2.14 In terms of new sites coming forward, therefore, the Council will resist proposals in the north-eastern area of the County as shown on the Key Diagram.

**MCS Policy 5 – Extensions to Aggregates Sites**

**Proposals for extensions to existing aggregate extraction sites will only be permitted where:**

- They are required to meet a proven need;
- The proposal does not conflict with any of the other policies in the Plan.

**Wherever possible, extensions to existing aggregate extraction sites should incorporate proposals for the recovery of building stone.**

**Building Stone**

4.2.15 As stated in paragraph 4.1.24, the County Council considers that there are sufficient permitted reserves at existing sites and potentially more will be available from Thistleton Quarry. Ketton Quarry itself also has some freestone reserves.

4.2.16 Therefore no new building stone sites are being proposed during the Plan period. However, subject to certain criteria, consideration will be given for new small scale sites where it can be demonstrated that the material would be used for conservation purposes or maintaining the local distinctiveness of the built environment within Rutland.

**MCS Policy 6 – Building and Roofing Stone**

**Proposals for building and roofing stone extraction will only be permitted where:**

- The site would be a small scale proposal (as a guide usually no more than 5,000 tonnes output of usable building and roofing stone per annum);
- It has been demonstrated that the material would be used in the restoration and renewal of existing historic buildings and structures; and/or would provide suitable building material for use in new buildings in conservation areas or for the enhancement of local character and distinctiveness of the built environment of Rutland.
- The proposal does not conflict with any of the other policies in the Plan.

**Clay**

4.2.17 There is only one small clay quarry in the north of the County and clay is used in the production of cement at the Ketton works. There are significant clay resources in the eastern part of the county but historically Rutland has not produced significant amounts of clay and there is no evidence to suggest that there is any demand for new clay production in the County. For this reason any proposals for new clay

quarries (other than for the Ketton Cement Works) would have to demonstrate a proven need and would be subject to strict environmental controls.

#### 4.3 Residential and Sensitive Land-Uses (*Objectives E & H*)

- 4.3.1 As previously stated, minerals can only be worked where they exist and as is often the case this can lead to the development of quarries in close proximity to communities. MPS 2 (Controlling and Mitigating the Environmental Effects of Minerals Extraction in England) places emphasis on the importance of community involvement in the planning process, particularly to ensure that the general health of people is not compromised by living in proximity to an area proposed for minerals extraction. The Council must therefore ensure that an acceptable balance is maintained between meeting identified mineral needs and protecting the local environment and amenity of residents living close to minerals operations. MPS2 states that MPAs should ensure that the adverse effects of mineral working on neighbouring communities and land uses are minimised.
- 4.3.2 In Rutland there are two distinct concentrations of mineral working. In the north-east (shown on Key Diagram) and in the south east – Ketton Quarry. It is also acknowledged that other land uses apart from residential areas may be affected by mineral operations such as hospitals, schools, other places of employment and the RAF aerodromes at Cottesmore and Wittering. Any policies to protect residential and other sensitive landuses will relate to new sites (including extensions) – but existing operations will have a bearing on the degree of cumulative impact if new sites are proposed.
- 4.3.3 Core Strategy Policy MCS7 focuses on limiting potential for cumulative impact because this is more of a strategic issue than for just dealing with impact from individual sites. It also ties in with the Spatial Strategy, which aims to restrict new minerals development from areas of the County where there is a concentration of existing sites. Development control policies (MDC1 and MDC2) deal specifically with the impacts of minerals development on residential amenity and other sensitive land-uses.
- 4.3.4 There is a commitment from the Council in line with its Statement of Community Involvement to consult with local communities on all new minerals proposals, particularly if they are likely to impact upon residential areas. The Rutland Community Plan does not specifically address residential amenity but does promote general improvement in the quality of life of Rutland residents. Core Strategy Policy MCS7 would help to achieve this aim.

#### **MCS Policy 7 – Residential and Sensitive Land – Uses**

**The County Council will seek to ensure that the adverse impact of mineral working on neighbouring communities and sensitive land-uses is minimised. In doing so, particular regard will be given to the cumulative impact of concentrated mineral workings in the north-east and south-east of the County, and to identifying local issues in consultation with local communities.**

#### 4.4 Natural and Built Environment (*Objective E*)

- 4.4.1 MPS1 sets out a comprehensive list of policy guidance in respect of protection of heritage and countryside (section 14). As the new DPDs are not intended to merely duplicate national policy, the Core Strategy focuses on features of both local and strategic importance that are distinctive to the County. Rutland Water clearly stands out as such a case. Indeed for many people, Rutland Water is synonymous with Rutland.
- 4.4.2 Rutland Water is an internationally important site for nature conservation and is also an important landscape feature as well as providing a strategic water supply for the region and beyond. It encompasses both the natural and built environment and falls within several of the sites/features which are subject to protection in MPS1 section 14. However, equally important is Rutland Water's contribution to the local economy, which is derived from its role as a tourist attraction and recreational facility. All of the aforementioned factors will be taken into account in the determination of any minerals proposals which could affect Rutland Water.
- 4.4.3 Proposed development which is likely to have a significant effect, either alone or in combination with other plans or projects, on Rutland Water, will only be permitted if an Appropriate Assessment under the Habitats Regulations 1994 indicates the proposal(s) will not adversely affect the integrity of the site. Where development will adversely affect the integrity of the site, it will only be permitted if it is necessary for reasons of overriding public interest (such as human health, public safety or beneficial consequences of primary importance to the environment). In such cases, where permission is granted, planning conditions or agreements may be used to protect the biodiversity interests of the designated site (including providing compensation).
- 4.4.4 It is notable that Rutland Water is the only site in the County with an international designation, being a designated Special Protection Area (SPA) and Ramsar site. The County Council believes that Rutland Water is of such strategic importance in Rutland that it warrants a specific Core Strategy policy. The boundary of the Rutland Water policy area is indicated on the Key Diagram (Figure 3) based on the area identified in the Rutland Local Plan. This boundary will be reviewed as part of the preparation of the Site Allocations and Development Control Policies Development Plan Document.
- 4.4.5 Rutland contains other sites of national and regional significance such as SSSIs, RIGS nature reserves, historic sites and buildings etc. It also contains, like many authorities, other features worthy of protection such as local sites and structures of architectural and historic interest, archaeological sites, and important landscape features. The Community Plan seeks to protect and enhance such features. Their importance is not under-estimated but it is considered appropriate to deal with these in policy terms within a suite of specific Development Control policies rather than a specific Core Strategy policy. This will still enable the key strategic objectives on this issue to be met. PPS9 states that the most important sites for biodiversity are those identified through international conventions such as Rutland Water.

**MCS Policy 8 – Rutland Water**

**Minerals development, which is likely to have an unacceptable adverse impact on the environmental and recreational value of Rutland Water and its setting and the supply of water from the reservoir, will not be permitted unless the reasons for development outweigh the likely adverse impact, taking into account the requirements of relevant legislation and guidance. In all cases, applications will be subject to the most rigorous examination.**

**4.5 Transportation (*Objective I*)**

- 4.5.1 Government guidance seeks to promote the sustainable transportation of minerals, PPG13 (Transportation and Landuse) and MPS1, including consideration of alternative means of moving minerals by water and rail wherever possible. The current Minerals Local Plan encourages the use of rail, canal, pipeline or conveyor as alternatives to road.
- 4.5.2 Most of the minerals extracted within Rutland are moved by road and there is currently a shortage of realistic alternatives to road haulage in Rutland. Alternatives to road transport are limited apart from at Ketton where about 20% of the product goes out by rail. It is therefore acknowledged that any alternative modes may be an impractical option for short haul journeys of minerals due to the lack of available infrastructure and additional handling costs.
- 4.5.3 The impacts arising from transportation of minerals by road can be significant due to heavy goods vehicles causing noise, dust and vibration and in some cases congestion of local road networks. These impacts can result in considerable nuisance to local communities. Traffic impact is one of the main sources of complaint for minerals operations in the County.
- 4.5.4 The Rutland Local Transport Plan (LTP) (2006) does not deal specifically with minerals related transport but does address HGV traffic and rural impact/safety issues. However, accident records do not indicate a particular problem with HGV traffic. The LTP also points out that there is no immediate prospect of water freight in the County.
- 4.5.5 Core Strategy Policy MCS 9 provides an overarching strategic policy aimed at promoting sustainable transport methods, as it will be difficult to commit to anything more than this given the particular circumstances of Rutland. This would still enable the key strategic objective to be met as well as supplementing the main aims of the LTP and the Community Plan. This policy is complemented by a development control policy (MDC Policy 11) aimed at controlling the adverse effects of road-borne traffic.

