

Introduction

Our position is set out in our Minerals Evidence Paper, December 2016, submitted as part of our response to the Publication Draft Plan, and appended to this statement for the Inspector's convenience. To be concise and avoid repetition, this hearing statement focuses on some, but not all, of the Inspector's questions, but we wish to participate orally on other questions at the hearings, where these either relate to concerns raised in our representations or arise from points raised at the hearings by other representors.

Matter 10: Policies for Minerals

c) We have previously raised concerns that whilst mineral extraction is not, in itself, incompatible with Green Belt policies, there are some proposed allocations within Green Belt where the proximity to settlements and the industrialising effect of minerals operations and associated activities will harm the openness of the Green Belt and the purpose of including land within it. There is insufficient evidence that this has been considered in the Plan and we welcome the anticipated testing of the Sustainability Appraisal (SA) both on the development of the proposed policies and in the minerals allocations (see below).

d) and e) We note that the Inspector has not asked a specific question here about the consistency of restoration activities with the Kirklees District Landscape Character Assessment; and we wish to draw this aspect of our previous submissions to the Inspector's attention.

j) and k) We must emphasise our concern that PLP41 does not deal specifically with the effects of lorry movements on local amenity and highways. Furthermore, as covered in our previous evidence paper, we do not consider that PLP41 and PLP42 deal adequately with protection of designated areas, and we have recommended additional text to reference the Council's legal duty to have regard to the statutory purposes of the Peak District National Park.

In all the policies areas we have commented on, we would be pleased to submit additional/alternative text for consideration at the Examination.

1. Summary

There are two key factors that lead us to conclude the PDLP's approach to minerals policies and allocations is not justified by the evidence, and therefore unsound.

- The scale of changes to the proposed allocations between DLP and PDLP implies a less-than-strategic approach to what should be a long-term, strategic issue; and there is insufficient evidence that either the need for such significant increases in allocations, or the weight that should be given to their potential impacts, has been adequately demonstrated.
- The large areas of potential extensions clustered around existing operational quarries creates the likelihood of extraction activities being such an ongoing process as to effectively be a permanent feature of those landscapes, and we are not satisfied that this ongoing, cumulative impact cannot readily be mitigated by the restoration programmes associated with individual permissions.

2. Policies and accompanying text

15.4: We note the stated production of a *Minerals Need Assessment* for Kirklees as part of the evidence base but cannot find a document of that name in the supporting information on the website. We have found and had regard to the *Technical Paper: Minerals* (November 2016) and the *Local Aggregate Assessment for West Yorkshire 2014 (2013 Data)* (W Yorks Combined Authority, 2015, consultation draft). We would wish to reserve comment if there is a further document that has not been made available.

15.2, Policy PLP 37 - Object: Whilst we strongly support the requirement to allow mineral working subject to the restoration of the site delivering enhancement benefits, we would propose a further requirement for landscape enhancement consistent with the Kirklees District Landscape Character Assessment.

15.6, Policy PLP 41- Object: We object to current wording in that potential impacts from large numbers of lorry movements (used to bring large volumes of water to site) and their effect on highways and local amenity is not dealt with specifically as a likely significant adverse impact.

15.7, PLP 42 - Object: It is necessary to widen the policy to include specific criteria of impact of lorry movements for high volumes of water imported for pressurised hydraulic fracturing process - not simply in terms of 'transport facilities' (criterion 'b') or the 'fallback' option of road transport in criterion 'f'.

In addition, the policy does not address need for protection of designated areas including NPs, AONBs, WHS, groundwater source protection zone 1, SSSIs, Natura 2000 sites and Ramsar sites and the policy criteria should cover the adequate protection of such areas within the Plan area.

With reference to KMBC's s.62 duty towards the Peak District National Park (covered in part by Policy PLP 32), we would advocate the introduction of policy text (by way of a specified buffer zone) to deal with potential harm from surface hydrocarbon development in the setting of the NP and the assessment of harm from sub-surface proposals, including making lateral drilling under the NP area subject to the application of the major development test (see para.116 of the National Planning Policy Framework).

We also object to criterion 'h'; although we support the linkage with impact on climate change, net zero impact is an unacceptably low aspiration. The UK has challenging legally binding targets to reduce carbon emissions by 80% by 2050 and in text elsewhere (see section 12 'Climate Change'), the Council acknowledges the need for local plans to contribute to these targets.

