

Kirklees Local Plan Examination

Stage 2 - Minerals and Waste Sections

MATTERS, ISSUES AND QUESTIONS (MIQs)

Council Response

Matter 9: INTRODUCTORY MATTERS AND MINERALS REQUIREMENTS

- 1.1 This statement sets out the council's responses in relation to the Inspector's matters and issues Matter 9 – Introductory Matters and Minerals Requirements. All the documents referred to in this statement are referenced within the main body of the statement.

Coverage and Approach

Issue: Whether the minerals and waste section of the Plan has covered all the necessary matters set out in national policy guidance

Questions

- a) **The Plan covers the period to 2031. Assuming the plan was to be adopted in 2018 that would give it less than the preferred lifespan of 15-years plan period. It would also be less than the landbanks for some minerals and the investment required to support their continued use. What proposals are there for the review of the Plan and triggers for it? Is there a need for a modification with the timescale for any review to be set out?**
- 1.2 The Local Plan covers the period between 2013 and 2031 representing an 18 year plan period. The Local Plan was submitted for its Examination in Public in March 2017, at which point the Local Plan still had 14 years remaining. Paragraph 157 of the national Planning Policy Framework confirms that Local Plans should be “drawn up over an appropriate time scale” and only “preferably” for 15 years. See council response to Matter 1 g) paragraphs 1.33 – 1.38 which deals with the Plan period.
- 1.3 The quantity of minerals to be provided over the plan period is set out in the Minerals Background paper (BP9) which shows a landbank at the end of 2014, the crushed reserve stock was estimated to be 20.25 years and 9.7 years (BP9 paragraph 5.16) for sand and gravel but these have reduced due to continuing production.
- 1.4 The council has a waste database which is used to understand current waste treatment capacity by treatment type, all of which are safeguarded through policy PLP45. Should facilities cease operation then policy PLP45 will allow the council to actively monitor the implications of the closure and the creation of new waste management facilities PLP44 enables the council to actively monitor the implications of new sites.

- 1.5 Review – The Local Plan contains a clear monitoring and implementation framework which sets out the circumstances which might trigger a need for a policy review and how the requirements for minerals are being met or not (SD1 paragraph 20.2 and SD1 Appendix 2).
- 1.6 Timescales – It is considered that a modification with the timescales for any review to be set out is not required in the light of the monitoring and implementation framework set out in SD1 Section 20. Further Planning Practice Guidance notes that “most Local Plans are likely to require updating in whole or in part at least every 5 years”.

b) Does the plan cover everything necessary for minerals and waste set out in the National Planning Policy Framework (NPPF), Planning Policy Guidance (PPG) and National Planning Policy for Waste (NPPW)?

- 1.7 The council considers the plan covers the necessary issues for minerals and waste set out in NPPF, PPG and NPPW.

Minerals

- 1.8 The council considers its approach to identifying and safeguarding existing, planned and potential minerals sites and mineral infrastructure sites complies with National Planning Policy Framework. This is demonstrated in the Soundness Self-Assessment Checklist (BP2, page 31-32) which sets out the soundness tests and key requirements in relation to facilitating the sustainable use of minerals (NPPF paragraphs 142-149). The council’s duty to co-operate statement (SD12, paragraph 5.31) sets out how the council has worked with other authorities to inform the Local Plan strategy and policies in relation to minerals.

- 1.9 Sites to deliver the required amount of minerals are designated on the policies maps as:-

- Mineral Extraction Sites
- Mineral Preferred Areas
- Minerals Areas of Search
- Mineral Infrastructure Sites

- 1.10 The plan also contains specific minerals policies covering, mineral extraction and restoration in accordance with national guidance.

- 1.11 NPPF paragraph 143:
“In preparing Local Plans, local planning authorities should:

Identify and include policies for extraction of mineral resource of local and national importance in their area, but should not identify new sites or extensions to existing sites for peat extraction”.