**MCS Policy 9 – Transportation**

**The County Council will promote the sustainable transport of minerals through encouraging alternatives to road transport, where practicable, in particular the increased use of rail from Ketton Cement Works, and reduce the adverse impact of road borne transportation of minerals by ensuring that new mineral developments have suitable links to A class roads in the County, which avoid the use of routes through residential areas and unsuitable minor roads by quarry traffic.**

**4.6 Safeguarding Mineral Resources (Objective A)**

- 4.6.1 Government guidance is clear in a number of its PPSs and PPGs that MPAs should *“make every effort to safeguard in their development plans, and through development control, those deposits which are of economic importance against other types of development which would be a serious hindrance to their extraction”*.
- 4.6.2 Minerals Safeguarding Areas (MSAs) are now required under MPS1. In unitary areas MPAs should define MSAs in LDDs to alert prospective applicants for non-minerals development to the existence of valuable mineral resources. Like any important resource in the County, minerals should be protected to ensure that future generations can get access to them if needed.
- 4.6.3 Following advice from British Geological Survey (BGS) and taking into account the BGS publication: ‘A guide to minerals safeguarding in England’, published in October 2007, a MSA for Rutland has been prepared for limestone and clay resources covering most of the eastern half of the County. This is shown in Figure 5 based on the information contained on the Minerals Resources map published by the BGS in the ‘Mineral Resource Information in Support of National, Regional and Local Planning: Leicestershire and Rutland’ report (2002). Apart from limestone (which will also include building stone reserves), the MSA includes clay resources around Ketton which are considered to be of economic value for use in the cement works and therefore, worthy of safeguarding. Sand and gravel and ironstone resources within the County are not included as they are not regarded as having any economic value.
- 4.6.4 Any part of the MSA could contain both valuable aggregate and building stone reserves. The County Council does not consider that it is possible to identify specific building stone reserves as there is currently not enough information to do so. A major 5-year study of England’s building and roofing stone resources, the Strategic Stone Study, is being carried out by English Heritage which will assist MPAs in identifying the location of these minerals and inform their safeguarding. The County Council will review the identification of MSAs within Rutland in the light of the findings of this study.
- 4.6.5 It must be stressed that the MSA shown is not a proposed area of extraction and does not mean that proposals will be permitted within the area. The Spatial Strategy

clearly indicates that this will not be the case. The main purpose of the MSA is to protect a mineral resource for the long term for future generations – well beyond the current plan period from potential sterilisation. This could be from other types of built development such as housing, industrial or retail uses. Also it should be borne in mind that just because there may be no economic need for the minerals now that may not be the case in the future.

- 4.6.6 Control over built development within the safeguarding area is dealt with by Development Control Policy MDC10.

**MCS Policy 10 – Minerals Safeguarding**

**All deposits of limestone and clay that are considered to be of current or future economic importance and significant infrastructure such as rail linked facilities within the Minerals Safeguarding Areas shown on Figure 5 will be safeguarded from unnecessary sterilisation by surface development. The safeguarding of sources of building and roofing stone will be progressed through the establishment of a list of important sources of this resource.**

**4.7 Recycled and Secondary (Substitute) Aggregates (Objective G)**

- 4.7.1 One of the key objectives of Government guidance is to reduce the consumption of primary aggregates and ensure that they are put to the highest quality end use. To this end the Government is seeking an increase in the amount of recycled and secondary (substitute) aggregates used.
- 4.7.2 Secondary aggregates are lower-grade than the primary aggregates (sand and gravel, and crushed rock). They include by-products of other processes, for example, boiler ashes and burned clay, as well as other minerals, such as chalk, that can be used in low specification applications as substitutes for primary aggregates. Increasing the use of secondary aggregates will help to reduce the demand for primary aggregates, thereby, reducing the need for land-won minerals. Recycled aggregates, such as broken concrete and other construction and demolition waste, may also be used as a substitute for primary aggregates.
- 4.7.3 Policy 37 of the RSS requires the identification of sites where recycling can take place to provide alternative materials, particularly for aggregates. The current MLP includes a general policy that encourages the use of substitutes for naturally occurring materials, but does not identify specific sites for recycling.
- 4.7.4 It is therefore appropriate that the Minerals DPD should continue to encourage the use of alternative materials and the beneficial use of wastes resulting from mineral working. In this regard, operators should use secondary aggregates in place of primary aggregates and conserve resources wherever possible. However, there is no reliable local data for the amount of recycled and secondary aggregates produced in

Rutland and it is acknowledged that the use of most recycled materials is limited to lower grade uses.

- 4.7.5 There are currently two minerals sites in the County which recycle materials. Apart from these, there is only one other operational aggregate quarry in the County.
- 4.7.6 Apart from quarries, there are very limited opportunities for accommodating recycling sites in the County. This reflects the local distinctiveness of Rutland which is a predominantly rural county and is also much smaller than most counties. There are few brown field/industrial sites capable of accommodating any significant recycling operations or for that matter any sites capable of yielding significant quantities of recycled aggregate. The most suitable locations will probably continue to be quarries but even here, potential is limited because of lack of available space to house significant recycling plant and stockpiling materials.
- 4.7.7 As stated above, recycling is currently undertaken at two aggregate sites in the County. It could be argued that more could be recycled at these sites but that depends on the commercial viability of doing so and also the potential environmental impact considerations.
- 4.7.8 For the reasons given above there is no immediate prospect of identifying sites for recycling purposes – and no new sites have been proposed. It may be the case that sites could become available or are proposed as part of the main LDF preparation. The County Council considers that the main LDF offers a better opportunity for dealing with recycling initiatives as part of an overall strategy for the County because it will address housing, employment and waste issues all of which are inter-related. This document therefore focuses on the opportunity to develop and improve recycling facilities at existing mineral sites.
- 4.7.9 In the context of this Plan, recycling initiatives and proposals are to be encouraged and supported at existing aggregate sites wherever appropriate. General locational criteria in respect of recycling at minerals sites are covered in the relevant development control policy (MCD 9).

**MCS Policy 11 – Recycled and Secondary Aggregates**

**The County Council will encourage and support the increased use of recycled/substitute aggregates as an alternative to using primary materials and support recycling initiatives at existing aggregate sites provided that it will not cause unacceptable harm to the environment or communities.**

**4.8 Restoration and Afteruse (*Objective H*)**

- 4.8.1 An important way of minimising the impact of mineral workings is to ensure sites are restored at the earliest opportunity to a beneficial use. Government guidance places great emphasis on high standards of restoration. The restoration and after-use of

quarries will depend on several factors including the agricultural value of the land prior to extraction, underlying geology, landscape character, etc.

- 4.8.2 RSS Policy 37 states that LDFs should identify any likely adverse impacts on habitats and propose mitigation, which may include creation of habitats elsewhere, and should set out the proposed uses to which former mineral extraction sites should be put. RSS Policy 29 sets out the priorities for enhancing the region's biodiversity.
- 4.8.3 In recent years there has been a growing realisation that the restoration of mineral workings can make a substantial contribution to the amenity and biodiversity value of an area. In addition Rutland is one of the poorest counties in England in terms of its biodiversity.
- 4.8.4 The current MLP states that the best and most versatile agricultural land should be returned to an agricultural use and in the past minerals restoration schemes have often returned the land to its former use, usually agriculture. This was partly a reflection of the high quality of the agricultural land in the plan area, and the importance of agriculture to the local economy.
- 4.8.5 However, rural land use has changed over the years and the importance of agriculture to the economy has lessened. The traditional relationship between communities and the land is also changing. National planning guidance in PPS7 places less emphasis on preserving agricultural land than before and leaves it up to local authorities to decide if high quality agricultural land can be developed.
- 4.8.6 In light of these changes, and to recognise the particular circumstances of Rutland, there is now a clear opportunity to seek a wider range of after-uses which could contribute to the aims of rural renaissance and the aims and objectives of Local Plans and Strategies. For example, nature conservation end-uses can create large new areas of biodiversity interest as a significant contribution to re-establishing or enhancing a network of wildlife habitats, connecting areas of fragmented habitat, enhancing degraded areas in a way consistent with landscape character objectives, and can promote opportunities to enhance public access and recreation. The restoration of mineral workings provides the opportunity to create these after-uses and habitat creation.
- 4.8.7 Where appropriate and having regard to local landscape character, alternatives to agriculture will be encouraged, in particular the creation of new areas of wildlife habitats and protection of geological exposures of interest. This reflects national policy guidance (PPS9) and the Regional Plan and also the objectives of the Community Plan. Particular regard will also be given to the Lincolnshire and Rutland Limestone Strategy and the Leicester, Leicestershire and Rutland Biodiversity Action Plan (BAP), especially the targets for limestone grassland which is a conservation priority due to continued loss of this habitat. The County Council will encourage after-uses which help to achieve the objectives of these policies and strategies.

**MCS Policy 12 – Restoration**

**The County Council will seek to ensure that the restoration of mineral workings enhance and complement the natural and historic environment in keeping with the local area, including its landscape character and with due regard to the setting of historic assets. The County Council's primary objective will be to achieve after-uses that enhance or add to biodiversity and geological conservation interests.**

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## **5 DEVELOPMENT CONTROL POLICIES**

- 5.1 The Minerals DPD will need to be delivered by policies covering the issues raised within this document. Some are the core strategy policies which will deliver the Spatial Vision and Objectives. However, the County Council has also produced a limited suite of development control policies, which set out the criteria against which planning applications for minerals development will be considered.
- 5.2 The Policies within this section aim to establish the key criteria against which minerals proposals will be judged. This section therefore provides a link to the vision and objectives of the Core Strategy by setting out the circumstances in which development would either be permitted or refused.

### **Definitions - mineral development and mineral working**

- 5.3 This section applies to all types of mineral developments and minerals in Rutland. The term 'mineral development' applies to any development primarily involving the extraction, processing, storage, transportation or manufacture of minerals. The term 'mineral working' or 'mineral extraction' refers to the quarrying of minerals, and ancillary development (such as processing plants, site offices and weighbridges).

