

Matter 10: Policies for Minerals

Matter 10 Submission from G Maxwell



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G R Maxwell

Matter 10 Policies for Minerals

Issue: Whether the minerals policies provide sufficient guidance to ensure the necessary minerals supply over the Plan period in accordance with the principle of sustainable development?

1. I have previously commented upon this matter in both the 2015 and 2016 consultation process. I am sure that the inspector has will have had sight my submissions. I would like to add the following comments and will be happy to speak on Matter 10 at the public hearing.

Question a) PLP36 Sustainability Appraisal

2. I raised concerns about the Sustainability Appraisal (SA) in the 2015 consultation process. For me it is difficult to understand how "scores" have been allocated and how you can use the same matrix to assess housing sites and mineral extraction sites. Each is very different with very different planning criteria. For instance a housing site (H4) scored red for health because the site had no easy access to a GP whilst a quarry site that could potentially exist 5metres from someone's door – with dust and noise pollution etc only scored amber with a -? rating.
3. The SA has been used to assess nearly 1000 alternative new not existing housing sites and 100 new not existing employment sites. The process is geared up for assessing these sites not ME sites. Therefore the SA does not assess the requirements of PLP 36 e.g. cumulative impact, impact on residential amenity (application of standoffs) etc.
4. For me the best approach would have been to have had a tailored assessment based on specific development type e.g. one for houses, another for ME. The SA should then have been based around assessing sites against the Local Plan Vision, and the most appropriate of the Plan's Strategic Objectives (10) and Policies (63) rather than 19 objectives unrelated to the Vision, Objectives and Policies.
5. I am also at a loss as why when it came to assessing Mineral sites, both existing and proposed sites were subject to SA? This is like subjecting an existing housing development to an assessment as to whether it should be rejected as an option or not – a waste of time and effort. Existing houses, employment zones etc have not been subject to SA. So why have KMC treated Minerals sites differently?
6. Looking at the SA (SD9). On page 33 of the report there is a breakdown in Table 8 entitled SA scores for all 49 mineral site options, this includes the 20 existing operational quarries. Existing sites are not an option. Page 32 of the report details how initially 37 reasonable alternative minerals site options were subject to SA. Later following the 2015 exercises this was increased by 13 sites. 20 of these sites are

existing quarries, they are not alternatives. Yet each of these 20 quarries have been subject to a full several page assessment. Why?

7. Some of these existing quarries have been around since before 1899. The planning regulations and peoples and society's expectations, best practice etc of living next to a quarry etc were different when planning permission was given on these sites than it is today. From what I gather they all precede the NPPF and NPPG. It would therefore be unfair to compare them to the standards required of mineral extraction sites to achieve planning permission today. It would be a bit like comparing a 1960s car with a brand new one. Both do the same thing get - you from a to b - but each is governed by a very different set of regulation, environment and safety standards etc. Each was built to a different specification. What was acceptable in the 1960s is not acceptable today.
8. Therefore the SA has had to have bias built into it. It cannot deem an operational quarry as unsuitable. They exist, and are working. To ensure this occurs the base position of the assessment must be that every operational quarry is deemed suitable. Therefore every new quarry is really being compared against existing quarries rather than being independently assessed against modern standard and expectations. To my mind what this means is that the process was geared up to ensure that the 1960s car was deemed suitable – a low minimum requirement.
9. Subjecting existing quarries to the SA process is unfair and wrong. If the process was right they would be being compared to modern day standards rather than the standards that existed when planning permission was given for them. They should not have been subject to SA. No existing housing or employment complex etc was subject to it. So why were they? However they were and their inclusion has effectively created a base that guarantees at least the 20 operational sites must be deemed suitable. This has skewed the results to favour sites which mirror those 20. Hence perhaps why 12 out of the 14 proposed new minerals sites are extensions to existing quarries.
10. I am concerned about the SA and consider that it should be revisited with only new sites assessed. The assessment criteria should be tailored to Mineral Extraction and based on the LP objectives and Policies.

