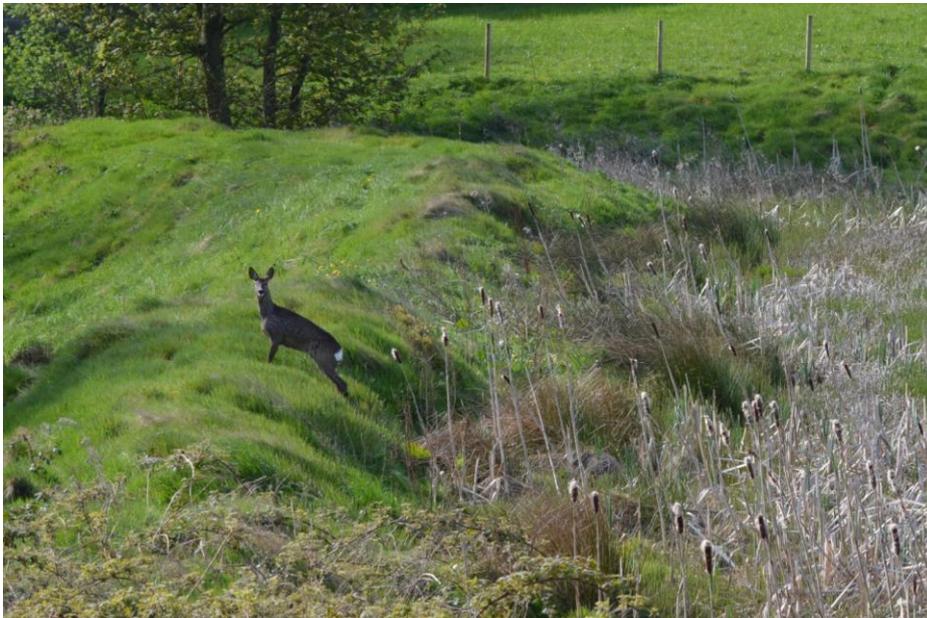


Matter 11: Mineral Allocations

Submission from J A Maxwell



October 2017

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Issue: Whether the provision in the Plan for allocated minerals sites is justified, effective and consistent with national policy and the policies of the Plan.

1. I have previously commented upon this matter in the 2015 and 2016 consultation exercises and I am sure that the inspector will have had sight of my submissions. I detailed how the inclusion of Site ME1965a in the Plan is not justified, effective or consistent with national policy and the policies of the Plan. I would like to add the following comments and will be happy to speak on Matter 11 at the public hearing.
2. I am aware that BOLTED have submitted a report and I am fully supportive of what is said.

1 Question b) Removal of Site ME1965a

- 1 I have previously detailed how I feel that the inclusion of site ME1965a in the plan is not justified, effective or consistent with national policy or the policies in the Plan. In addition, I wish to make the following additional comments about site ME1965a as to why it should be removed from the Plan:
 - a. Sustainability Appraisal has not taken account of the underground reservoir at Rusby Wood
 - b. KMC have not applied the appropriate buffer/standoff distances to the site
 - c. KMC have not taken account of the results of the consultation process as it relates to ME 1965a (previously ME1965)
- 2 I would also like to address the issue of cumulative effects but will address this in question c.
- 3 **Underground reservoir at Rusby Wood** - Having looked at the sustainability appraisal carried out for Site ME1965a I can find no mention of the need to account for the presence of the underground/covered reservoir in Rusby Wood see <http://www.bbc.co.uk/history/domesday/dblock/GB-416000-405000/page/17>. It may well be that the analysts were unaware of this as it does not appear to be recorded on public maps. However when I searched Rusby Wood Reservoir on the internet it did show an entry attributable to a respondent in the 2015 consultation process.
- 4 That aside until recently the general impression about Rusby Wood was that it had housed Yorkshire Water treatment works but these had ceased operation several years ago and that the area was now no more than a storage yard. However on 19th October

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2017 two workmen were seen in Birds Edge village looking for Rusby Wood and an underground reservoir that they said was there. They said that they had been sent to carryout out repairs to the pumps/valves at the reservoir.