Policy PLP36 Proposals for Minerals Extraction sets out criteria against which proposals for mineral extraction will be considered in determining planning applications and includes the council’s approach to maintaining a landbank of aggregates. The council has positively planned for the maintenance of landbanks in accordance with NPPF, in particular in partnership with the Yorkshire and Humber Aggregate Working Party (AWP) and with West Yorkshire Neighbours on the Local

Aggregate Assessment to provide opportunities to maintain a minimum land bank of 7 years for sand and gravel and 10 years for crushed rock. With regard to other primary minerals in the district, the plan provides opportunities to secure a 25 year land bank for clay and shale and to maintain adequate supplies of blockstone.

- 1.12 NPPF, paragraph 143 and Minerals Planning Practice Guidance paragraph 036 -047: *“put in place policies to ensure worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place, including for agriculture (safeguarding the long term potential of best and most versatile agricultural land and conserving soil resources), geodiversity, biodiversity, native woodland, the historic environment and recreation”.*

Policy PLP37 Site Restoration and Aftercare seeks to ensure that high quality restoration and aftercare of minerals sites takes place at the earliest opportunity.

- 1.13 NPPF Section 13 Facilitating the sustainable use of minerals, Paragraph 144 and Minerals PPG paragraph 03 Minerals safeguarding:

With regard to minerals safeguarding, all areas of known mineral resources are identified for safeguarding on the Minerals Safeguarding Plan contained in the Kirklees Local Plan – Strategy and Policies (SD1 Map 4 Mineral Safeguarding Area, page 252). Policy PLP 38 Minerals Safeguarding sets out the considerations to be applied against proposals for surface development within Minerals Safeguarding Areas.

- 1.14 NPPF paragraph 156: Minerals Infrastructure

Policy PLP39 Protecting Existing and Planned Minerals Infrastructure safeguards existing and potential sites associated with transport, storage, handling and processing minerals from development through the allocation of Mineral Infrastructure sites on the policies maps.

- 1.15 Policy relating to non-minerals development to prevent unnecessary sterilisation of minerals is set out in Policy PLP 40 Alternative Development on Protected Minerals Infrastructure Sites which provides criteria based approach to development on such sites.

- 1.16 NPPF paragraph 147 Hydrocarbons

Policies PLP41 and 42 set out the framework in which the three phases of hydrocarbon development (exploration, appraisal and production) will be considered.

- 1.17 With regard to coal extraction, there are currently no active open cast or colliery sites in Kirklees and there has been no approach from operators or the Coal Authority promoting potential future coal extraction sites. On this basis Kirklees has not allocated land for coal extraction but has safeguarded the entire coal resource as identified in the BGS map (LE104) through policy PLP38 Minerals Safeguarding and designated a Minerals Safeguarding Area (identified SD1, Appendix Map 4 as Surface Coal Resource SCR). PLP36 would apply in instances where an operator came forward with a proposal to extract coal. Policy PLP42 provides a mechanism

for fully considering proposals to capture and use methane from coal mines in active or abandoned coalfields.

Waste

- 1.18 The council considers the plan identifies sufficient opportunities to meet identified waste management needs in accordance with National Waste Planning.

- 1.19 National Waste Planning paragraph 2: Using a proportionate evidence base

The council commissioned Urban Vision to undertake a waste assessment and identify gaps in the district by waste stream (LE105 and LE106). The council has actively consulted other waste planning authorities who have sent or received waste to and from Kirklees in compliance with duty to co-operate to understand whether these current waste flows are likely to continue and that the external capacity can be relied upon for the duration of the plan period.

- 1.20 National Waste Planning paragraph 3: Identify need for waste management facilities

The Urban Vision evidence has informed the allocation of a Strategic Waste Management Site at Emerald Street, Huddersfield Site W1 (Kirklees Local Plan – Allocations and Designations SD2, Section 11, page 255). The council has safeguarded all existing waste management facilities (SD2, Section 11, pages 255 - 259) to maintain waste treatment capacity and work towards a net self-sufficient approach.

- 1.21 The council considers the plan includes a positive policy approach to meeting future waste management needs sustainably. Policy PLP43 Waste Management Hierarchy encourages the minimisation of waste in accordance with the waste hierarchy and sets out the principles against which proposals for facilities to manage waste will be considered.

- 1.22 National Waste Planning paragraph 4: Identifying suitable sites and areas

Criteria to assess the suitability of sites for new waste management is set out in Policy PLP44 New Waste Management Facilities which provides a criteria based policy approach against which proposals for new waste management facilities will be considered, requiring them to be sustainably and sequentially located avoiding significant adverse impacts on surrounding uses.