### **The development control process**

- 5.4 Development control is the process of determining planning applications for mineral development. Planning applications should contain the justification for the development, details of how the operations will be managed, and any measures proposed to reduce or remove adverse effects. The Minerals Planning Authority will consider all the community, economic and environmental issues that are relevant to each planning decision.
- 5.5 Sufficient information must be provided with planning applications so that the likely effects of the development, together with proposals for appropriate control or mitigation, can be considered. In some cases detailed assessments of particular issues may be required. The County Council will publish a guidance note, setting out the type of information that should be provided with a planning application for minerals development.

### **Pre- application discussions**

- 5.6 Applicants are encouraged to discuss their proposals with the Minerals Planning Authority before submitting a planning application. Early discussion will help to identify potential impacts from proposals, and possible measures to avoid or minimise them. Applicants will also be advised if their proposals are unlikely to be acceptable. The Minerals Planning Authority may suggest that applicants seek

advice from the Environment Agency and Natural England about the need to carry out detailed assessment work. Consultation with statutory and other bodies such as local interest groups will help establish potential impacts of a proposed development and improve the quality of decisions on planning applications. The Rutland Statement of Community Involvement provides information on how consultation on planning applications will be carried out.

### **Environmental Impact Assessment**

- 5.7 Environmental Impact Assessment (EIA) is often required for major developments that are likely to have significant impacts on the environment. Most proposals for mineral extraction are likely to fall within this category. An EIA will identify the likelihood of significant impacts occurring as a result of a development, how these could be mitigated, and alternative ways in which the development could be carried out.
- 5.8 All planning applications for mineral development will be screened to determine whether or not they require an EIA. The screening process helps to identify whether the proposal is likely to have significant environmental effects. If requested, the County Council will provide a scoping opinion which sets out the issues which the assessment should address. An Environmental Statement must accompany a planning application for EIA development.

### **Appropriate Assessment**

- 5.9 Appropriate assessment is required by law for all European Sites (Regulation 48 of the Conservation (Natural Habitat &c.) Regulations 1994). In Rutland there is only one European Site, Rutland Water Special Protection Area (SPA) which is also a Wetland of International Importance (Ramsar Site). It is UK policy that the Government applies the procedures described above in respect of Ramsar sites, even though these sites are not European sites as a matter of law (PPS 9, Biodiversity and Geological Conservation, Part 1, Paragraph 5).
- 5.10 An Appropriate Assessment will identify whether the proposed development is likely to have a significant effect, either alone or in combination with other plans or projects, on Rutland Water SPA/Ramsar site.
- 5.11 Development will only be permitted if an Appropriate Assessment indicates the proposal(s) will not adversely affect the integrity of the site. Where development will adversely affect the integrity of the site, it will only be permitted if it is necessary for reasons of overriding public interest which could be of social or economic nature, sufficient to override the harm to the site. In such cases, where permission is granted, planning conditions or agreements may be used to protect the biodiversity interests of the designated site (including providing mitigation and/or compensation as necessary).

### **Material Considerations**

- 5.12 Every planning application for development is decided on its merits, and should be determined in accordance with the development plan unless material considerations indicate otherwise. When planning applications are determined, all the relevant policies in the DPD will be taken into account, and used as the basis for decision-making.
- 5.13 Material considerations include issues such as the impacts on local communities, national planning guidance, and the need for the development. However, there are no firm rules about the range and type of material considerations, or about the weight that should be attached to them in individual decisions. This is because:
- material considerations are subject to change in the light of government guidance and court judgements;
  - the development plan cannot explain which considerations will be material to a particular planning decision because the circumstances of each application will be different; and
  - the weight given to material considerations when making decisions on planning applications will be affected by individual circumstances.

### **Monitoring and enforcement**

- 5.14 The effective monitoring of operational sites is very important. Requirements for the monitoring of impacts such as noise and dust may be imposed through planning conditions. However, there is an important role for the County Council as an independent regulator, which can help to increase confidence among local communities. Efficient and effective monitoring and enforcement can often identify potential problems early, before they are perceptible to local residents, and ensure that they are resolved satisfactorily.
- 5.15 The Policies within this section aim to establish the key criteria against which minerals proposals would be judged. This section provides a link to the vision and objectives of the Core Strategy by setting out the circumstances in which development would either be permitted or refused.

**MDC Policy 1 – Impacts of mineral development**

**Mineral development will only be permitted where it can be demonstrated that there is a need, and that the impact on communities and the environment can be controlled within acceptable levels. In determining planning applications for mineral development the following issues will be considered:**

- (i) impacts on adjoining land uses and users and those in close proximity to the minerals development from noise, dust, fumes, vibration, illumination and from traffic generated by the development;**
- (ii) impacts on floodplains, groundwater, surface water, drainage, watercourses and water bodies;**
- (iii) impacts on the appearance, quality and character of the landscape and any features that contribute to its distinctiveness;**
- (iv) impacts on the natural environment, biodiversity and geological conservation interests;**
- (v) impacts on historic landscapes, areas, sites or structures of architectural and historic interest and their settings, and sites of existing or potential archaeological interest or their settings;**
- (vi) impacts on tourism and the local economy;**
- (vii) impacts on public open space, the rights of way network, and outdoor recreational facilities;**
- (viii) impacts on the use, quality and integrity of land and soil resources (including land stability);**
- (ix) any increase in the risks of birds striking aircraft;**
- (x) any increase in pollution and CO2 emissions;**
- (xi) cumulative impacts arising from the interactions between mineral developments, and between mineral and other forms of development;**
- (xii) any other matter relevant to the planning application.**

- 5.16 Policy MDC1 is the primary policy for determining planning applications for minerals development. The policy covers a range of potential impacts from mineral working, and applies equally to on-site, off-site and cumulative impacts. Applicants will be expected to have regard to the sustainability of proposals and accordingly will also need to demonstrate they have complied with MCS Policy 1.
- 5.17 If planning permission is granted, conditions and legal agreements will often be attached to regulate the operation of the development. Planning conditions can be used to agree the specific details about parts of the proposal (such as a landscape scheme) or to ensure that the effects on local communities or the environment are reduced (such as control of working hours). Where adverse effects cannot be adequately controlled or prevented, planning permission will be refused.
- 5.18 Planning legislation and policy helps to protect communities and the environment, but controls are also placed on developments through other mechanisms - such as European regulations and relevant pollution control regimes under environmental legislation.

## Protecting Residential Amenity and Sensitive Land Uses

### **MDC Policy 2 – Pollution, health, quality of life and amenity**

**Minerals development will only be permitted if due regard is given to the pollution and amenity impacts on the residents and users of the locality and where it can be demonstrated that there will be not be an unacceptable impact on health and/or the quality of life of occupants of nearby dwellings and other sensitive properties. Where deemed necessary by the MPA, minerals developments should include mitigation measures, such as separation distances (buffer zones) between the site and such properties.**

- 5.19 Despite the fact that minerals development is a temporary use of land (albeit often long lived), if quarries and processing facilities are not managed to high enough standards the effects can be present not only during operational life but also long after. Possible impacts such as noise and vibration from quarry traffic and processing plant; visual intrusion; the raising of dust during dry periods; debris on roads; and the impact of Heavy Goods Vehicles can cause understandable concern from communities living near to an active quarry. It is important that these impacts are kept to an acceptable minimum and that protecting the amenity of residents, both through the life of a quarry and beyond is a priority for both the MPA and quarry operators alike.
- 5.20 Pollution control authorities such as the Environment Agency, local health bodies and local Environmental Health authorities are responsible for regulating polluting activities. However, pollution and health issues are a legitimate planning consideration, which can be taken into account when considering applications. Planning control however should not normally duplicate powers available under other legislation.
- 5.21 One of the main objectives of the Community Plan is also to improve the health and well being of Rutland residents. Therefore proposals, which may give rise to pollution and health issues, should be submitted with details of pollution issues and a health impact assessment, as appropriate, and the relevant health and pollution control authorities will be consulted. Advice on the preparation of health impact assessments is provided on the HIA Gateway ([www.hiagateway.org.uk](http://www.hiagateway.org.uk)). Likewise amenity issues will be addressed in consultation with the local authority environmental health officer and other appropriate advisers.
- 5.22 It is possible for quarry operators to take measures that can make living near to a quarry acceptable to local residents. For instance through landscaping to create bunds and using natural vegetation for screening, the visual impact and potential noise nuisance caused by quarrying activity can be reduced to acceptable levels. Operational hours and the volume of vehicle movements can also be restricted so that any potential disturbance is lessened for the local area; water bowsers can be

used to suppress dust during spells of dry weather; and wheel washing and sheeting of lorries to prevent debris from being deposited on the road network.

