

## MINERALS - ENVIRONMENTAL MATTERS

### Key Issue – General:

**Whether the strategy would secure adequate environmental and landscape protection; support for the objectives of the National Forest and Charnwood Forest; and provision of new habitats, increased biodiversity and other green infrastructure. (National Policy: Planning and Minerals Practice Guide, Para 21; PPS 12, Para 4.8)**

### Specific Issues and Matters for Discussion:

**Whether the section on spatial characteristics of the area adequately informs the strategic and development control policies on environmental matters**

1. *In the context of the spatial characteristics of the area, should there be reference to the County Historic Landscape Characterisation? [EH]*

The Council accepts that reference to the County Historic Landscape Characterisation could usefully be included in the section on the spatial characteristics of the area. The Council propose that the following words be added to Para 2.23: ‘Work on the County Historic Landscape Characterisation is near completion. This will contribute to the understanding of the character of the landscapes of Leicestershire and the survival of historic landscapes’.

2. *In respect of built heritage (Para 2.24), is there anything to be said about the important use of local materials in the vernacular architecture of the county?*

The use of local materials for building purposes is referred to in Paras 4.50-51, but the Council accepts that reference could usefully be included in the section on the spatial characteristics of the area. The Council propose that the following words be added to Para 2.24: ‘In parts of the County, the use of locally sourced building materials has made an important contribution to the local character and distinctiveness of the County’s built heritage.’

**Whether local sources of building and roofing stone should be safeguarded**

3. *Should important sources of building and roofing stone be safeguarded under Policy CS10 (Resource management)? [EH]*

The Council accepts that the protection of important sources of building and roofing stone should be taken into account when identifying Mineral Safeguarding Areas and that Policy CS10 should be amended as suggested by English Heritage. The Council accordingly propose that Policy CS10 be amended by the addition of building and roofing stone, as a category, to the list of safeguarded deposits in the second part of the policy and the addition of a further point as follows: ‘- through the establishment of a list of important sources of building and roofing stone’. In addition, the Council proposes that reference to the Strategic Stones Study should be made in paragraph 4.83 as part of the explanatory text.

Annex 3 of MPS1 (MCD 2) (paragraph 3.2) indicates that English Heritage and the industry should make MPAs aware of important sources of building stone that they consider should be safeguarded from other forms of development through LDD policies. The County Council does not currently have sufficient detailed knowledge of the nature and extent of suitable building stone resources to assist the identification of potentially workable materials but, in their representation, English Heritage has indicated that this issue is being addressed. The Strategic Stone Study is a major 5-year study of England's building and roofing stone resources, which will assist MPAs in identifying the location of these minerals and inform their safeguarding. The Council understands that Leicestershire and Rutland is currently on the EH Strategic Stone Study timetable for the commencement of work next year (2009). The Council will review the identification of Mineral Safeguarding Areas in the light of the findings of this study.

**Whether the provisions in respect of environmental protection and enhancement are clear and appropriate**

4. *Should Policy CS11 refer to sites of geological interest? [NE]*

The Council accepts that Policy CS11 should refer to sites of geological interest and accordingly proposes that '- sites of geological interest' be added to the list of matters under the first bullet point.

5. *Where is the geographical extent of the Strategic River Corridors (Para 4.95 and Policy CS12) to be found? What is the definitive list of rivers / corridors?*

Draft RSS (MCD 9) Policy 33 indicates that Strategic River Corridors within the Region comprise the Nene, Trent, Soar, Welland, Witham and Derwent, along with their tributaries, and rivers which contribute to river corridors of a strategic nature in adjoining Regions. Their general location is shown in the Draft RSS on Diagram 3: Natural Assets. The Trent, Soar and Welland, along with their tributaries, the Eye, Mease, Sence and Wreake lie within Leicestershire. The extent of the river corridor will be defined as part of the preparation of LDFs prepared by District Councils.

6. *In respect of the Strategic River Corridors (Policy CS12), should there be reference to the potential contribution to floodplain, biodiversity and recreational functions and specifically to the future roles of the Brooksby, Lockington and Fosse Way sand and gravel quarries? [GOEM]*

The Council does not consider that it is appropriate to include specific reference to the operations at Brooksby, Lockington and Fosse Way in the respect of Policy CS12 as planning permissions for these sites already incorporate proposals for their restoration. Restoration proposals for individual sites will be addressed in the Site Allocations document. Such proposals will have regard to Policy CS12.