Finally we draw attention to the seeming mismatch of text in 15.35 regarding the use of gas tankers/road transportation with the operation of 'small fields' and the presumptive requirement set out for use of pipelines in criterion 'f'. The scale of fields (presumably meaning oilfields) should be defined and/or subject to an appropriate threshold and the non-use of pipelines should be fully justified with supporting evidence.

Allocations

In general we have a concern regarding the late appearance of a number of sites in this Plan consultation that were not included in the previous draft. More specifically, without more supporting evidence (unless this is in the missing *Kirklees Minerals Needs Assessment?*) it is difficult to equate the shortfall in reserves over the plan period within the amount and size of sites allocated to help meet the shortfall. We would wish to explore this issue in greater depth in respect of prematurity of allocation, especially where multiple areas for future working have been identified around or close to an extant site. This raises the issue of cumulative impact in sensitive landscapes and viewsheds, including green belt. Concerns in respect of individual site allocations are raised below.

The *Technical Paper: Minerals* (November 2015) also has some inconsistencies with the Allocations document that are unhelpful. For example, site ME2249 (Hen Perch Quarry) is one of the four sites where a new permission would seemingly be required and is stated (in the Technical Paper) as a site previously identified in the UDP. In the Allocations document it is categorised as an operational site. Furthermore, in Table 7 the status (proposed allocation type) of ME2568 and ME3324 appear to be reversed. We are assuming that the Allocation document is correct and that the former is a Minerals Extraction Site and the latter a Preferred Area.

Please also note that the hypertext link to the plan/location map for ME1965b (Appleton Qy) is incorrect and instead shows site ME2259 (Bradley Island).

Mineral Areas of Search:

ME1965b: Object. Unclear as to whether justified in relation to need and also in respect of allocation of ME 1965a (see below).

ME2248a/ME2314: Object. Two large areas identified which may be excessive in relation to need over the plan period. The former (western) area (2248a) is also close to residential area where impacts may be unacceptable. There is also the allocation of ME2248c which further emphasises the issue of need (see below).

ME2259: Object. Concern regarding high level of constraint/impacts on biodiversity, hydrology, river function and adjacent structures (weir) and lack of feasible access. It is presumed, although not stated in the Allocations document, that the target mineral is sand and gravel?

ME2267a/ME2312a/ME2312b: Object. Taken together, this is a large area of open and attractive countryside and we are concerned as to the justification in terms of need and therefore prematurity of release of all three sites together. The west area of 2267a also comes close to a property, Green House.

Mineral Extraction Sites:

ME1965a: Object. This is a large site, with residential properties close by the eastern edge of the area (Park Head) and we question the justification for allocating the whole area, set against the large current landbank (18 years) and the (unknown) level of reserves at the active site to the north and the amount of potential reserve in ME1965b (see above).

ME2248c: Object. This is a large site with the NE area of it close to properties in Lower Cumberworth. Taken together with the Areas of Search sites (ME2248a and ME2314), we question whether the allocation is justified in relation to need over the Plan period, although we recognise the longer landbank requirement for brick clays.

ME2263: Clarification is required in relation to this site as to whether it is subject to an existing permission. The entry states the existing use to be Green Belt but the Other site specific considerations states it to be a 'site with planning permission'. Again this site relates to ME1965b and ME1965a in terms of the issue of existing reserves and justified need for new allocations.

ME2568: Object. This is a large site in open countryside with potentially significant landscape/visual amenity impacts and other listed constraints, plus residential amenity with respect to South Crosland. Taken together with adjacent preferred areas (ME1975 and ME3324), we are concerned as to the need justification (with regard to current reserves at ME2251) and the potential long term impact of working these sites, either consecutively or in combination.

Mineral preferred areas:

ME1966: Object. This site is prominent in the landscape and has high constraints. We question whether need is justified in relation to existing reserves and timing of need to replenish landbank

ME1975/ME3324: Object - see above in relation to justification with regard to ME2568.

FAO Glenn Wakefield
Kirklees Metropolitan Council

CPRE West Yorkshire Branch
11th May 2017

Your ref: 2017/62/91213/W0

Dear Mr Wakefield,

Planning Application 2017/62/91213/W0: Land to the east of, Arborary Lane, and North of Whitehead Road, Crosland Moor, Huddersfield

CPRE West Yorkshire Branch wishes to object to the above planning application, for the reasons set out below.