PLP45 Safeguarding Waste Management Facilities seeks to safeguard existing waste management facilities and surrounding land. PLP46 Waste Disposal – considerations for landfill proposals.

- 1.23 National Waste Planning paragraph 9: Monitoring and reporting

Council has a waste database which is being used to understand current waste treatment capacity by treatment type, all of which are safeguarded through policy PLP45. Should facilities cease operation then policy PLP45 will afford the council to actively monitor the implications of the closure and the creation of new WMF. PLP44 enable the council to actively monitor the implications of new sites.

The council's monitoring framework is set out in the Kirklees Local Plan Strategy and Policies Section 20 and Appendix 2. The council's Annual Monitoring Report will be used as a reporting tool.

Vision and strategic objectives

Issue: Whether policies for minerals and waste meet the strategic objectives elsewhere in the plan

Questions

a) Should the Vision specifically mention minerals?

- 1.24 Yes. The council recognise that the Vision should specifically mention minerals as the sufficient supply and safeguarding of minerals is fully embodied within the plan through the minerals site allocations and policies (SD2, SD3 SD1 and chapter 15).

Proposed modification:

Amend the vision to include reference to safeguarding and ensuring a sufficient supply of minerals: Amended text to read:

“The local character and distinctiveness of Kirklees and its places will be retained. The natural, built and historic environment will be maintained and enhanced through high quality, inclusive design and safe environments, opportunities for play and sport, the protection and enhancement of green infrastructure, **safeguarding and ensuring a sufficient supply of minerals**, minimisation of waste, enhancement of distinctive and contrasting landscapes, tree and woodland protection, opportunities for local food growing, the enhancement of biodiversity and geodiversity and the protection and enhancement of heritage assets.”

Reason:

This further modification is proposed for completeness and is not considered to be a main modification given that minerals and the safeguarding and sufficient supply of minerals is already fully embodied within the plan through the minerals policies and site allocations (SD1, chapter 15; SD2 and SD3).

b) Objective 10: Should it acknowledge the need for a “steady and adequate supply” for all minerals to reflect the NPPF and PPG?

- 1.25 No. It is not considered that this is required in the light of the proposed modification to the vision which proposes to reference safeguarding and ensuring a sufficient supply of minerals. Objective 10 clarifies that the management of both minerals and waste should seek to facilitate the sustainable use of minerals (NPPF Section 13) and management of waste in accordance with the waste hierarchy (National Waste Planning).

Minerals requirements

Issue: Whether the Plan makes adequate provision for the steady and adequate supply of minerals?

Questions

a) Should the need for a steady and adequate supply for all minerals be mentioned in policy PLP36? How do the regional landbanks work in terms of minerals development in Kirklees? Given that the apportionment was based on 1997-2001 guidelines, what level of confidence is there that the current apportionment is still appropriate?

1.26 No. Paragraphs 15.12 and 15.13 on page 150 of the Kirklees Local Plan Strategy and Policies document (SD1) emphasise how Kirklees will seek to maintain a steady and adequate supply of minerals as part of the context of the minerals section. Further, the Proposed Modification to the vision outlined at paragraph 1.24 of this response contains reference to the council's commitment to plan for a steady and adequate supply for all minerals.

1.27 Landbanks

The importance of regional landbanks in the supply of aggregates to West Yorkshire (including Kirklees) is detailed in Sections 1.5 and 1.6 (page 11) and Section 4.1 (page 32) of the West Yorkshire Local Aggregates Assessment (WYLAA) (CR23). In planning for minerals, the council will look to the requirements as set out in the WYLAA in line with NPPF Para 145 rather than the apportionments. The WYLAA figures take account of recent demand and future growth projection in calculating how much should be planned for within the West Yorkshire area; however it must be noted that the requirements can change and therefore the most up to date LAA should be used.