- 5.23 Other important factors that influence the acceptability of minerals extraction to local residents is the order in which the minerals are extracted, known as the ‘phasing’ of operations, and the choice of route, location and suitability of access arrangements for vehicles entering and leaving a site. These operational aspects of quarry management often depend on successful negotiations between the MPA, the local community and the minerals industry and through what are currently known as “section 106 agreements”. The County Council will seek to conclude such agreements, otherwise known as planning obligations, where appropriate to achieve suitable control over and to mitigate and/or compensate for the effects of minerals development where such objectives cannot be achieved by planning conditions. Matters to be covered by such planning obligations may include:
- highways and access improvements;
  - traffic management measures including the regulation of lorry traffic;
  - long-term site management provision to establish beneficial after-use;
  - improvement of the rights of way network;
  - financial guarantees to ensure restoration is undertaken;
  - measures for environmental, recreational, economic and community gain in mitigation or compensation for the effects of mineral development.
- 5.24 In some circumstances especially where quarries would be in operation for many years, new or extended permissions for mineral extraction close to residential property may not provide adequate protection to nearby residents despite landscaping works such as bunds and screen planting. In such cases MPS2 advises that MPAs should consider the need to require adequate separation distances. Therefore in granting planning permission, the value of separation (buffer zones) and other mitigation measures will be considered based on:
- the nature of the mineral extraction activity (including its duration);
  - the need to avoid undue sterilisation of mineral resources, location and topography;
  - the characteristics of the various environmental effects likely to arise; and
  - the various amelioration measures that can be applied.

## Protection and Enhancement of Rutland’s Natural and Built Environment

### **MDC Policy 3 – Sites with National Designations**

**Minerals development, which is likely to prejudice the purpose of the following heritage assets and their settings, will not be permitted unless the reasons for development outweigh the likely adverse impact, taking into account the requirements of relevant legislation and guidance.**

**Scheduled Ancient Monuments and other nationally important archaeological sites; Listed Buildings, and Registered Historic Parks and Gardens.**

**In all cases, applications will be subject to the most rigorous examination.**

- 5.25 Biodiversity interests will be taken into consideration and proposals within, or which are likely to affect, Sites of Special Scientific Interest will be subject to the most rigorous examination. This examination will be undertaken in the light of enhancement duties under the Wildlife and Countryside Act 1981 (as amended). National policy on developments affecting nature conservation sites of national importance is provided in PPS 9 (Paragraph 9) and MPS1 (Paragraph 14). Therefore, no further guidance regarding the consideration of minerals developments affecting these sites is provided in this document.
- 5.26 Listed buildings will be given strong protection from mineral developments. The emphasis will be on preserving the physical structure, setting or any features of special architectural or historic interest of a listed building.
- 5.27 Scheduled monuments and other sites of national importance and their settings are given strong protection and there will be a presumption in favour of their physical preservation in situ.

**MDC Policy 4 – Impact on Landscape and Townscape**

**Minerals development will only be permitted if due regard is given to the likely visual impact of the proposed development and its impact on, and the need to maintain and enhance, the distinctive character of the landscape or townscape of Rutland. If considered necessary by the MPA, the creation of buffer zones, additional design, landscaping, planting and screening, including planting in advance of the commencement of the development, will be required.**

- 5.28 As far as possible, applicants should consider the potential visual impact of their proposals and design accordingly; this may include appropriate design in keeping with the locality or prior landscaping and planting work. Generally, provided the proposal meets the requirements of other policies in this DPD, the Mineral Planning Authority will endeavour to agree appropriate design, screening and other mitigation measures to allow the development to go ahead. In considering impact on the landscape, applicants should have regard to the Rutland Landscape Character Assessment. Work has commenced on the Rutland Historic Landscape Characterisation – this will contribute to the understanding of the character of the landscape of Rutland and the survival of historic landscapes.

**MDC Policy 5 – Historic Heritage**

**Minerals development will only be permitted where there is no unacceptable impact on areas, sites and features of archaeological, historical, and architectural importance, and their settings and that appropriate measures will be implemented to protect these assets.**

- 5.29 Policy MDC5 relates to undesignated historic heritage of regional and local significance including conservation areas. Rutland's identity and sense of place is closely linked with its rich heritage, an irreplaceable resource that can be vulnerable to damage from development. Conflicts may arise between protecting our heritage and meeting the need for minerals. By addressing heritage considerations before planning applications are submitted, there is greater scope to avoid or minimise any potential adverse impacts.
- 5.30 Proposals should include appropriate measures to minimise the impact of development on Rutland's heritage, historic environment and archaeology. An appraisal of archaeological features including the results of field evaluation and proposals for protecting and recording them may also be required. The County Council will advise on the need for applicants to discuss their proposals with bodies such as English Heritage. The County's Sites and Monuments Record provides a full list of archaeological sites and contains information on the known and reported archaeology. Developers should look to the Council's archaeological curator to identify those areas that have archaeological potential and in turn to recommend how that potential should be assessed. Local history groups and societies can also be a source of useful information.

**MDC Policy 6 – Biodiversity and Geological Conservation Interests.**

**Minerals development likely to adversely impact upon regionally or locally designated sites and priority habitats or species identified in the Leicester, Leicestershire and Rutland Biodiversity Action Plan (including Sites of Importance for Nature Conservation, Species of Principal Importance for Biodiversity, Regionally Important Geological Sites, Local Nature Reserves and Local Wildlife Sites), and which cannot reasonably be located on any alternative site to avoid harm, will only be permitted if the merits of development outweigh the likely impact.**

- 5.31 The aim of planning decisions should be to prevent harm to biodiversity interests. Minerals development will only be permitted if due regard is given to the likely effects of the proposed development on biodiversity and geological sites. Where possible, proposals should conserve and enhance biological and geological diversity.
- 5.32 In the absence of alternatives, the local planning authority will ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where a planning decision would result in significant harm to biodiversity and geological interests which cannot be prevented or adequately mitigated against, appropriate compensation measures will be sought. If significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission will be refused.

- 5.33 Opportunities for biodiversity enhancement and the improvement of geodiversity through the restoration of mineral sites should in all cases be sought in line with Policy MDC12.

### Water Resources

#### **MDC Policy 7 – Water Resources**

**Minerals developments will only be permitted if they are unlikely to have an unacceptable impact on surface or ground waters. Where appropriate, development proposals will also be required to include provisions for the efficient use of water resources on site and the use of Sustainable Drainage Systems, particularly within the eastern part of Rutland.**

- 5.34 Applications for planning permission should address the likely effects of proposed minerals development on surface waters and groundwater, in terms of changes to flow (including groundwater flow), water table, water temperature and quality. Although the Environment Agency is responsible for pollution control through its various permitting regimes, it is still important to consider the impact on water resources as far as it might affect land use and planning generally. The extent of this assessment will vary depending on site type. Proposals for mineral extractions are likely to require a Hydrogeological Risk Assessment, particularly where de-watering is to occur, in order to ensure that nearby water resources are not detrimentally affected. Surface water management procedures will need to ensure there are adequate pollution controls and discharge consents may be required to control both quality and quantity of discharge.
- 5.35 PPS1 states that local authorities should promote the sustainable use of water resources; and the use of sustainable drainage systems in the management of runoff. The term Sustainable Drainage Systems (SuDS) is frequently used to cover the whole range of sustainable approaches to surface water drainage management. In the interests of improving sustainability and conserving water resources, proposals will be expected to demonstrate that the need to conserve water resources has been taken into account and that appropriate water efficiency and sustainable drainage measures have been included. The sustainable management of surface water and land drainage should be considered at an early stage to manage/mitigate associated flood risk from surface water runoff, improve water quality and minimise environmental impact.
- 5.36 In general, the western part of Rutland has more clayey soils and infiltration SuDS are unlikely to be feasible. Other attenuation measures to control runoff such as long term storage are likely to be more appropriate in such areas. In the east of the County, the soils are loamy in nature and contain some major aquifers. In such locations, infiltration SuDS are likely to be feasible but this should be confirmed in site specific investigations.

**MDC Policy 8 – Flooding**

**Minerals development should be designed to avoid and, wherever possible, reduce the risk of flooding both during and following the completion of operations. Minerals development that is likely to create a material increase in the risk of offsite flooding will not be permitted.**

- 5.37 Rivers and floodplains are very important features within the overall water environment. It is recognised that mineral development in floodplains can have significant effects and these need to be considered. To prevent an increase in flood risk, it is necessary to maintain the capacity of the floodplain and the free flow of floodwater.
- 5.38 Mineral working in floodplain areas can have beneficial or detrimental effects. Therefore, any likely flood risk during operations and for subsequent restoration and use of the land must be considered. Increased risks of flooding associated with mineral working can be avoided through a number of measures, which include:
- avoiding overloading of watercourses by segregating working areas from rivers, lakes and ponds;
  - ensuring that surface water flows and drainage are not impeded by locating bunds, ancillary structures and stockpiles of materials so that floodwater flows are unobstructed; and
  - taking opportunities especially as part of site restoration to reduce flood risk in the surrounding area such as by providing additional flood water storage areas.
- 5.39 Proposals should include appropriate measures, in the first instance, to avoid any increase in flood risk, to provide wherever possible an improvement in the current situation and to minimise any detrimental impacts on the availability and quality of water resources.
- 5.40 In accordance with the requirements of PPS25 (Development and Flood Risk), applications for planning permission for proposals with an area greater than 1 hectare, or within flood risk zones 2, 3a and 3b, should be accompanied by a Flood Risk Assessment. Flood Risk Assessments will be considered as part of the determination of the application and the advice of the Environment Agency will be sought and its views will be given due weight. Applications should also have regard to the Strategic Flood Risk Assessment (SFRA) prepared for the County Council by ENTEC.
- 5.41 The SFRA indicates that fluvial flood risk is of limited spatial extent within the County. There are only a few small settlements where the flood map shows properties at risk. With the exception of Ketton Quarry, none of the existing mineral sites within Rutland are located in an area of fluvial flood risk according to the EA Floodzones. Part of the consented extraction area Ketton Quarry lies within Flood Zone 3. This narrow Flood Zone is associated with the presence of a small watercourse draining northwards into the River Gwash. Policy MCS4 states that any proposals within the proposed Ketton Quarry Area of Search should be subject to a flood risk assessment.