General policy position:

CPRE has raised objections to the extensive site allocation proposals for mineral extraction within the Kirklees area. As highlighted in consultations regarding the Publication Draft Local Plan, CPRE identify a less-than-strategic approach to site allocations, of which this application site is one. There is insufficient evidence of the need for such significant increases in site allocations, or that the weight of their potential impacts has been adequately demonstrated.

CPRE promote a policy of 'plan, monitor and manage' with regard to mineral extraction, rather than the current model of 'predict and provide'. CPRE support the development of sustainable construction techniques to reduce the reliance on and need for quarrying at an unsustainable level. The applicant has provided evidence of economic benefit and the expected rate and quantity of extraction of the sandstone. There is, however, no information within the application to determine the need for such a large development. It is unclear from the application, how best use will be made of the extracted minerals, to secure the long-term conservation of supply and need. It is therefore contrary to the draft Local Plan, to which significant weight should be given.

This application and accompanying EIA significantly and systematically downplay the impact of the proposed development, and provide a narrow focus for assessment in many cases evidenced 'qualitatively' by judgement rather than with practical measures which we consider disingenuous. These areas are:

- Wider traffic and sustainable transport assessment
- Traffic implications with regard to Landscape Character
- Cumulative impact assessments of ongoing work at multiple sites
- A thorough and robust consideration of alternative sites
- Needs based assessment

The detail of the application submitted is based on a further site being opened after the closure of the Thewlis Lane site. It is of concern to us that the applicant states in the non-technical summary 2.28 that the current intention is “not to progress a number of its target sites at the present time” but that the detail of this application proposal is based on an intention for further site development. We are unable to determine whether “exceptional circumstances” can be demonstrated for granting permission for this site without details being provided of this intended further application site.

Cumulative Impact

CPRE are not satisfied that the requirement to consider the cumulative effect of the development relating to nearby mineral extraction sites is met within the documentation provided. The application EIA states that there is ‘no cumulative impact’ of development. This assertion is unsupported. The cumulative impact of intensive quarrying on multiple sites changes the character of the local and wider landscape for future generations, and when quarrying takes place concurrently and/or sequentially on adjacent sites the impact on landscape and community is effectively permanent.

We acknowledge the local and national requirement for minerals extraction and we strongly support the requirement to allow mineral working subject to the restoration of the site delivering enhancement benefits. CPRE note aspects of ecological and amenity enhancement intended in the application proposal and the intention to develop the site with on-going site restoration; however we feel that it is pertinent in this instance to review the whole picture presented by quarrying in this area by this applicant.

The proposed site forms an extension to existing operational quarries, and far from being a temporary change to the landscape character, form an ongoing ‘permanent feature’ of those landscapes. We are not satisfied that this ongoing cumulative impact can be mitigated by restoration programmes associated with individual permissions, whilst preserving the landscape character of the area as identified by the Kirklees District Landscape Character Assessment. Such is the case with this application.

CPRE do not consider that this development is an acceptable use of the land due to the negative impacts of these uses including:

- visual impact on the wider and local landscape,
- the landscape character and
- impacts of traffic and
- impact on sites of protected landscape and wildlife.

Where PPG 013 suggests the environmental impact from building stone quarries is often lesser, this does not absolve them from a responsibility to be responsive and sensitive to local amenity, landscape, environment and landscape character. The development proposal is 100m away from the residential area of South Crosland. Measures to mitigate against negative impacts on this amenity are not robust enough to defend South Crosland from the intrusive nature of such a large scale and long-term development.

Traffic and sustainable transport assessments

The ‘worse case’ traffic predictions show up to 50 HGV journeys to and from the application site to the existing processing area near to the Airfield and Thewlis Lane sites. Although the traffic may not qualify as ‘significant negative impact’ in terms of overall volume, we consider that this will negatively affect the perceptual quality of ‘relative tranquility’ identified as a characteristic of the

landscape in the Kirklees District Landscape Character Assessment (2015) referenced by the applicant in section F4.31 of the EIA. It will have significant impact on the amenity value on the area and essentially turn quiet single lane public highway into an extension of a quarry complex.

Wider sustainable transport and traffic assessments including a consideration of carbon emissions and mitigation have not been demonstrated.