1.28 Kirklees is part of the Yorkshire and Humber Aggregates Working Party (YHAWP) which is tasked with monitoring aggregates production across the region. The YHAWP meets regularly and carries out an annual survey regarding aggregates production, sales and reserves which provides the region's individual Mineral Planning Authorities (MPAs) with up to date information regarding aggregates across the region. This information is used to inform the development of the LAA and in identifying how much Kirklees is required to provide. The figures for Kirklees are combined with all the MPAs within the West Yorkshire area, therefore all 5 Authorities are responsible for delivering this requirement. The Authorities are not responsible for delivering the requirements of the other groupings. The Authorities are responsible for planning to deliver sufficient material within the plan period and through the provision of a defined landbank, this will vary depending on the material extracted.

b) **Justify the 25% uplift to the sales figures in the calculation of the 10 years sales figure for aggregates. How has this been informed by the 3 year sales and other relevant local information, including economic predictions nationally and locally?**

- 1.29 Kirklees works with the other West Yorkshire Authorities to prepare a Local Aggregate Assessment and identify future aggregate requirements. Each of the 5 authorities, including Kirklees, must plan to meet this requirement. The sales from quarries in Kirklees will therefore contribute towards meeting the overall West Yorkshire figure.
- 1.30 It is acknowledged that the demand for the generally lower specification aggregates produced in the sub region relates only minimally to economic demand for the consumption of aggregates in West Yorkshire as higher grade aggregates for the production of concrete and road stone are not produced in significant quantities in West Yorkshire .It should therefore be noted that the uplift to sales figures is not designed to allow for the aggregates required to deliver the planned housing growth to be directly sourced in West Yorkshire. The uplift figure is a mechanism to compensate for predicted increases in the demand for minerals supplies from outside the district and to relieve pressure on those authorities to supply lower specification aggregates.
- 1.31 The West Yorkshire Local Aggregates Assessment concluded that the use of 10 year sales averages on their own would not be an appropriate foundation to calculate the aggregate landbank for West Yorkshire. This view was based on the distorting effects of the recent recession on sales averages and because the average sales figure is considered to be inadequate in terms of West Yorkshire making a proportionate contribution towards meeting the guideline aggregate supply figure for the Yorkshire and the Humber.
- 1.32 An alternative methodology to derive apportionments for the future supply of aggregates was therefore used. This alternative methodology utilises the 10 year sales averages as the starting point but applies a percentage uplift to arrive at an increased aggregate apportionment figure to be used as the basis for calculating landbanks within West Yorkshire. This uplift percentage figure is an estimate of the increase in aggregates sales which would be required to deliver on planned future housing growth and associated infrastructure demands.
- 1.33 This method is based on a similar exercise carried out by North Yorkshire County Council who had carried out substantial demand forecasting to support the preparation of their Local Plan. For the purposes of West Yorkshire, this involved comparing 10 year average historic house completions with the target future house building rate set out in the development plans for the five West Yorkshire Authorities which predicted a 46% increase.

- 1.34 This figure was then applied to the percentage of aggregates quarry output utilised in house building and associated infrastructure, which is estimated as 50%. This resulted in an uplift figure of 23% being produced. However, bearing in mind the assumptions made in calculating this figure, it was considered appropriate to round this figure to 25%.

A detailed explanation of how this uplift was calculated is provided in Appendix 3 (page 58) of the “Local Aggregates Assessment for West Yorkshire 2015” and is reproduced here:

- 1.35 The uplift figure (U) is a figure intended to provide an estimate of the increase in production which would be required at quarries to meet the aggregate demands which would be associated with full delivery of the housing growth set out in emerging and adopted Local Plans.

In order to undertake this calculation the following figures are needed:

- C – Historic Average Annual Number of Housing completions
- P – Planned Annual Housing Delivery
- H – % increase in house building required to meet Housing Delivery Targets
- A - % of quarry output utilised for house building and associated infrastructure.

- 1.36 Figure C was calculated by obtaining house completion data from Annual Monitoring Reports for the period 2003/04 to 2012/13 and averaging out housing completions over this 10 year period for each of the 5 West Yorkshire Authorities as shown in column 2 of TAB20.

Figure P was calculated from a review of the emerging or adopted Local Plans of the 5 West Yorkshire Authorities as shown in column 1 of TAB 20.

Figure H was calculated by totalling the C and P figures for West Yorkshire as a whole and applying the following formula to the totals: $(P-C)/C$.