7. *Do the various policies give sufficient support to the National Forest and to Charnwood Forest? Should Policy CS14 be more positive in terms of establishing and improving the National Forest? Is the supporting text relevant and does it clearly identify and support the policy intention? [CBC]*

The Council considers that the various policies in the Core Strategy do give sufficient support to the National Forest and to Charnwood Forest. Policy CS13 sets out the strategy for minerals development within or adjacent to Charnwood Forest, with the aim of controlling development within this area. The policy is supported by English Heritage and Natural England.

Policy CS14 sets out the strategy for minerals development within the National Forest outside of the Charnwood Forest area. The Council considers that reflects the aspirations for this area as expressed in the draft RSS (MCD 9). Further support for the National Forest is provided in Policy CS17 which sets out the strategy for the reclamation and future use of mineral sites. Policy CS17 makes particular reference to the National Forest Strategy.

The National Forest Company (NFC) has not responded to the Submission document. In response to the Issues and Options consultation, however, the NFC stated that the National Forest aims to create a new Forest for the nation across 200 square miles of Leicestershire, Derbyshire and Staffordshire. It is enhancing the landscape and wildlife habitats, creating a major recreation and tourism resource, helping to stimulate the local economy and involving local people in its creation. The NFC pointed out that the Government endorsed National Forest Strategy 2004-14 and strongly advocated the restoration of mineral worked sites to "Forest-related uses" in the Forest area. The NFC considered that nature conservation, recreation, sports and public access should also be considered in restoration schemes. The NFC thought priority should be given to restoration to "Forest-related uses" in the National Forest area.

In response to the Preferred Options document, the Company expressed its support for the reference to the National Forest Strategy (Para 2.13) and support for Policy 41 (After-use) and the reference to seeking woodland planting as an after-use in National Forest. These references correspond with Para 2.12 and Policy CS17 in the Submission document.

The Council considers that the supporting text is relevant in outlining the characteristics of the Charnwood Forest and National Forest and the approach advocated for these areas in the draft RSS, and that the text does therefore identify and support the intention of the policy.

8. *Should paragraph 4.102 refer to cultural heritage sensitivities and opportunities in the National Forest? [EH]*

The Council has no objection to suggested change by English Heritage to the final sentence of paragraph 4.102. The Council accordingly proposes that this sentence be amended to read: 'In considering proposals for the Forest, it is important that due regard is given to nature conservation *and cultural heritage* sensitivities and opportunities.'

9. *In Para 4.103, should references to the undeveloped nature and general amenity value of Green Wedges be deleted? [GOEM]*

The Council accepts that the wording of Para 4.103 should be amended to reflect the Proposed Changes to the RSS (MCD 9).

Para.4.2.18 of the Proposed Changes states that 'Some parts of the Sub-area have established Green Wedge policies. Green Wedges serve useful strategic planning functions in preventing the merging of settlements, guiding development form, and providing a 'green lung' into urban areas, and act as a recreational resource. Although not supported by government policy in the same way as Green Belts, they can serve to identify smaller areas of separation between settlements. Provision will be made in Green Wedges for the retention or creation of green infrastructure and green links between urban open spaces and the countryside, and for the retention and enhancement of public access facilities, particularly for recreation. A review of existing Green Wedges or the creation of new ones in association with development will be carried out through the local development framework process.'

The Council therefore proposes that the second sentence of Para 4.103 be amended to read: 'The draft RSS acknowledges that Green Wedges serve useful strategic planning functions in preventing the merging of settlements, guiding development form, and providing a 'green lung' into urban areas, and act as a recreational resource.'

10. *Is the level of protection afforded to Green Wedges (Para 4.104) very similar to that of Green Belt policy? [GOEM; CBC; Ibstock]*

The Council accepts that Para 4.104 should be deleted in the light of the Panel Report on the draft RSS8 (November 2007) and the subsequent Proposed Changes to the RSS (MCD 9). The Panel found that Green Wedges 'do not have the national policy status of the Green Belt' and Para.4.2.18 of the proposed changes states that Green Wedges are not supported by government policy in the same way as Green Belts. The Council therefore proposes that Para 4.104 be deleted.

11. *What function would Policy CS15 fulfil? [GOEM]*

The Council considers that Policy CS15 is necessary to ensure that proposals for mineral development do not adversely affect the function of Green Wedges. The policy does not just deal with minerals extraction. Elements of minerals development, such as processing plant, could potentially have an adverse effect. This policy continues the approach adopted in Strategy Policy 5 of the Leicestershire, Leicester and Rutland Structure Plan 1996-2016 (MCD 32).