- 5.42 A sequential risk-based approach to determining the suitability of land for development in flood risk areas should be applied as indicated in PPS25, the aim being to steer new development to areas at the lowest probability of flooding (Flood Zone 1). Where a flood risk is identified, proposals will only be approved in exceptional circumstances where the Exception Test in PPS25 is met. Failure to submit a Flood Risk Assessment, where one is required, will result in refusal of the application.

### Resource Conservation

**MDC Policy 9 – Recycled and Substitute materials**

**Permission will be granted for proposals for the production of recycled/substitute materials within existing aggregate quarries provided that:**

- **There is sufficient space available within the permitted site boundary to accommodate the proposal without compromising any existing or likely future operations and;**
- **The proposal would not conflict with any other policies in the Plan.**

- 5.43 As defined in the Core Strategy the Council will encourage new recycling initiatives on existing sites wherever possible. However, the site must be capable of accommodating such a facility and it should not impinge on any existing or likely future operations. Also, any new or extended recycling operations must not cause or significantly increase the environmental impact of the quarry, in terms of noise, dust, vibration, traffic disturbance or visual impact.

**MDC Policy 10 – Development in Mineral Safeguarding Areas**

**Planning Permission will not be granted for any form of development within the Mineral Safeguarding Area that is incompatible with safeguarding the mineral and significant infrastructure such as rail linked facilities unless:**

- **The applicant can demonstrate to the satisfaction of the Mineral Planning Authority that the mineral concerned is no longer of any value or potential value or that significant deposits of a similar quality exist elsewhere in the County; or**
- **The mineral can be extracted satisfactorily prior to the development taking place; or**
- **The incompatible development is of a temporary nature and can be completed and the site restored to a condition that does not inhibit extraction within the timescale that the mineral is likely to be needed; or**
- **There is an overriding need for the development; or**
- **The development is of a minor nature\* which would not inhibit extraction of the mineral resource; or**
- **The development is, or forms part of, a specific site allocation in the Development Plan.**

**\*minor nature will normally include sites with a floorspace or site area below 10,000 sq m (1ha). However, it will be at the discretion of the Council if proposals above this threshold were deemed to be minor depending on the nature of the proposal and the mineral concerned.**

- 5.44 The Mineral Planning Authority may advise that development on or near mineral reserves should not proceed before the mineral is extracted, or that steps are taken to avoid sterilisation of the deposit. A realistic judgment about the likelihood of the mineral being worked in an environmentally acceptable way will be made, and the MPA will not seek to prevent development where it is unlikely that extraction of the mineral would occur in the future. Where mineral deposits are believed to exist but detailed geological information is not available, the existence or otherwise of potentially workable reserves may need to be established by the developer before any application for development that might sterilise the potential deposit is determined.
- 5.45 The Mineral Planning Authority may also advise that development should not be permitted if it would constrain the effective operation of existing sites, or future use of land or associated infrastructure identified for mineral use.

**Transportation****MDC Policy 11: Transportation**

**Mineral development involving significant levels of transportation by road will only be permitted where:**

- i) the proposal is accompanied by a site transport plan and a transport assessment;**
- ii) there is no practicable alternative to the use of road-based transport that would have a lower impact on communities and the environment;**
- iii) the highway network is of an appropriate standard for use by the traffic generated by the development; and**
- iv) arrangements for site access and the traffic generated by the development would not have an unacceptable impact on highway safety, free flow of traffic, residential amenity or the environment.**

- 5.46 Planning applications for mineral development will be expected to show that non road-based options for transporting minerals have been considered. However, the majority of mineral that is produced in Rutland is transported over relatively short distances, and lorries are often the only practicable option. This policy seeks to ensure the effects of traffic generated by mineral developments are minimised, particularly in relation to effects on local communities, the environment and the local road network. The County Council can still seek mitigation measures to control the impact of road haulage by controlling the operation of minerals sites through routing agreements, output limits, hours of operation etc. In addition, all significant proposals would also be expected to produce a transport impact assessment.
- 5.47 If non-road transport is not realistic, an alternative option for promoting the sustainable transport of minerals could be to establish voluntary mineral site transport plans in consultation with local communities - dealing with issues including routing, hours of movement and considerate driving. This will help minimise the environmental impacts of transporting minerals. The transport plan will also supplement and underpin transport related conditions attached to the planning consent. Such a requirement would, however, only apply to new sites or extensions or where there is a proposal to increase lorry movements at existing sites.
- 5.48 In all cases unless the number of lorry movements is insignificant, planning applications should be accompanied by a transport assessment (usually as part of the Environmental Statement) and a site transport plan. The mineral planning authority will advise applicants of the need to discuss proposals with the Highways Authority and of any specific access issues to be considered as part of their application.

## Restoration and Aftercare

### **MDC Policy 12 – Restoration and Aftercare**

**Mineral working will only be permitted where it can be demonstrated that an appropriate restoration scheme would be followed, to ensure that the site is restored in a way that is sympathetic to the character and setting of the wider area (having regard to the Rutland Landscape Character Assessment) and is capable of sustaining an appropriate after-use. Restoration should be carried out at the earliest opportunity and where appropriate, progressive restoration will be required. The applicant will be expected to demonstrate the expertise and commitment necessary to secure a high standard of restoration and aftercare for an appropriate period of time.**

**The restoration and after-care of mineral sites should also seek to meet the following planning objectives:**

- a. The improvement of biodiversity - All habitat creation should contribute to meeting Leicester, Leicestershire and Rutland Biodiversity Action Plan targets, particularly the creation of limestone grassland to the adaption of wildlife to the effects of climate change, and to reducing fragmentation of natural habitats**
- b. The creation or improvement of geodiversity**
- c. Improving public access to the countryside including links to surrounding green infrastructure**
- d. Improving the water environment and addressing the effects of climate change**
- e. Ensuring that sites within aerodrome safeguarding zones for RAF Cottesmore and RAF Wittering are designed to avoid new or increased hazards to aviation.**

- 5.49 Mineral developments such as quarries can be restored to meet other planning objectives. The promotion of ‘dual-use’ restoration, whereby the method of restoration and after-use of a site meets two or more planning objectives – such as providing recreation or biodiversity opportunities is a key underlying principle of the Core Strategy. Restoration and future use of mineral sites should be addressed at the outset, as part of the planning application.
- 5.50 Sites should be restored in a way that is sympathetic to the character of the area and that will positively enhance the site and contribute to the landscape in which it is set. In Rutland, minerals sites can be appropriately restored for a number of after-uses including agriculture, forestry, recreation and nature conservation. However, the County Council considers that biodiversity and geodiversity needs to be improved in the County and schemes should be designed to reflect these aims, in line with the Core Strategy. For some sites, a mix of uses may be appropriate although this can cause conflicts (such as when combining recreational and nature conservation uses), and these would need to be carefully managed. Opportunities should however be

maximised for informal recreation and green networks for walking and cycling, linking into existing green infrastructure, natural greenspaces, and /or connecting rural and built up areas.

- 5.51 As mentioned in paragraph 5.38, site restoration provides an opportunity to reduce flood risk in surrounding areas. In drawing up restoration proposals, particular reference should be made to 'Making Space for Water' (a cross Government programme taking forward the developing strategy for flood and coastal erosion risk management in England), the appropriate Catchment Flood Management Plan (to ensure the proposed sites do not conflict with any long term strategy for the river catchments), the Council's Strategic Flood Risk Assessment, the Interim Code Of Practice for SUDS and the CIRIA publication C697 (The SUDS Manual).
- 5.52 Restoration schemes incorporating large areas of open water or types of wetland habitat have the potential to attract large and flocking bird species increasing the potential threat of birdstrike to air traffic. MOD aerodromes are protected against heightened birdstrike risk within statutory birdstrike safeguarding zones. These identify a circular consultation zone radiating 8 miles around aerodromes in which the MOD is consulted upon the development of mineral works and other forms of development that may create an attractant to birds. The County of Rutland is covered by the statutory birdstrike safeguarding zones that protect the main operational bases of RAF Cottesmore and RAF Wittering. Restoration schemes within these zones should be designed to ensure that they do not give rise to new or increased risks to aviation.
- 5.53 In most cases, minerals sites are most appropriately restored in a progressive way. This ensures that worked parts of the site can be brought back into beneficial use, whilst extraction of other parts of the site is ongoing. This minimises the overall impact of the working and the timescale of disruption caused in the locality.
- 5.54 Applicants will need to show that they have the technical and financial competence to restore the site in accordance with any planning permission. Most operators or landowners will be able to use previous examples of sites they have restored as evidence for this. In exceptional cases, such as where an operator has a track record for poor restoration, or is financially insecure, financial guarantees or bonds will be required to ensure that restoration and aftercare requirements can be met in the event of the operator defaulting.
- 5.55 Planning applications for mineral extraction should include a scheme with details of how it is proposed to restore the site, and use and manage the land in the long term.