- 5 The following day 20th October 2017 Yorkshire Water was contacted. They confirmed that their Rusby Wood operation was no longer used as a treatment plant but that a large underground/covered reservoir was still in operation in Rusby Wood. The reservoir received water from the very large Inchbircworth reservoir. It is stored at Rusby Wood until required by householders. The water sourced from Rusby Wood is known as Rusby Wood 2000 and it provides water to the following areas -Clayton West, Denby Dale, Emley, Flockton, Hepworth, Holmfirth, Kirkburton, Shepley, Skelmanthorpe, Thongsbridge as well as Birds Edge, Haddingley (including Dearne Grange development) and Park Head. From what I have read from the Urban Vision document (LE100) Identifying Future Mineral Sites para. 5.20 “ Where areas of search are identified, the application of further exclusions should be considered to remove areas in which there is little potential for minerals development to take place..... This process should consider excluding the following: - Reservoirs”.
- 6 Clearly water has to get from the reservoir to householders so I assume there could be quite a bit of large piping in the ground of site ME1965a. I also assume that there must also be quite a bit of infrastructure in and around the site and Rusby Wood. I would have thought that this infrastructure as well as the reservoir itself would be sensitive to vibration from quarrying. Hence the advice from Urban Vision.
- 7 This adds yet another constraint to the many constraints that have previously been identified about Site ME1965a. (I will list another few below). Surely KMC must now realise that ME1965a is not a suitable site for mineral extraction.
- 8 **Buffer Zones** - From what I have read quarrying is detrimental to health due to the noise and dust that it generates and different types of quarries generate differing amounts of noise and dust. Amongst the worse are deep sandstone quarries – just like that proposed for ME1965a. I am also aware that a previous application for a new quarry operation in the Appleton Quarry area at its sister quarry the Sovereign Quarry was refused because of amongst other things it would “give rise to noise which would have an unacceptable impact upon the amenity of local residents contrary to Unitary Development Plan Policy M3”. (Decision dated 1st November 2001 for Planning Application 98/93111).
- 9 I feel that this was a recognition of a person’s right for respect for their homes/possessions and that they also now have an entitlement to the peaceful enjoyment of their possessions.

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- 10 From what I understand in recognition of this and to protect residents from noise and dust but at the same time recognising that quarrying is needed then many authorities have been using buffer zones to separate residences and quarries. From my research I have discovered that KMC have been given advice about buffer zones from expert consultants Urban Vision – these are based on BGS best practice. Effectively 250m for clay and shale quarries and 500m for sandstone quarries. Also I have learned in the 2012 Plan (the one that went to Government and was then withdrawn) KMC had put forward site ME1965a – known at that time as the southern extension to Appleton Quarry – and had recommended a stand-off distance of 250m from the River Dearne. (Unfortunately the local community was not consulted about this Plan).
- 11 KMC themselves when assessing site ME1965a recognised that there will be a need for buffer zones and actually said so in their Sustainability Appraisal (SD5 p686) *“Any subsequent planning permission would be subject to the provision of adequate standoff distances from residential properties to reduce any associated impact. This would mean that a substantial proportion of the proposed allocation would not be worked for mineral.*
- 12 So when these adequate (I assume those recommended by Urban Vision -best practice and used by others) standoff distances are applied then due to the spread of houses around the site there is nowhere on Site ME1965a that isn't outside a standoff/buffer zone. The site is therefore sterile for the purposes of Mineral extraction. I can appreciate how demanding and complex putting a local Plan together can be but I am surprised, particularly given the huge amount of opposition to this site that KMC who had recognised the need for standoff distances in their Sustainability Appraisal did not carry-out the simple exercise of transposing the standoff zones from each residence around Site ME1965a onto a map of the area. From that it is pretty obvious that there is nowhere on the site that quarrying could take place.
- 13 Now in case I had got this wrong, I am after all only a lay person, not a planner and may have interpreted things incorrectly, I have asked a number of people what they thought and they agree with me. The site is totally covered by buffer zones. They did say that perhaps KMC had adopted lesser distances but given that others have accepted best practice then I am sure that KMC would apply best practice – anything less and they would be breaching Article 14 HRA. Given this I am at a loss as to why KMC are wasting your time and mine by including Site ME1965a in the plan when it appears obvious to me and others it is sterile.
- 14 **Consultation Process** - In the 2015 consultation process 206 objections to the then site ME1965 were received. In the 2016 consultation process this had risen to 333. An increase of 125 objections (68%) the biggest for any site/issue in the consultation process. Across the two consultation processes over 400 different people/organisations objected to the site. This is the only site to have an objection

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from a sitting MP –Paula Sherriff. Amongst the issues she raised was dust, noise and air pollution, the effect on the environment and the issues of the two water courses the River Dearne and Park Dike and how impacts on these water courses could affect the local business of Z.Hinchliffe and Sons, The site also received objections from 7 Councillors and a number of Parish Councillors as well as three “environment” organisations – The Don Catchment Rivers Trust (Dr Edward Shaw (1049449)), Yorkshire Wildlife Trust (Lauren Garside (969223)) and the Upper Dearne Woodlands Conservation Group (Peter Markham (106194)).