12. *Should Policy CS15 refer to minimising effects on the environment? [EH]*

The Council does not consider that Policy CS15 should refer to minimising effects on the environment. The Proposed Changes to the RSS (MCD 9) indicate that principal functions of Green Wedges are to prevent the merging of settlements, guide development form, and provide a 'green lung' into urban areas, and act as a recreational resource. Protection of the environment is dealt with in Policy CS11.

13. *Should Policy CS15 refer to safeguarding the living conditions of local residents and restoration to high standards (as in Para 4.104)?*

The Council does not consider that Policy CS15 should refer to safeguarding the living conditions of local residents or restoration to high standards. Matters related to the effects on local residents and the reclamation of mineral sites are dealt with in Policies CS11 and CS17 respectively. As indicated in response to Question 10 above, the Council proposes that Para 4.104 be deleted in the light of the proposed changes to the RSS (MCD 9).

14. *How effective are the proposals for rail / water transport (Policy CS16(iii) [GOEM])*

Policy CS16 sets out the strategy for the transportation of minerals. The policy and supporting text recognises that the majority of minerals need to be transported by road, and that other means such as rail or water are not always practicable and that mineral development should be located in close proximity to markets or in close proximity to the County's lorry route network. In accordance with MPS1 (MCD 2) (Para 16), the policy does however promote the location of new mineral working where rail/water transport could be secured. Policy CS16 is supported by Aggregate Industries, Lafarge Aggregates and UK Coal.

GOEM are critical of the lack of proposals to create new wharfs / railheads in Policy CS16, despite the strong support given for the bulk transportation of minerals by waterway or rail. GOEM consider that the prospects for improved links should be apparent, given that the Core Strategy seeks to make provision mostly through extensions to existing sites, otherwise the value of Policy CS16 (iii) is questionable.

The Council considers that GOEM's comments are misconceived. Firstly, Policies CS1-9 do not preclude the development of new mineral workings. Policy CS16 (iii) will therefore be applicable should proposals other than extensions to existing sites come forward. Secondly, when read in conjunction with Policies CS1-3 and 5, the policy indicates a preference for extensions at existing operations served by rail or water and will be used by the Council to encourage greater transportation of minerals by means other than road, in accordance with Objective 6 of the Plan.

**Whether the provisions in respect of reclamation and the future use of mineral sites are clear and appropriate**

15. *In the context of reclamation (Para 4.112 et seq), should there be reference to minewater treatment schemes? [Coal Authority]*

The Council has no objection to inclusion of reference to minewater treatment schemes as suggested by the Coal Authority. The Council accordingly proposes that an additional paragraph incorporating the wording recommended by the Coal Authority be included within the section on reclamation.

16. *Paragraph 4.113 refers to the requirement to identify the uses to which former mineral extraction sites should be put. Where is this followed up in the DPD?*

Policy CS17 sets out the after-uses that will be sought in appropriate cases. Restoration proposals for individual sites will be addressed in the Site Allocations document.

17. *Should Policy CS17 support phased restoration and the preferable extension of quarries suitable for phased restoration? Should quarries not suitable for phased restoration (and therefore suitable for early restoration) be identified? [GOEM]*

The Council does not consider that it is necessary for Policy CS17 to support phased restoration or the preferable extension of quarries suitable for phased restoration. Policy CS17 sets out the strategy for the reclamation of mineral sites which is to ensure that land is reclaimed at the earliest opportunity and that high quality restoration takes place. The Council considers that phased restoration is a development control matter. Thus, Policy DC20 states that permission will not be granted unless satisfactory provision has been made for the reclamation of the site, and the accompanying Box 7 indicates that one of the reclamation matters for inclusion in planning applications is implementation of progressive reclamation (item j). Paragraph 5.61 indicates that mineral workings should be subject to progressive extraction and restoration, where practicable, in order to facilitate this. Policy DC18 indicates that restoration form and programme of operations is one of the matters that may be covered by the imposition of conditions (Box 4 item y). Restoration proposals for individual sites will be addressed in the Site Allocations document.