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## 6 MONITORING AND IMPLEMENTATION

- 6.1 The Council's Annual Monitoring Report will be revised to take into account the Minerals DPD. This will report on the effectiveness of the strategic policies and to identify any changes needed if a policy is not working or the targets are not being met.
- 6.2 In this event, the Annual Monitoring Report will examine the extent to which Policy can be revised to increase its effectiveness. It is likely that this DPD will be reviewed within 3 years of its adoption.
- 6.3 Indicators have been developed which provide a consistent basis for monitoring the performance of the Strategy against the Strategy Objectives and core policies. These indicators reflect the intent of the Strategy Objectives, taking into account the recommendations within the Sustainability Report. Several of the indicators used are "core" indicators developed by the Office of the Deputy Prime Minister (now Communities and Local Government).
- 6.4 Given the sustainable development principles embodied in the Spatial Vision and Strategy Objectives, the indicators will provide the basis for identifying where the Strategy needs to be strengthened, maintained or changed in some way.
- 6.5 The table in Appendix 2 shows the indicators to be used in the Annual Monitoring Report, the targets to be achieved and how the indicators relate to the policies within this Plan and the Strategy Objectives.
- 6.6 The Implementation Plan in Appendix 2 outlines in broad terms some of the steps necessary to deliver the Minerals Plan.
- 6.7 Although many of these steps are within the control of the Mineral Planning Authority, several are not. In particular, delivery of this Strategy will require involvement of the Environment Agency and the minerals industry.

### Key Diagram

- 6.8 The Key Diagram is a purely illustrative diagram to help with the understanding of the spatial strategy and should not be used to identify specific pieces of land or sites. If there is any conflict between the text of the spatial strategy or any other part of the document and the Key Diagram, the text should take precedence. Any specific proposals will be shown in full on a Proposals Map which will be prepared on an ordnance survey base so that the precise effect of the proposals can be identified.

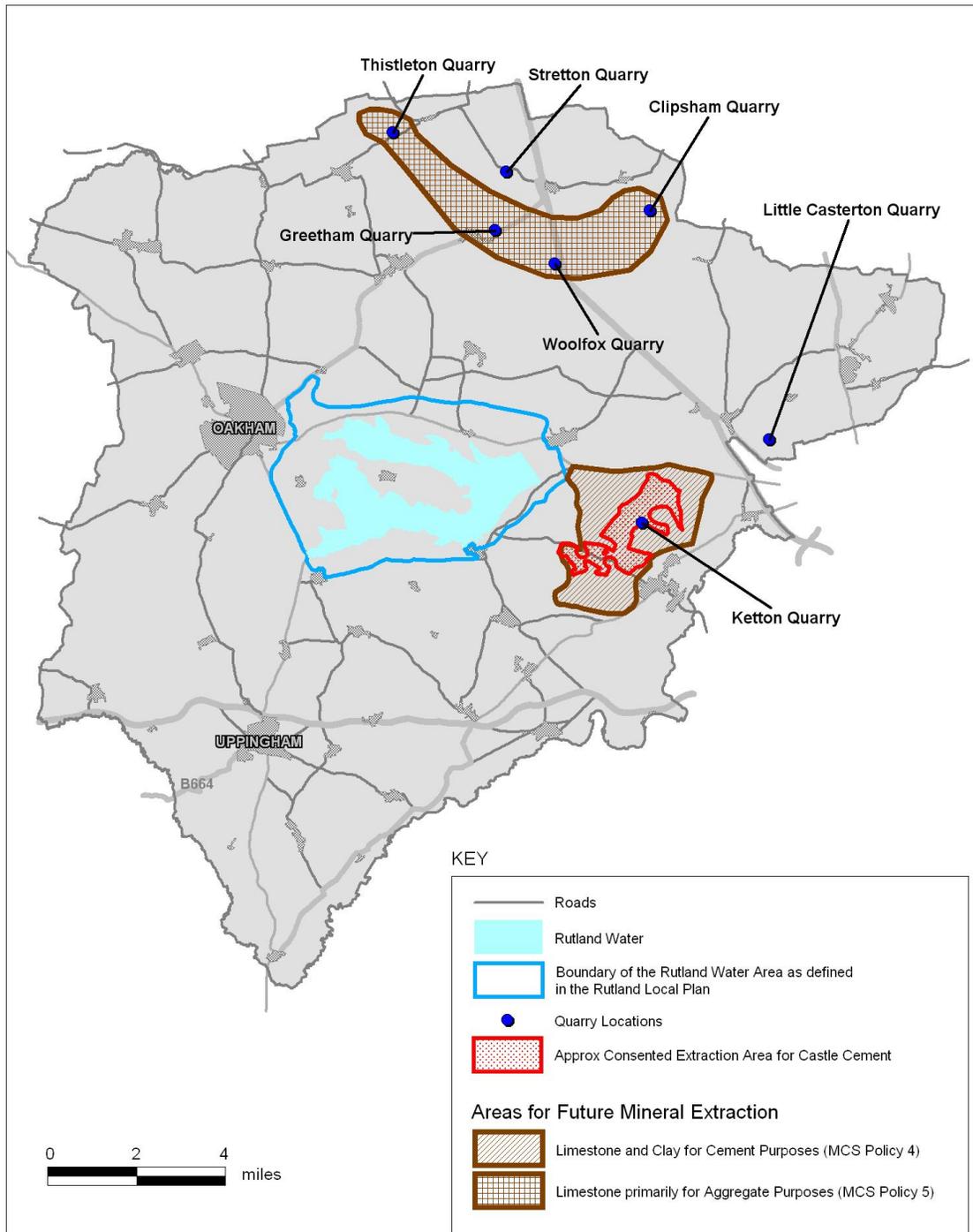
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Figures

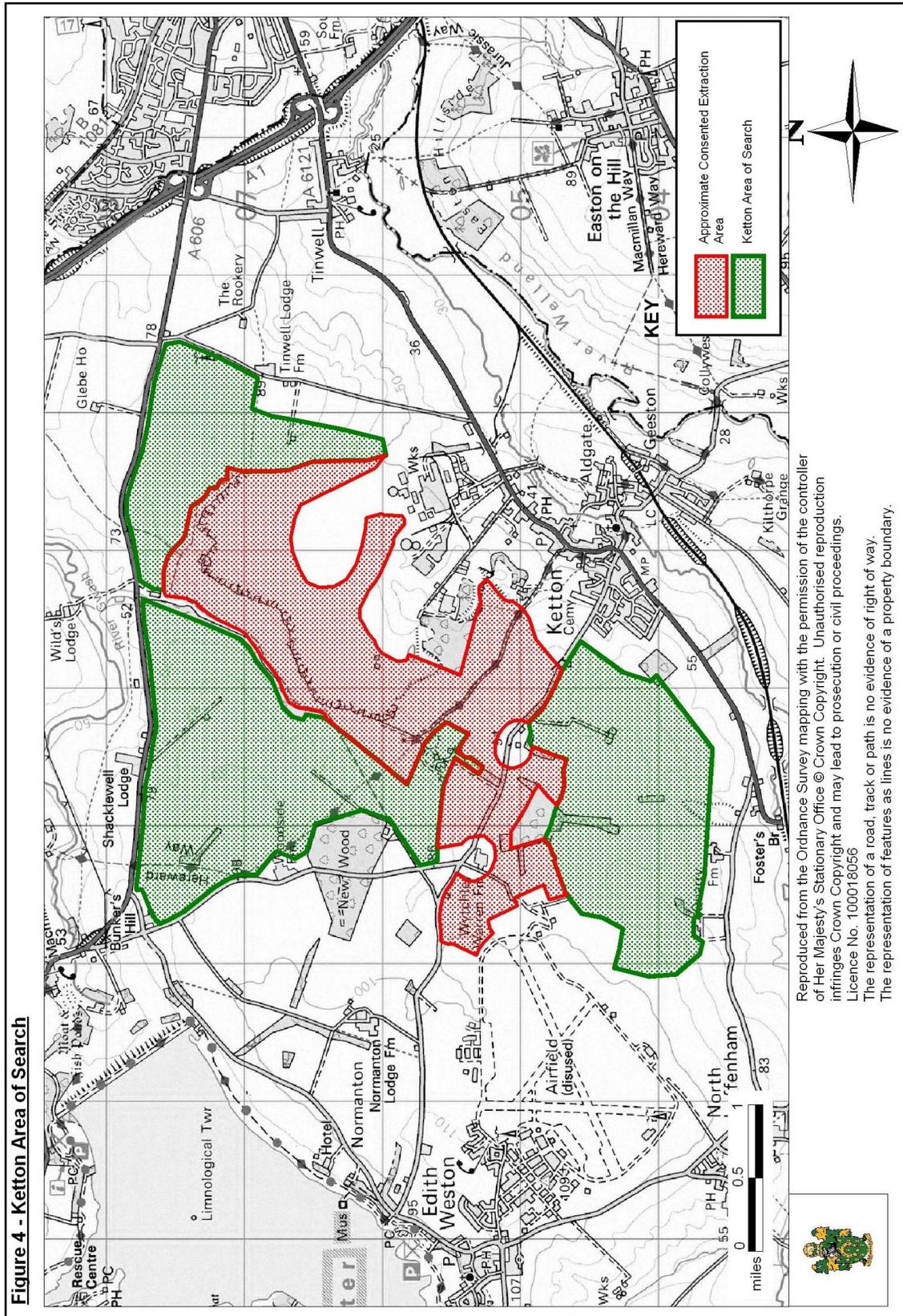
Figure 3 - Key Diagram



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 The representation of a road, track or path is no evidence of right of way.  
 The representation of features as lines is no evidence of a property boundary.