Question c) PLP36 Greenbelt

11. In the 2016 Consultation process I commented upon my disappointment that KMC had chosen to remove a whole policy DLP Policy 55 Development in the Green belt from the Plan. The policy stated

“The extent of the Kirklees green belt boundary is set out on the policies map. Inappropriate development in the green belt will not be approved except in very special circumstances in accordance with national policy. Proposals for development within the green belt should in all instances;

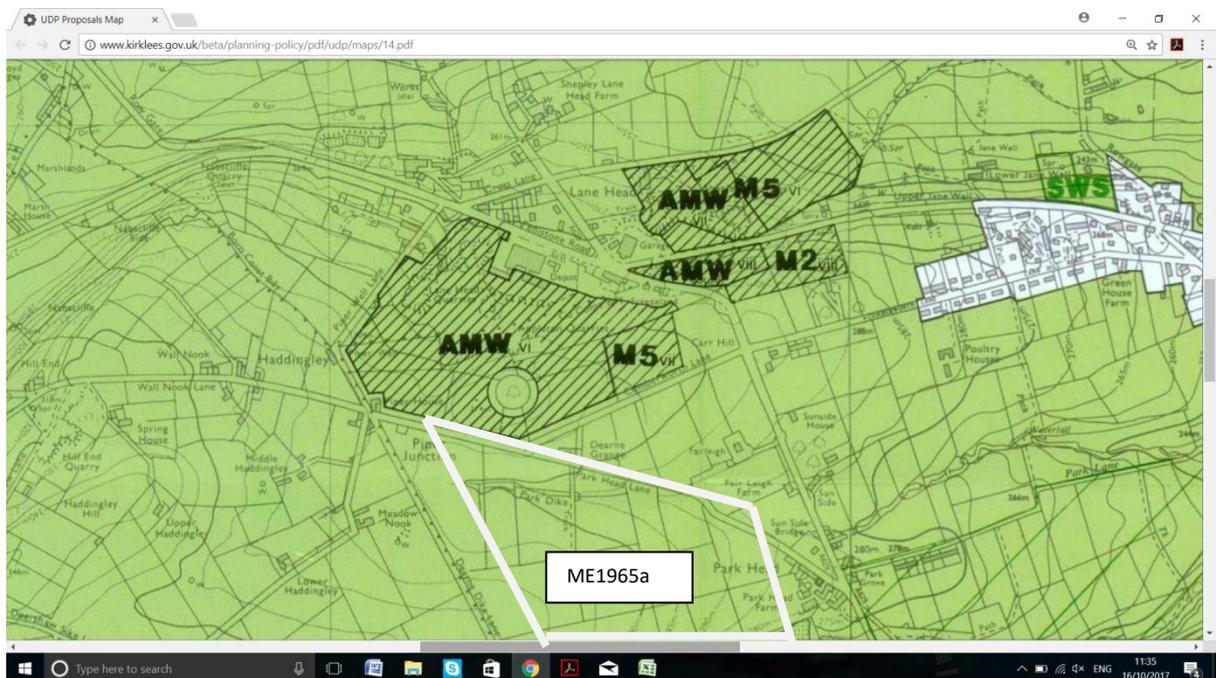
 - a. retain its character and openness;
 - b. be designed to take into account and seek to enhance the landscape character of the area and be of a high quality of design and materials appropriate to its green belt setting;
 - c. result in a good standard of amenity for new and existing users;
 - d. retain and where possible enhance visual amenity and biodiversity;
 - e. retain and where possible improve existing opportunities for outdoor recreation and access; and
 - f. where possible result in the improvement of damaged or derelict land.”
12. KMC originally stated the policy was justified because the policy brought together the overarching criteria that should be applied when considering any development in the green belt, including development which may not be subject to other policies.
13. I felt it was relevant to Mineral Extraction and complemented the Proposals for Mineral extraction Policy then DLP 37 now PLP 36. Without policy DLP 55 I feel that a lot of development in the greenbelt could go unchecked. I used DLP55 to support my argument why site ME1965 (now ME1965a) should have been removed from the 2015 Local Plan.
14. Clearly I feel this policy should be reinstated.
15. This matter raised by the Inspector has made me question further how the greenbelt would be affected if the proposed mineral site developments were allowed to go ahead.
16. For me it appears that the proposals seem to have disproportionately affected two areas of the greenbelt in Denby Dale and South Crosland.
17. Currently KMC have 232.03 Ha of land assigned to quarrying activity – 197.07Ha or 85% is in the greenbelt. Their current plan proposes an increase in active sites – mineral extraction sites (MES) of 74.19 Ha or a 32% increase all in greenbelt.