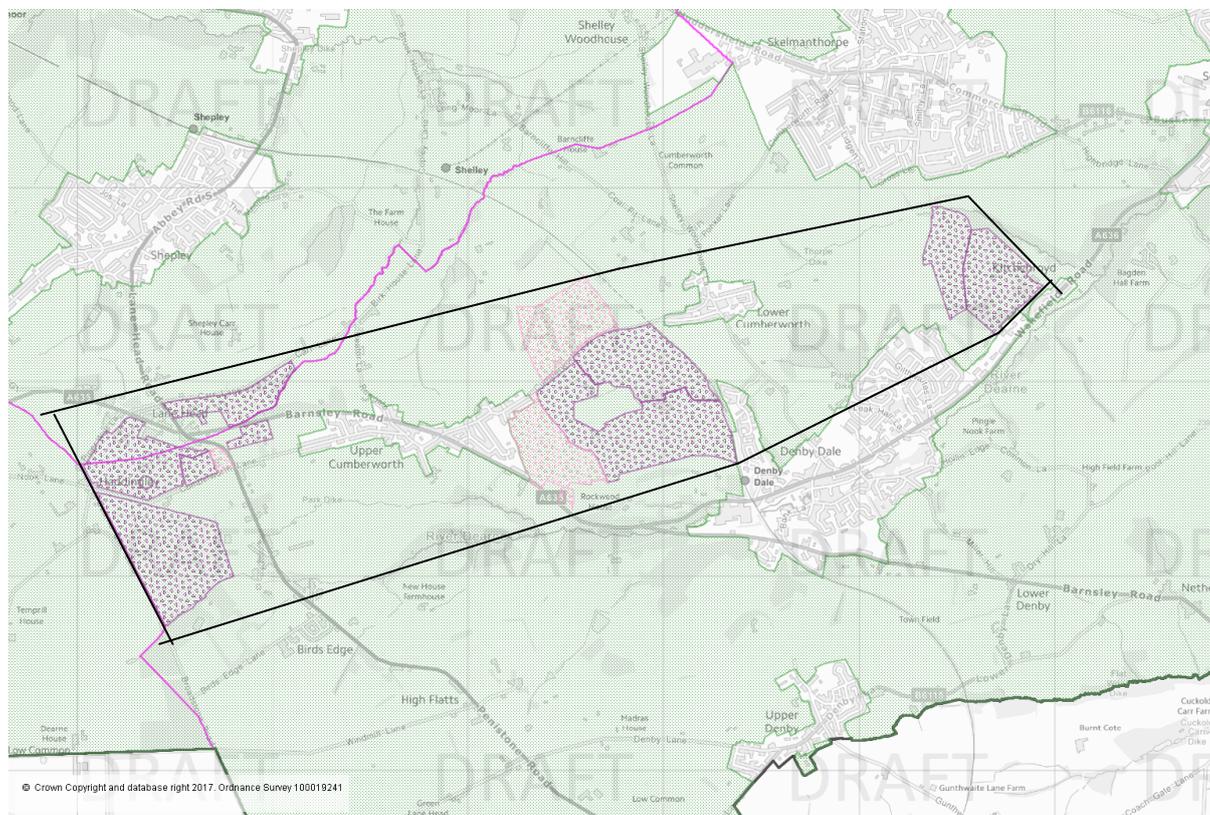
- 15 I would also ask the inspector to look at the comments made by Mr R Halstead acting as agent to Z Hinchliffe & sons (948139) in response to the 2015 consultation exercise.
- 16 With such large scale opposition to the inclusion of Site ME1965a in the Local Plan I am at a loss as to why it has not already been removed if KMC believe they are complying with para. 155 of the NPPF.