Needs based assessment

We note no supporting evidence within the EIA or other documents to support the presumption of need in the case of this application. The issue of cumulative impact in a sensitive landscape and viewsheds, including Green Belt is not addressed, indeed, not acknowledged within the application information. The cumulative impact, concluded as 'negligible' within the EIA, takes into account the existing developments, but does not include further development proposals on which this planning application is based. We are concerned as to the need justification (with regard to current reserves) and the potential long-term impact of the amenity and character of the area of working these sites, either consecutively or in combination. We note that the stated intention of the application is to work the site in parallel with existing and future works.

This application is over a 20 year period, with a site over 23 ha. This 20 year framework is based on an assumption of a second site for a further site for mineral extraction to be worked in parallel with this development. The EIA N5.5 states that 'aside from the Thewlis Lane and Airfield minerals extraction site being completed by 2025' there would be no cumulative effect. CPRE are concerned that the cumulative impact on the local character of the area will be significantly altered detrimentally by the development of multiple sites simultaneously.

CPRE are concerned that there is no accountability within the plans to demonstrate the ongoing need at these volumes for the mineral. CPRE recognize that the NPPF requires a commitment to supplying a local and national need for minerals and that this should be reflected by the MPA. However, where minerals policy is driven by statistical forecasts for demand, the development of sustainable alternatives should be a factor. Mineral extraction should not be at any cost; it should be weighed against alternative options and long-term sustainability and impacts on the landscape.

In this case, the application demonstrates a healthy land bank of sandstone extraction in the sites already being developed and we challenge the requirement for planning permission for such an extended area to meet demand, especially when a fourth site is identified as desirable for lower grade stone in combination with this application. We therefore question whether this planning application can be considered in isolation.

Alternative Sites

We note that the alternative sites have not been fully considered or explored. When regarding local amenity impact and sustainable development options for mineral extraction, every effort must be made to develop sites that will provide minerals requirement in the NPPF whilst retaining the right balance of long-term negative impact.

With regard to the assessment of Green Belt, which is described in the EIA as a non-statutory land use designation without consideration of the impacts of development in the Green Belt, CPRE highlight the applicant's responsibilities toward respectful mineral extraction proposals which impact on the landscape. Green Belt does not cease to hold a value and weight of consideration merely because the Development Plan is no longer in use, and the Local Plan not yet adopted. Recent Case Law confirms that planning decisions for proposed development in the Green Belt should be made in the public interest and not as a form of sanction on local councils who have not yet adopted Local Plans as it is

the community which may suffer from a bad decision, not just the local council or its officers. Although mineral extraction is not considered inappropriate development *per se* within the Green Belt it is CPRE's position that any site proposal must be undertaken with consideration and balance. In particular, we contend that the application scheme would result in an ongoing and extended pattern of quarrying that will have a long-term impact on the openness of the Green Belt and the purpose of including the area within the Green Belt.

NPPF paragraph 144 states the Government commitment economic development. Although the NPPF guidance puts 'great weight' on the economic benefits of planning applications and mineral extraction, it is clear that this should not be the only consideration. The draft Local Plan identifies 'specific areas for potential future mineral working allocations based principally on information provided by the local quarrying industry relating to its requirement for minerals over the plan period'. It is unclear within the application details where the evidence-based assessment is for this proposal.

Conclusions

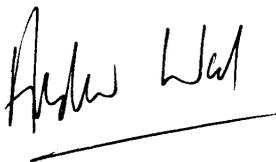
As stated in the NPPG (para 017) for minerals extraction, where an area has been subjected to successive mineral development, MPAs should ensure that the cumulative impact of a proposed mineral development on the community and the environment will be acceptable, and that this cumulative impact is capable of being a material consideration when determining individual planning applications. We consider that material consideration pertinent to this planning application, and in our view the application is contrary to this consideration.

With this in mind, the precise merits of the benefits of this proposal must be assessed strategically and with reference to other working and future proposals which are tied to this planning application. In contrast, this application is made in isolation.

Therefore, in our view, this proposal cannot be determined based on the information provided without due consideration of the wider implications for further development and cumulative impact and without due consideration of alternative sites for development, neither of which are adequately addressed in the EIA.

We therefore ask that you refuse this planning application.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Andrew Wood', is written over a horizontal line.

Andrew Wood
Consultant Planning Officer, CPRE West Yorkshire Branch