18. There are four extraction sites proposed. Three are within 5km of each other at Appleton, Bromley Farm and Hen Perch Quarries – all in the Denby Dale area. These represent 68% of all new MES sites. The other site is proposed for South Crosland (23.51Ha). It seems disproportionate that one area of the green belt (approximately 5 sq km) should have to accommodate 3 of the 4 new sites. After all Kirklees is a large land mass of 408.7 sq km and the BGS minerals map shows that the sort after minerals are available throughout the whole of Kirklees.
19. In addition to the proposed MES, KMC are proposing 7 new mineral areas of search (MAS) and 3 new mineral preferred areas (MPA) – all in the greenbelt. MAS totals 88.32 Ha and MPA totals 19.12 Ha. So the Local Plan proposes potential additional quarrying activity of 181.63Ha all in the greenbelt. This represents an increase of 78% of land use from current levels or an increase of 92% of greenbelt land being used for quarrying.
20. This seems excessive and represents a sizable increase in greenbelt land that is being quarried.
21. Of the 14 new sites 12 are located near to or beside existing quarries. In Ha terms these total 164.28Ha or 90.5% of proposed new sites of mineral activity. This means that only 17.35Ha or 9.5% of proposed new activity is an area not already subject to extensive quarrying. This reliance by KMC of using existing quarry sites is concerning.
22. A result of this local spread of quarrying is that it is encroaching further into the greenbelt and is effectively starting to reduce the greenbelt size between settlements. It is also starting to affect the setting of communities within the greenbelt whose openness forms part of the character of many rural communities in Kirklees. – clearly at odds with the KMC vision
23. As a result, the mineral allocation proposed by KMC in the Plan has created a disproportionate effect on two areas of Kirklees greenbelt primarily those in Denby Dale and to a lesser extent those in South Crosland:
24. In Denby Dale - 3 out of 4 MESs and 3 out of 7 MAS are sited within a 5 sq km block of adjoining land. These new MES and MAS sites total 78.55 Ha. Proposals for new mineral sites in the whole of Kirklees total 181.63Ha. In other words 43% of all proposed new activity takes place on a block of land of 5 sq km in the Denby Dale area or in 1.2% of Kirklees
25. Extending this area slightly to an 8square km block of land which takes in Peace Quarry. Then 3 out of 4 new MESs and 6 out of 7 MAS are present covering 129 Ha of land. Therefore 71% of all proposed new activity takes place on a block of land of 8 sq km in the Denby Dale/Shelley area or 2% of Kirklees.

26. The other block of new activity takes place in the South Crosland area where the remaining MES of 23.51 Ha and 2 of the 3 MPAs comprising 11.73Ha are located. Totalling 35.24 Ha or 19.4% of the proposed new quarrying activity.
27. From looking at the disproportionate geographical spread of new sites it appears that KMC have not adopted best practice or followed their own guidance as laid down in the KMC – Urban Vision - document Identifying Future Mineral Sites (LE100). Given the disproportionate and concentrated impact of proposed new quarrying activity on certain greenbelt areas I feel that KMC should revisit their site allocations.
28. Reading the KMC MTP (BP9) there is a feeling of a sense of urgency that KMC must identify new sites. This seems to be based on the premise that reserve levels of certain minerals are lower than what they currently are. This seems to stem from a reliance on out of date information, referencing the 2015 WYLAA (CR15) as the source of data when the more up to date 2016 WYLAA (CR23) paints a very different picture of specific mineral reserves.
29. Given that there is no urgency for KMC to identify mineral sites in the Local Plan at this time. I suggest that the most appropriate course of action would be for KMC to review this position. Even starting again - following the advice of Urban Vision. Adopting best practice. Surely using BGS data/maps and then applying best practice buffer zones based on types of minerals etc KMC should be able to identify suitable mineral extraction sites that impact in a more proportionate way across Kirklees and then work with Industry in choosing the most appropriate sites for mineral activity.

Question g) PLP 38

30. As a resident of Kirklees and a member of the public it seems to me that KMC have not complied with the document Mineral Safeguarding in England: good practice advice.
31. To me it appears that KMC have a poor record when it comes to identifying MSAs and thus preventing the sterilisation of mineral sources. Take Site ME1965a as an example. From what I can ascertain in the 1990s site promoters/operators were asked to identify MSAs in a process that looks to me similar to that used for the Local Plan. At that time the owner of Appleton and the Sovereign Quarries put forward 2 sites in the Shepley area as MSAs. Both were accepted. (Please see map – notation M5 represents the MSA. This shows that site ME1965a was not designated as a MSA.)



32. One of these MSA sites has now become site ME2263 (extension to Appleton Quarry). Both of these MSAs are yet to be worked for minerals. Both quarries are owned by the same company - who as far as I can find out have owned them since the late 1980s. It is the owner of Appleton quarry who is the promoter of Site ME1965a.
33. This for me begs the question - why if site ME1965a contains such a valuable source of scarce minerals was it not put forward as an MSA in the 1999 UDP. If it had been put forward and accepted then the 10 houses which have been developed around the borders of the site would either not have taken place or they would have been developed and sold in the knowledge that they bordered a potential quarry site.