2. Question c) Cumulative Impact

1. I am concerned about the increase in proposed quarry workings in the Sovereign area of Shepley. Quarrying has taken place here since before 1899 – the longest for any area in Kirklees. From what I can gather these started off as very small operations, very similar to many quarries that developed in Kirklees at that time. What differentiates these, in particular the Sovereign and Appleton Quarries, is that the Council and its predecessor Authorities have repeatedly given planning permission for the quarries and have repeatedly allowed extension not only to land mass but also to the timescales for extraction and reclamation. The Council then have the audacity to say that quarrying is part of the character of this area – when it is it and its predecessor authorities that have created this situation.
2. The addition of site ME1965a will almost double the size of Appleton quarry and even when account is taken of the size of the Sovereign Quarry then the size of land allocated for mineral extraction in the Appleton Quarry area increases from 25.89 Ha to 50.32 Ha an increase of 94.3%. If the Mineral Area of Search ME1965b (0.88Ha) is added to this then the land available for quarrying in this area almost doubles. There will be 6 quarry allocations, whose borders almost abut in this area of Kirklees.
3. These new sites ME1965a and ME1965b have been portrayed by KMC as extensions to an existing quarry. NPPG guidance is clear that all applications should be judged on their own merits and a key consideration in approving a quarry extension is to show that there is no cumulative impact. To counter this KMC have said that some of the quarries in the area are undergoing restoration yet both Appleton and Sovereign Quarries have planning permissions currently to 2042. The history of the sites shows that owners of both have requested numerous extensions to their operating life-spans. So there is a strong possibility that extensions to this time (2042) will again be sort.
4. KMC also state that to access ME1965a an internal road through the existing Appleton Quarry could be used. If this was the case then the existing quarry would have to remain un-restored until mineral extraction on site ME1965a was complete. Given the historic extraction rates from Appleton Quarry this could be well over 100 years. So allowing ME1965a to go ahead would certainly create a continuing cumulative impact in this area.
5. To me it appears that NPPG advice on cumulative impact Paragraph: 017 Reference ID: 27-017-20140306 affects the suitability of ME1965a as a mineral extraction site. Also the length of time quarry working has been permitted to take place in this area clearly shows this area is one which has suffered from the effects derived from so many quarries operating in such a small area for so long. It is time for this to stop.

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6. I am not only concerned about the cumulative impact of the number of quarries in the immediate area around site ME1965a but also from those very close to site ME1965a. The below maps show how concentrated the quarries are in this area of Kirklees, how close they are to each other and how close they are to nearby housing.

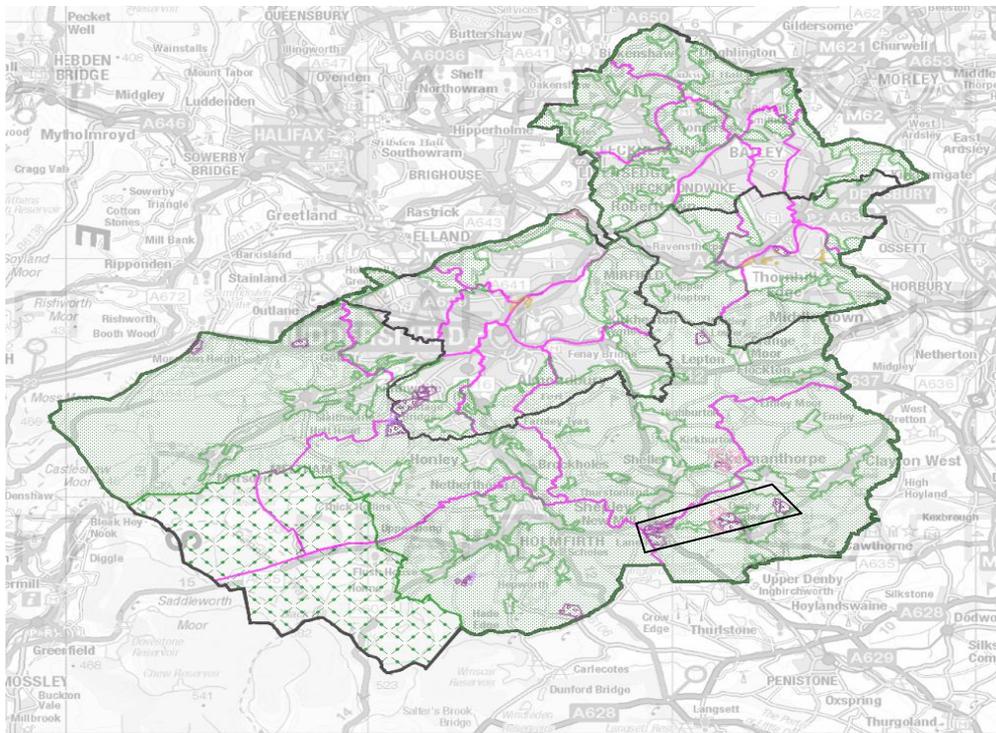


7. Looking at the map it can be seen that within a small area of the Denby Dale Ward – (estimated at approximately 5 square kilometres) – there are currently 6 operational quarries, plus 3 out of the 4 new mineral extraction sites (MES) and 3 out of the 7 proposed mineral areas of search (MAS). The table below details these sites:

Site	Size (Ha)	Name	Designation	Current Status
ME 1965a	24.43	Extension to Appleton Quarry	MES	Green Belt
ME 1965b	0.88	Extension to Appleton Quarry	MAS	Green Belt
ME2263	2.12	Extension to Appleton Quarry	MES	Operational
ME2243	14.01	Appleton Quarry	MES	Operational
ME2244	7.96	Sovereign Quarry	MES	Operational
ME2253	1.8	Carr Hill Quarry	MES	Operational
ME2314	14.32	Land N of Upper Cumberworth	MAS	Green Belt
ME2248a	12.67	Bromley Farm Quarry	MAS	Green Belt
ME2258b	28.53	Bromley Farm Quarry	MES	Operational
ME2248c	17.25	Bromley Farm Quarry	MES	Green Belt
ME2265	9	Hen Perch Quarry, Scissett	MES	Green Belt
ME2249	13.26	Hen Perch Quarry, Scissett	MES	Operational

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8. If proposals for future Mineral extraction on these sites were allowed to go ahead they would result in the loss of an extra 51Ha of greenbelt from this area and if the proposed mineral areas of search were added to the mix then the potential loss of green belt land in this small area of Denby Dale rises to 79Ha.
9. Currently, mineral extraction in this area of Denby Dale occupies approximately 68Ha of land. So these additional sites (MES and MAS) would more than double the land in this small area that is given over to mineral extraction. Clearly this will result in; loss of visual amenity, impact on health through noise and dust, a large increase in traffic movements etc. If allowed to go ahead this concentration of quarries could be the greatest in any area of Kirklees. (See map below – the rectangle shows the location of the rectangle in the map above.)



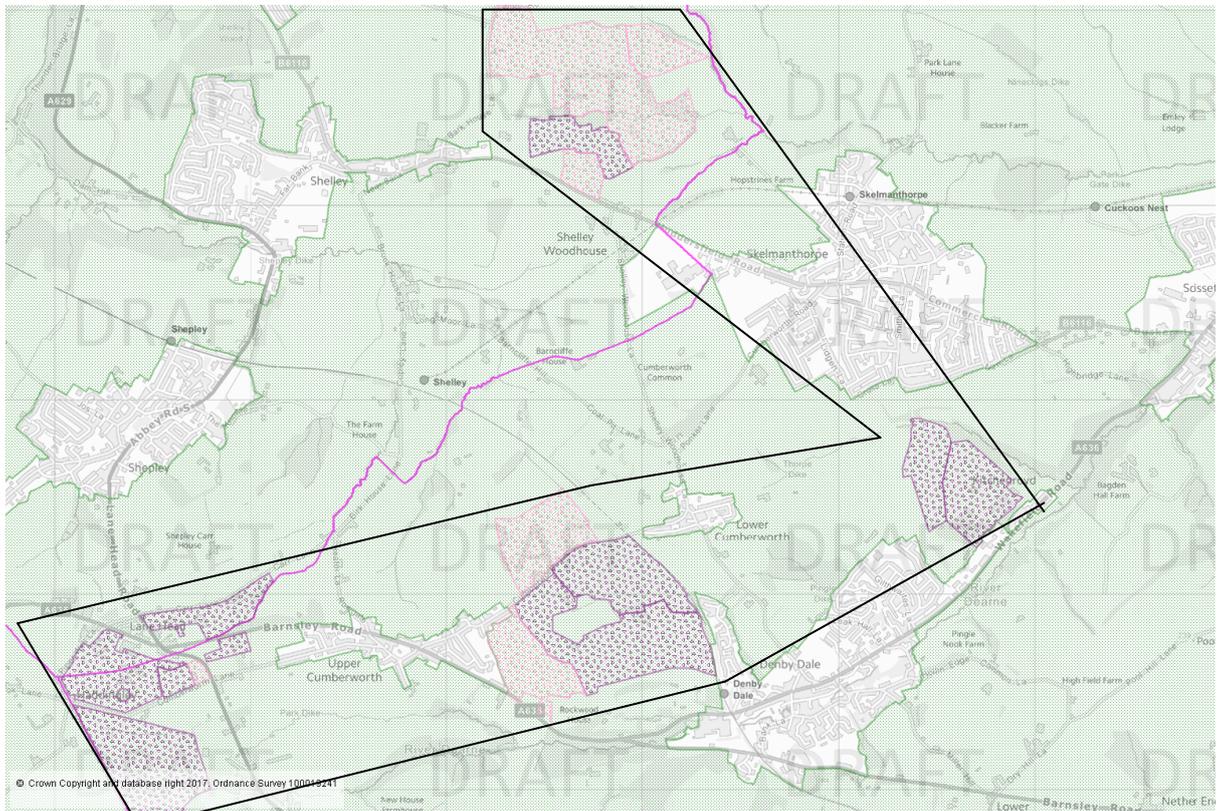
10. When we look at the proposals for new mineral extraction sites in this area an additional 50.68 Ha are proposed. This means in land use terms that 68% of all new MES proposed in the Plan are within this 5sq km area of land or condensed within about 1% of the total land of Kirklees.
11. If these new sites are combined with the current operational sites (within the 5 square km) a total of 118 Ha of land would be in use as operational quarries. Given that the total proposed mineral extraction sites for Kirklees total around 306Ha then 38.6% of all proposed operational quarries would be in the same section of 5 square km of land. So around 1% of Kirklees would accommodate 38.6% of proposed future quarrying activity.