Figures





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## 8 APPENDIX 1 : GLOSSARY OF TERMS

### **Aftercare**

An agreed programme of work designed to bring a restored mineral or waste site to a satisfactory standard for agriculture, amenity or nature conservation use. Normally imposed in the form of a planning condition once a site has been granted permission to operate.

### **After-use**

The use to which a mineral or waste site is put to on completion of restoration and any aftercare provisions e.g. agriculture, forestry, amenity (including nature conservation). Planning permission will be required to develop more formal uses of land (e.g. change of use of land to create a leisure facility).

### **Aggregates**

Materials used in construction work or as fill consisting of rock crushed by nature (sands and gravels) or crushed by man (quarried rock, such as limestone which is then crushed on site).

### **Alternative (Secondary) Aggregates**

The re-use of construction materials e.g. from demolition or road maintenance or the use or reprocessing of waste materials from other industries such as power station ash or colliery spoil, to replace primary aggregates.

### **Appropriate Assessment**

A process required by the Habitats Directive 92/43/EEC- the Conservation of Natural Habitats and Wild Flora and Fauna to avoid adverse effects of plans, programmes and projects on Natura 2000 sites and thereby maintain the integrity of the Natura 2000 network and its features. To comply with the Directive, Rutland County Council has carried out an Appropriate Assessment screening exercise.

### **Area of Search**

An extensive area of land believed to contain significant, but generally unproven mineral resources within which the Mineral Planning Authority would have no objection in principle to mineral working, on at least part of the site subject to satisfactory proposals to protect the range of interests of acknowledged importance within and adjoining the area (see also "Preferred Areas").

### **Biodiversity**

Summarises the phrase biological diversity – the variety of life on earth around us (mammals, birds, reptiles, amphibians, fish, invertebrates, plants, fungi and microorganisms)

### **Core Strategy**

Sets out the key elements of the planning framework for the area, including a long term spatial vision, the spatial objectives, and the strategic policies to deliver that vision. All other Development Plan Documents in the Local Development Framework (LDF) must be in conformity with the Core Strategy.

**Development Plan**

Sets out policies and proposals for the development and use of land within the area of the application. Under the new planning system being introduced by the Planning and Compulsory Purchase Act, the development plan will eventually consist of regional spatial strategies and development plan documents contained within a local development framework. The statutory development plan will continue to be the starting point in the consideration of planning applications (Section 38(6) of the Planning and Compulsory Purchase Act 2004).

**Development Control Policies**

A suite of criteria-based policies which are required to ensure that all development within the area meets the vision and strategy set out in the core strategy.

**Development Plan Documents (DPD)**

The development plan documents which local planning authorities must prepare include a core strategy; generic development control policies; site specific allocations and policies (where relevant); and a proposals map (with inset maps, where necessary). They may also include area action plans (AAP). A DPD may form one document covering a range of policy areas or a number of individual documents. They will be spatial planning documents subject to independent examination and will have ‘development plan’ status (please see the explanation of ‘the development plan’ above).

**Development Control Policies**

A suite of criteria-based policies which are required to ensure that all development within the area meets the vision and strategy set out in the core strategy.

**Groundwater**

Water associated with soils or rocks below the ground surface, usually taken to mean water in the saturated zone, below the water table.

**Landbank**

A stock of planning permissions (permitted reserves) for the winning and working of minerals generally expressed in ‘years worth of supply’.

**Local Development Document (LDD)**

A LDD will form part of the Local Development Framework and can either be a Development Plan Document (DPD) or a Supplementary Planning Document (SPD). Also includes the Statement of Community Involvement (SCI).

**Local Development Framework (LDF)**

The portfolio of Local Development Documents, which together will provide the framework to deliver the spatial planning strategy for the area. The Local Development Scheme and the Annual Monitoring Report are also part of the Local Development Framework.

**Local Development Scheme (LDS)**

Describes the Local Development Documents which the authority intends to prepare and the timetable for their preparation. The LDS must be submitted to the Secretary of State for approval and monitored annually through the AMR system.

**Mineral Planning Authority (MPA)**

The Local Planning Authority responsible for overseeing all aspects of mineral operations.

**Minerals Planning Guidance Notes (MPG)**

Guidance issued by the Government relating to minerals planning. They are now being systematically replaced by more refined statements of national policy (see Minerals Policy Statements).

**Minerals Policy Statement (MPS)**

Within the context of the reform of the planning system under the Planning and Compulsory Purchase Act, the Government is reviewing and reforming all national minerals policy guidance (MPG). Therefore, MPGs are being replaced by Minerals Policy Statements (MPS) which will set out national policy which must be followed.

**Permitted Reserves**

Mineral reserves for which planning permission has been granted (usually expressed in million tonnes). The MPA will not release details of reserves for individual quarries or quarry operators to ensure 'commercial confidentiality'.

**Planning and Compulsory Purchase Act 2004**

The legislation that introduced the new development planning system, which at the local level is based on Local Development Frameworks. The Act commenced in September 2004.

**Planning Policy Statement (PPS)**

These documents, produced by the Government, will soon replace the old series of Planning Policy Guidance Notes (PPGs).

**Primary Aggregates (Minerals)**

Naturally occurring minerals, unlike secondary aggregates, for example, which are recycled materials (see secondary aggregates).

**Proposals Map**

A separate LDD which illustrates, on an Ordnance Survey base, all the policies and proposals in development plan documents (DPD). It will be revised as new DPDs are prepared and it will always reflect the up-to-date planning strategy for the area. For minerals it will include safeguarding areas, resource/consultation areas and any allocations.

**Preferred Areas**

An area of known mineral resource, proven by survey information, where planning permission might reasonably be anticipated, subject to all other considerations being met. The identification of a preferred area indicates that, should it be necessary to develop a new site, then the first area of search should be within the preferred area. Preferred Area boundaries do not necessarily represent acceptable extraction boundaries.

**Reclamation**

Operations associated with mineral extraction to return an area to an acceptable environmental state. It includes restoration, aftercare and works which take place before, during and after mineral extraction.

**Recycled Aggregates**

Aggregates produced from recycled construction and demolition wastes such as crushed concrete, road planings etc.

**Regional Spatial Strategy (RSS)**

Prepared by the Regional Planning Body, this provides the regional spatial framework and policies to inform the preparation of Local Development Frameworks, Local Transport Plans and other strategies and programmes having a bearing on the use of land. Forms part of the development plan for each local authority area.

**Regionally Important Geological Sites (RIGs)**

Geological or geomorphological sites, excluding SSSIs, that are considered worthy of protection for their educational, research, historical or aesthetic importance.

**Reserves**

Mineral deposits which have been tested to establish the quality and quantity of material present which could be economically and technically exploited. Permitted reserves are those with benefit of planning permission for extraction.

**Restoration**

Process of returning a site to its former or a new use following mineral extraction. Involves reinstatement of land by contouring and the spreading of soils or soil making materials.

**Secondary (Alternative) Aggregates**

Aggregates derived from by-products of the extractive industry, e.g. china/ball clay waste, colliery spoil, blast furnace slag, pulverised fuel ash, etc.

**Sites of Special Scientific Interest (SSSIs)**

Sites that are notified and protected under the Wildlife and Countryside Act 1981 on account of their flora, fauna, geological or physiographical

**Statement of Community Involvement (SCI)**

Statement of the local authority's proposed standards and approach to involving the local community and stakeholders in the preparation, alteration and review of all Local Development Documents and development control decisions. The statement is subject to independent examination.

**Sterilisation**

Where minerals cannot be extracted because of surface level development.

**Strategic Environmental Assessment (SEA)**

The European SEA Directive requires a formal environmental assessment of certain plans and programmes which are likely to have significant effects on the environment, including those in the field of planning and land use. Local authorities are advised to take an integrated approach towards Sustainability Appraisal and Strategic Environmental Assessment to avoid unnecessary duplication and confusion. Together they will play an important part in testing the soundness of Local Development Documents, ensuring that they contribute towards sustainable development.

**Sustainability Appraisal (SA)**

Local Planning Authorities are bound by legislation to appraise the degree to which their plans and policies contribute to the achievement of sustainable development. The process of Sustainability Appraisal is similar to Strategic Environmental Assessment but is broader in context, examining the effects of plans and policies on a range of social, economic and environmental factors. To comply with Government policy, Rutland County Council is producing a Sustainability Appraisal that incorporates a Strategic Environmental Assessment of all its LDDs.

**Sustainable Development**

The UK Government definition of sustainable development, taken from its strategy, Towards a Better Quality of Life (1999) is:

- Social progress which recognises the needs of everyone
  - Maintenance of high and stable levels of economic development and employment
  - Effective protection of the environment; and
  - Prudent use of natural resources
- while considering the long term implications of decisions.