The result for figure H based on the data in TAB20 was 0.46 or 46%, i.e. a 46% increase in 10 year average house building in West Yorkshire overall will be required to meet planned housing delivery targets for West Yorkshire overall.

A is a difficult figure to derive without the benefit of an extensive research project which analyses the output of crushed rock and sand and gravel sites and identifies the fates of all quarried material categorising these fates into A) quarried material used directly or indirectly for house building and associated infrastructure and B) quarried material not used for any purpose associated with house building.

- 1.37 North Yorkshire County Council has undertaken some research in this regard and through a process of consultation eventually came to a compromise position with the Minerals Products Association who accepted that a figure of approximately 50% of output at sand and gravel sites could be associated with house building. More details of the methodology used to arrive at this 50% figure can be found in the following document: “Forecasting demand for aggregate minerals Discussion Paper – July 2014”, published online by North Yorkshire County Council.

- 1.38 A lower figure was derived for crushed rock quarries; however, as West Yorkshire produces nominal amounts of sand and gravel and larger amounts of crushed rock, and the uplift figure is intended to compensate for West Yorkshire’s reliance on aggregate material supplied from neighbouring authorities rather than allow for

minerals needs associated with increased housing growth to be met from within West Yorkshire, it was considered appropriate to apply the higher figure of 50% for all West Yorkshire Aggregate.

1.39 Having arrived at a satisfactory figure for H and A, i.e. 46% and 50% respectively the uplift in aggregate production required to deliver planned housing growth could then be calculated by applying the simple formula: $H \times A$, i.e. $0.46 \times 0.5 = 0.23$. To avoid giving a false impression of precision the uplift figure U was rounded to the nearest 5% giving a figure for U of 25%. The full formula could therefore be expressed as: **$U = ((P-C)/C) \times A \times 100$**

1.40 Sales data for the 3 years up to 2014 indicated that sand and gravel sales within the West Yorkshire Area continued to decrease whilst showing crushed rock sales beginning to recover slightly. With regard to sand and gravel, the decrease in sales reflects the lack of sites producing sand and gravel in the sub-region. At present there is only one site producing sand and gravel in West Yorkshire and there are very limited available reserves remaining. The 3-year average sales data was looked at but was not considered sufficiently forward looking enough to reflect the expected levels of growth across the West Yorkshire area. However, given the other relevant data, such as planned housing and associated infrastructure, it is considered appropriate to provide for a 25% uplift in both sand and gravel and crushed rock sales.

1.41 For clarification for the reader of the Kirklees Local Plan Strategy and Policies, additional text could be inserted after paragraph 15.15 to read:

“The West Yorkshire Local Aggregate Assessment is an annual assessment of the supply of and demand for aggregates. The LAA uses data on aggregate sales from the previous 10 years, along with any other relevant information, to forecast the future demand. Chapter 5 of the 2015 LAA (CR15) explains how a 25% uplift was added to the historic 10-year average sales data for both crushed rock, and sand and gravel in order to give an annual requirement in 2015 of 1,100,000 tonnes for crushed rock and 125,000 tonnes for sand and gravel. However, this figure will be updated annually as each subsequent LAA is published and therefore the most recent LAA should be used to establish the most up-to-date aggregate requirements”.

c) How far can crushed rock supplies substitute for sand and gravel in terms of quality aggregates in this locality? Are the only sources of crushed rock the by-products of the flagstone quarrying? Will imports of aggregates continue to be relied upon to ensure security and quality of supply?

1.42 The crushed rock produced in Kirklees is all derived from Carboniferous sandstone deposits and is therefore too weak and porous to produce good quality aggregate. As such, it is of a relatively low specification and traditionally been used as a bulk fill material in building and civil engineering environments or as a drainage medium.

1.43 Potentially it could be used to replace the gravel component in concrete manufacture but this would be dependent on its specific characteristics and would require the use of a higher proportion of cement to produce concrete of a suitable standard. Building sand can be produced from crushed rock which again could be used as a substitute and it is known to be produced at one quarry in Kirklees. However, at present, this is produced in relatively small quantities as a by-product. Sand produced from

limestone grit could also potentially be used as a substitute in concrete manufacture.