34. All occupiers of these developments and indeed all the occupants of all the houses in the area Park Head, Five Lane Ends, Dearne Grange, Penistone Road, Fairleigh House, Sunside Cottages etc have taken up residence and lived there in the belief that they would live a peaceful, quiet, tranquil and scenic rural life. Their belief being that they could peacefully enjoy their possessions and their homes. They have held this belief because they had confidence that the council had fulfilled its duties by correctly identifying future mineral sources which did not include the farm fields now ME1965a. They believed that KMC had fulfilled its legal and moral responsibilities.
35. I would also like to raise an issue which I feel has not been adequately accounted for by KMC. In the 2015 consulted upon local plan (PC7). KMC published a Minerals Safeguarding Policy PLP 39. This policy clearly set out the size of buffer zones required for MSAs based on mineral types. This policy was supported by industry who appreciated the need for buffer zones. In the 2016 consulted upon plan (SD1) this policy had changed and the buffer zones had been removed. This seems to be to be counter to BGS best practice and guidance.
36. I would like to expand upon this slightly. In the 2015 plan (PC7) in the Minerals Safeguarding Policy DLP 39 (p149) the following text was used “Surface development will only be permitted within 250 metres of a clay and shale or sand and gravel Mineral Safeguarded Area or within 500 metres of a sandstone or coal Mineral Safeguarded Area where it has been demonstrated that” a list of criteria was then given. This seems to my mind to be in keeping with the BGS report “Mineral Safeguarding in England: Good Practice Guide OR/11/046”. This policy was fully supported by industry and the public. This was also in line with consultant opinion given by experts Urban Vision in their paper prepared for KMC “Mineral Safeguarding Areas” (LE102) who on page 15 para 5.19 stated “For the purposes of this paper it is recommended that the buffer zone for coal and sandstone is 500 metres. The buffer zone for sand and gravel and clay is 250 metres. These distances are accepted as standard by Minerals Planning Authorities based on examples produced in the BGS guidance.”
37. I assume that KMC must value Urban Vision’s knowledge in this field as these consultants also prepared papers (LE100) Mineral Site Methodology, (LE101) Oil and Gas exploration, and (LE 103) Mineral Site Restoration. KMC also employed Urban Vision to carry out the Minerals section work for the 2012 LDP. Clearly having employed these experts for several years and for numerous projects KMC must value their advice.
38. Therefore it was surprising, that when the new version of the Plan was published in 2016 (SD1) Policy DLP39 had been radically changed to Policy PLP 38 (p154). The whole section regarding buffer zones and the accompanying list had been removed. Further criteria had been applied to the list of classes of surface development that would be permitted. The new criteria were “the erection of ancillary buildings” and

“developments of sites of less than 1000sq. Metres etc”. This runs contrary to BGS guidance relating to “Developing Management Policies” for MSAs. - para 5.2.8 of the BGS guidance states “Size thresholds as exemption criteria should be avoided in most cases, as the effects of sterilisation from a small development in an MSA can be significant. If size thresholds are applied, careful consideration would need to be given to which minerals the exemption will apply to.”

39. I have attempted to find out why this change came about. I looked at the document “Publication Draft Local Plans; Summary of Main Changes (Nov 2016)”. Page 14 of that document states that “Policy has been amended to include a site size threshold to clarify what is meant by infill. Policy reworded to exclude development within the curtilage of existing buildings. All minerals including those located in urban areas in mineral safeguarding areas. Amended supporting text to clarify the council will be involved in the delivery of policy aims.” No mention is made about why the specific threshold is set or why the application of buffer zones has been removed.
40. I also examined document SD5 Annex7 Sustainability Appraisal where it relates to PLP38 (page 92). It states the following “PLP38 outlines the criteria that needs to be demonstrated to allow surface development to be permitted in a mineral safeguarding area, *also outlining certain buffers for different mineral resources*. This ensures the efficient use of minerals as a resource, safeguarding them for future use. A significant positive effect is therefore likely on this SA objective.” There seems to be confusion within KMC about which policy is actually being proposed.
41. I am concerned that KMC in this area have not followed BGS guidance or even the advice of their own consultants. I would ask that KMC reinstate the buffer zones and withdraw size thresholds in line with BGS guidance and best practice.
42. I am aware that BOLTED have commented upon this matter and I am happy to speak on their behalf about this issue.