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## 9 APPENDIX 2 : MONITORING AND IMPLEMENTATION

**Policy Related Indicators - to be monitored every 12 months over the same time period as the AMR (1<sup>st</sup> April to 31<sup>st</sup> March)**

<b>Policy</b>	<b>Indicator</b>	<b>Target</b>	<b>Other Related Policies</b>	<b>Related Strategic Objectives</b>
<b>MCS1</b>	Sustainability of new mineral developments	All permissions to accord with MPS1's objectives	MCS2, MCS3.	A-J
<b>MCS2 A</b>	Output of primary aggregates	To meet subregional annual apportionment	MCS1, MCS5.	B
<b>MCS2 B</b>	Consented reserves at Ketton Quarry	Landbank to be maintained above 15 years	MCS1, MCS4.	B
<b>MCS2 C</b>	New building stone extraction areas permitted	Maintain permitted building and roofing stone reserves over plan period	MCS1, MCS4-6.	C
<b>MCS2 D</b>	Number of minerals permissions with significant adverse impacts upon the environment or communities	Zero	MCS1, MCS7-9, MDC1-2.	D, E, F, G, H, I, J
<b>MCS3</b>	Location of new minerals development	All permissions for aggregates and cement use to be located in areas shown on Key Diagram	MCS1, MCS4, MCS5.	B, F
<b>MCS4</b>	Location of new mineral developments related to Ketton Cement Works	All permissions for Ketton Cement Works to be located in Area of Search shown in Figure 4	MCS1, MCS2B, MCS3	B, F
<b>MCS5</b>	Permitted extensions to existing aggregate sites	All permissions to have proven a need and accord with other policies	MCS1, MCS2A, MCS3	A-J
<b>MCS6</b>	New extraction areas permitted for building and roofing stone	Maintain permitted building and roofing stone reserves over plan period	MCS1, MCS2C, MCS4, MCS5.	C
<b>MCS7</b>	Number of substantiated pollution incidents and complaints attributed to permitted minerals developments	Progressive annual reductions over plan period	MCS1, MDC1, MDC2.	F
<b>MCS7</b>	Number of new permissions with conditions/legal agreements governing community participation	All new permissions which involve new extraction and/or increase in output	MCS1, MDC1.	F
<b>MCS8</b>	Number of minerals permissions deemed to have significant adverse impacts on Rutland Water	Zero	MCS1, MCD6.	D, E

<b>MCS9</b>	Number of substantiated complaints relating to disturbance from minerals related off-site traffic	Progressive annual reduction over plan period	MCS1, MCS7, MDC1-2, MDC11	I
<b>MCS9</b>	Number of mineral site transport plans in place	All new extraction and/or increased output permissions	MCS1, MDC11	I
<b>MCS10</b>	Area of land/volume of reserve sterilised by other development	Zero	MCS1, MDC10	A
<b>MCS11</b>	Quantity of recycled/secondary aggregates produced per annum	Progressive increase from 2007 levels over the plan period	MCS1, MDC9	G
<b>MCS12</b>	Amount of land restored, by type, for biodiversity/geological conservation	All new extraction sites to contribute to Council's primary objective	MCS1, MDC12	D, H
<b>MDC1</b>	Minerals permissions granted with impacts at unacceptable levels	Zero	MCS1, MCS7-9, MDC2-8, MDC11-12.	D-J
<b>MDC2</b>	Number of pollution incidents recorded by the Environment Health Officer attributed to minerals development	Zero	MCS1, MCS7.	F
<b>MDC2</b>	Number of applications granted contrary to advice of Environment Health Officer or Environment Agency on air quality grounds	None	MCS1, MCS7.	F
<b>MDC3</b>	Number of applications granted contrary to English Heritage advice regarding adverse impact upon nationally designated cultural or heritage sites	Zero	MCS1, MDC5.	E
<b>MDC4</b>	Number of permissions that maintain and enhance the landscape and townscape	All new extraction permissions	MCS1, MCS7.	E
<b>MDC5</b>	Number of applications granted contrary to English Heritage/Council's archaeological curator advice regarding adverse impact upon sites of archaeological, historical and architectural importance	Zero - unless appropriate mitigation measures implemented	MCS1, MCS7.	E
<b>MDC6</b>	Number of minerals permissions located in or adversely impacting upon regionally or locally designated sites	Zero - unless appropriate mitigation/compensation measures implemented	MCS1, MCS7.	D

<b>MDC7</b>	Number of planning permissions granted contrary to Environment Agency objection on water resource grounds	Zero	MCS1	E
<b>MDC8</b>	Number of planning permissions granted contrary to Environment Agency objection on grounds of flooding impacts	Zero	MCS1	E, G
<b>MDC9</b>	Number of new permissions for recycled/substitute materials	All permissions located in accordance with policy criteria	MCS1, MCS7-9, MCS11, MDC1-8, MDC11	D-G, I-J
<b>MDC10</b>	Area of land/volume of reserve sterilised by non-mineral development of other than a minor nature (floorspace or site area below 10,000 sq m or 1ha)	Zero	MCS1, MCS10	A
<b>MDC11</b>	Number of substantiated complaints relating to disturbance from minerals related off-site traffic	Progressive annual reduction over plan period	MCS1, MCS7, MCS9, MDC1-2.	I
<b>MDC11</b>	Number of mineral site transport plans in place	All new extraction and/or increased output permissions	MCS1, MCS9.	I
<b>MDC12</b>	Amount of land restored, by type, for biodiversity/geological conservation	All new extraction sites to contribute to Council's primary objective	MCS1, MCS12	D, H

## Implementation

<b>Policy/ Issue</b>	<b>Mechanisms</b>	<b>Lead Facilitators</b>	<b>Supporting Roles</b>
<b>MCS1 Sustainable Development</b>	Ensure minerals applications comply with national sustainability aims by pre –submission dialogue with applicants Production of minerals application guidance notes	Rutland County Council	Minerals Industry
<b>MCS2 A &amp; MCS5 Aggregates</b>	Permit and deliver sufficient reserves to meet targets –shortfall to be met initially through extensions/inc output from existing sites	Rutland County Council, Minerals Industry	Local Community
<b>MCS2 B &amp; MCS4 Cement Production</b>	Permit and deliver sufficient capacity to meet 15 year landbank for Ketton Cement Works	Rutland County Council, Castle Cement	Local Community
<b>MCS3 Location of new workings</b>	Restrict new mineral workings to specific areas of the county	Rutland County Council, Minerals Industry	-

<b>MCS6 Building Stone</b>	Permit and deliver sufficient high quality building stone to meet local needs	Rutland County Council, Minerals Industry	English Heritage
<b>MCS7 Residential &amp; Sensitive land- uses</b>	Reduce/protect from adverse impacts of new workings	Rutland County Council, Minerals Industry	Local Community
<b>MCS8 Rutland Water</b>	Protect from minerals development	Rutland County Council, Minerals Industry	Local Community, Natural England
<b>MCS9 Transport</b>	Encourage more sustainable mineral transport Ensure all applications contain minerals site transport plans Produce guidance notes/spd on minerals site transport plans	Rutland County Council, Minerals Industry	Local Community, Highways Agency, Adjoining Highways Authorities, Rail Operators
<b>MCS10 Safeguarding</b>	Prevent sterilisation of valuable mineral reserves from other built development	Rutland County Council	-
<b>MCS11 Recycling</b>	Consult with industry on potential to increase/develop recycling in existing sites	Rutland County Council, Minerals Industry	Environment Agency
<b>MCS12 Restoration &amp; After-use</b>	Encourage dual use of restoration sites to include for biodiversity/recreational after-use Produce application guidance notes to advise applicants	Rutland County Council, Minerals Industry	Local Community, Natural England
<b>MDC1-12 Development Control</b>	Ensure mineral applications do not adversely impact upon the environment or communities	Rutland County Council, Minerals Industry	Local Community, Statutory Consultees

## 10 APPENDIX 3 : RELATIONSHIP BETWEEN POLICIES

Table showing the relationship between the policies in this document and the Leicestershire Minerals Local Plan.

<b>Rutland Minerals Core Strategy Policies</b>	<b>Leicestershire Minerals Local Plan Policies</b>
Policy MCS 1	New Policy
Policy MCS 2	New Policy
Policy MCS 3	Replacing Policies 23 &27
Policy MCS 4	New Policy
Policy MCS 5	Replacing Policy 20
Policy MCS 6	New Policy
Policy MCS 7	Replacing Policy 3 i & j
Policy MCS 8	Replacing Policy 3 e
Policy MCS 9	Replacing Policy 4
Policy MCS 10	Replacing Policy 34
Policy MCS 11	Replacing Policy 33
Policy MCS 12	Replacing Policy 12 a-f
<b>Rutland Minerals Development Control Policies</b>	<b>Leicestershire Minerals Local Plan Policies</b>
Policy MDC 1	Replacing Policy 1,2,3, 6 &32
Policy MDC 2	Replacing Policy 3i
Policy MDC 3	Replacing Policy 3g
Policy MDC 4	New Policy
Policy MDC 5	Replacing Policy 3g
Policy MDC 6	Replacing Policy 3 e & f
Policy MDC 7	Replacing Policy 3d
Policy MDC 8	Replacing Policy 3d
Policy MDC 9	New Policy
Policy MDC 10	Replacing Policy 34
Policy MDC 11	Replacing Policies 3h&l; & 4
Policy MDC 12	Replacing Policy 12 a-f