- 1.44 The use of crushed rock as a substitute to sand and gravel for concrete manufacture is technically feasible but would involve additional manufacturing costs. Consequently the industry prefers to use traditional sources of good quality sand and gravel which are at present mainly imported from outside the district. The use of crushed rock as a substitute is therefore heavily reliant on cost and, whilst it is not yet widely used in this way in the district, should traditional sources of sand and gravel become scarce, then their use may become more viable.
- 1.45 There are two quarries in Kirklees that now primarily produce crushed rock (Windy Ridge and Temple). Both have planning permission to extract sandstone block but the quality is poor and the mineral is therefore crushed to form various grades of aggregate. Another two quarries outside the district are now primarily producing aggregates from sandstone as the quality of mineral at the sites has declined (Arthington and Bolton Woods Quarries). Both of these quarries are only producing relatively small quantities. Two further quarries in the Wakefield area produce crushed Magnesian limestone.
- 1.46 West Yorkshire accommodates 42% of the population of the Yorkshire and Humber region and therefore the demand for aggregates is high. However, due to the geology of the area, it has a limited ability to produce certain higher specification aggregates. West Yorkshire will therefore continue to be a net importer of such aggregates in order to maintain an adequate supply. Section 4 pages 32 to 35 of the WYLAA for 2015 details the estimated quantities of aggregates exported to West Yorkshire and from which areas.
- d) Clay and shale – explain how the clay types for the blends needed for pipe-making will continue for the Plan period and explain how the proposed 25 year landbank will be met through the Plan period.**
- 1.47 At present there are two clay pipe manufactures extracting clay and shale in the Kirklees district each of which currently operate two quarries: Wavin Ltd. extract mineral from Ox Lee and Henperch Quarries and Naylor Industries operate Bromley Farm and Peace Wood Quarries.
- 1.48 Permitted Reserves at Ox Lee, Henperch and Peace Wood quarries are predicted to be sufficient to cover the plan period. Viable reserves at the Bromley Farm site are likely to be exhausted within the next 2 years. However, a site promoted by Naylor in the vicinity of Bromley Farm (ME 2314) offers a potential opportunity to provide an alternative site and has been included in the Local Plan.
- 1.49 Table 6 on page 10 of the Minerals Technical Paper indicates that, overall, current permitted clay and shale reserves in Kirklees are sufficient to meet the production demands of the aforementioned manufacturers over the plan period. However, it shows that without further planning permissions the reserve would diminish considerably.
- 1.50 It is estimated that the current landbank for clay and shale is approximately 18 years which, although covering the plan period, falls short of the 25 years required for this type of industrial mineral.

- 1.51 However, that the MPA's role is to identify where mineral extraction is most likely to take place, and where planning permission might most reasonably be anticipated. Having identified possible acceptable locations for mineral working, MPAs cannot dictate that acceptable applications are submitted to ensure that the landbank remains topped up, or that the required level of production takes place. It must be recognised that the landbank can only be maintained if the industry comes forward with planning applications for acceptable proposals.
- 1.52 Following a the call for sites process combined with information from the Unitary Development Plan, a number of sites have been included in the local plan to try and ensure the needs of the industry are met and that an opportunity is provided to maintain a 25 year landbank. These sites are listed as follows:
- ME 2248c Mineral Extraction Site
 - ME 2248a Area of Search
 - ME 2314 Area of Search
 - ME 2265 Mineral Extraction Site
 - ME2312a Area of Search
 - ME 2312b Area of Search
 - ME2267a Area of Search
- 1.53 It is estimated that these sites have the potential to yield approximately 6.5 million tonnes of mineral which at current levels of extraction within the district (75,000 tonnes per annum) would represent a landbank of approximately 86 years. Whilst it is accepted that it is highly unlikely that all these sites would become operational during the plan period, they do provide opportunities for clay pipe manufacturers to seek to secure additional planning permissions to meet their needs and to increase the permitted landbank.
- 1.54 The two mineral extraction areas ME2248c and ME2265 are immediately adjacent to existing or former clay and shale workings and following a grant of planning permission work could commence on these sites within a relatively short timeframe. These sites could yield in the region of 2.6 million tonnes of mineral and, should these sites come forward during the plan period, this would equate to a landbank of approximately 35 years which would add significantly to the current landbank of 18 years and allow for the possibility of sustained increased production if required.