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12. For Mineral Areas of search - 27.87Ha are proposed for this area. With a total volume of 88.32 Ha of MAS being proposed in the Plan then around 32% of MAS are therefore attributed to land associated with these 3 sets of quarries within this 5 square km land mass. Or in other words 32% of the proposed MSAs are found in around 1% of adjoining Kirklees land.
13. To my mind this represents a significant cumulative effect in a very small area of Kirklees. (68% of new Mineral Extraction Sites and 32% of Mineral Areas of Search concentrated in a single land mass that is around 1% of the total land mass of Kirklees.)
14. If this land mass is now expanded to include the Peace Wood quarry complex at Scissett then the following sites are added.

Site	Size	Name	Designation	Current Status
ME2312a	4.03	Land to S of Peace Wood Quarry	MAS	Greenbelt
ME2312b	6.61	Land to N of Peace Wood Quarry	MAS	Greenbelt
ME2267a	39.85	Land to N of Peace Wood Quarry	MAS	Greenbelt
ME2247	8.72	Peace Wood Quarry	MES	Operational

15. How these sites relate to the previous 3 quarry complexes is shown in the map below. The enclosed L shaped block of land which incorporates the four quarry complexes covers approximately 8 square km of land.



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16. From this it is found that 6 of the 7 proposed MAS sites or 89% of them are found within an area of 8square km or in other words 89% of all MAS sites are found within less than 2% of adjoining Kirklees land.
17. If the 8 square km piece of adjoining land is examined in Hectare terms then the MAS and new MES for those areas covers 129 Ha or 79% of all land covered by MAS and new MES in Kirklees. So in less than 2% of Kirklees you will find 79% of the proposed new MES and MAS sites for the Local Plan.
18. So by the end of the plan period if all MAS and MES are adopted and combined with current operational quarries then 52% of all quarrying activity in Kirklees will take place in less than 2% of adjoining land.
19. What this has shown to me is that there is a significant cumulative impact from additional proposed quarry workings in this area of Kirklees
20. This is astonishing; it looks like someone has just chosen the easy route of making existing quarries bigger and all they have really done is create a significant cumulative impact around existing sites. I wonder how many of these sites would be acceptable if best practice regarding buffer zones were applied to them. I have already pointed out how site ME1965a is sterile and yet this still remains in the plan.
21. My feelings that this was the easy option were further reinforced when I looked at the rejected sites document. I can find only one that is linked to an existing quarry being rejected. It looks to me as though KMC have not followed its own guidance document LE 100 Identifying future minerals Sites (an Urban Vision document) para. 5.9. onwards. So why keep paying for advice when you will not follow it?
22. I think KMC should go back to the drawing board and begin again. They should follow the advice of Urban Vision. Adopt best practice. Surely using BGS data/maps and then applying best practice buffer zones based on types of minerals KMC should be able to identify suitable mineral extraction sites. KMC should then assist Industry in choosing appropriate sites and not be led by them.