GOEM consider that the requirement of Policy CS17 for early reclamation of workings may conflict with the strategy of preferring extensions, which would prolong the life of quarries and could prevent their restoration and effective after-use. The Council considers that these comments are misconceived. Progressive restoration is particularly applicable in respect of sand and gravel, brickclay and opencast coal operations. Extensions to such operations would not preclude the restoration of earlier phases of the site – with only that part of the site comprising any processing plant being left to be restored at the final completion of operations.

A case in point is in respect of the sand and gravel operation at Lockington Quarry. The original permission provided for the site to be progressively worked and restored in 9 phases. The recent permission for an extension to the site provides for operations to take place in a further 10 phases. Working and restoration will carry on progressively from the earlier phases. The location of the existing plant will be the only part of the original permission area to be left unrestored once initial restoration works have begun in the extension area.

18. *Should Policy CS17 and the related text be more explicit about the opportunities for landscape re-creation and improving the setting of historic assets and areas? [EH]*

The Council has no objection to the changes suggested by English Heritage to Policy CS17 and paragraph 4.112. The Council accordingly proposes that Policy CS17 be amended to read as follows: 'that high quality restoration and aftercare takes place to an appropriate after-use that enhances and complements the natural *and historic* environment and that is in keeping with the local area, *including its landscape character and with due regard to the setting of historic assets*, adding to local distinctiveness'. The Council also propose that the last sentence in paragraph 4.112 be amended to read: 'or enhancing the character and quality of the natural *and historic* environment.'

19. *Should Policy CS17 refer to minimising future public safety hazards and ground stability problems? [Coal Authority]*

The Council does not consider that Policy CS17 should be amended to refer to future public safety hazards and ground stability problems. Policy CS17 sets out the strategy for the reclamation of mineral sites which is to ensure that high quality restoration takes place. 'High quality restoration' should ensure that there are no ground stability problems.

The Council has no objection however to the inclusion of wording in the supporting text regarding ground stability. The Council accordingly proposes that the following sentence be added to Para 4.112: 'Reclamation proposals should include an assessment of the stability of the land, in accordance with advice contained in PPG14 - Development on unstable ground, to ensure that any future use will be not present any future risks to the public or other land users.'

20. *Should Policy CS17 refer to Green Infrastructure? [NE]*

The Council has no objection to the reference to green infrastructure being included in Policy CS17 and Para 4.118 as suggested by Natural England. The Council accordingly proposes that Policy CS17 (iv) be amended to read as follows: 'iv) Public access and improvements to the public rights of way network *including links to surrounding green infrastructure*'; and that the following sentence be added to Para 4.118: 'Opportunities should be maximised for informal recreation and green networks for walking and cycling, linking into existing green infrastructure, natural greenspaces, and /or connecting rural and urban areas.'

#### **Whether adequate provision is made for managing proposals in the catchment of the River Mease SAC**

21. *How will the core strategy manage proposals in the catchment of the River Mease SAC? [GOEM]*

The Conservation (Natural Habitats &c) Regulations 1994 require any development proposal, likely to have a significant effect on the River Mease SAC, and which is not directly connected with or necessary to the management of the site, to be subject to an appropriate assessment of the implications of the proposal in view of the site's conservation objectives. Unless there are considerations of overriding public interest, planning

permission can only be granted if the conclusion is reached that the proposal will not adversely affect the integrity of the site.

As international sites enjoy statutory protection, Planning Policy Statement 9 (PPS9) (MCD 28) states that specific policies should not be included regarding them in development frameworks. Guidance on the consideration of minerals developments affecting nature conservation sites of international importance is contained in paragraph 6 of PPS 9. No further guidance regarding the consideration of minerals developments affecting the River Mease SAC is therefore provided in the Core Strategy. Policy CS 11 (environmental protection) does however state that minerals development should not have any unacceptable impacts, inter alia, on internationally important sites.

The County Council has carried out a Habitats Regulations Assessment which addresses the potential impact of policies on the River Mease SAC. The HRA has concluded that the majority of effects associated with the Core Strategy policies would be either neutral or positive. Physical mitigation measures would more appropriately fall into project level controls when more precise locations and likely impacts are known. Proposals for individual sites will be addressed in the Site Allocations document, including specific requirements related to the site and the provision of appropriate environmental safeguards.

The HRA includes conservation management principles set out by Natural England concerning the management of the River Mease, which seek to address the local impacts/concerns likely to impact upon the SAC interest. Implementation of the management principles within the environs immediately surrounding the River Mease will assist in achieving maintenance/improvements to the interest's condition.