

Minerals Safeguarding Areas

Policy Options Report

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1. Introduction

1.1 National planning policy requires all Mineral Planning Authorities, of which Kirklees is one, to define Mineral Safeguarding Areas (MSA's) in their Local Plan in order that proven mineral resources are not needlessly sterilised by non-mineral development.

1.2 This document outlines:-

- Brief details of those mineral resources that have historically or are currently worked in Kirklees.
- The minerals for which Kirklees feel it appropriate for Minerals Safeguarding Areas.
- Sets out recommendations for a draft safeguarding policy.

2. Policy Background

National Planning Policy Framework (NPPF)

2.1 The NPPF published in March 2012, sets out the Government's planning policies for England and replaces the suite of Planning Policy Statements and Mineral Planning Guidance Notes.

2.2 The NPPF defines Mineral Safeguarding Areas (MSAs) as those *“areas designated by Mineral Planning Authorities which covers known deposits of minerals which are desired to be kept safeguarded from unnecessary sterilisation by non-mineral development”* (Annex 2, page 54). It requires MSAs to be defined for local and nationally important resources as well as;

- Existing, planned and potential rail heads, rail links to quarries, wharfage and associated storage, handling and processing facilities for the bulk transport by rail, sea or inland waterways of minerals including recycled, secondary and marine-dredged materials, and
- Existing, planned and potential sites for concrete batching, the manufacture of coated materials, other concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material.

- 2.3 The NPPF requires local Mineral Planning Authorities to define MSAs and adopt appropriate policies to prevent the needless sterilisation of mineral resources. The NPPF does, however, make it clear that designated Mineral Safeguarding Areas do not create a presumption in favour of mineral working in those areas.

Kirklees Unitary Development Plan

- 2.4 The development plan for Kirklees currently comprises a number of 'saved' policies from the Kirklees Unitary Development Plan (UDP) adopted in March 1999. The UDP sets out the council's policies and proposals for the use and development of land and buildings.
- 2.5 UDP Policy M5 deals with protection of mineral reserves and the supporting text that accompanies the policy states:

'the local dimension stone industry based in particular on the Huddersfield Rough Rock reserves is of regional and perhaps national importance. The local ceramic pipeware manufacturing industry is of national importance. Brick manufacture provides local employment. All depend to a greater or lesser degree upon the continued availability of mineral reserves which need to be safeguarded for future use. Remaining resources of coal are likely only to be extracted by open cast mining. A large part of the District potentially contains coal reserves but the absence of information about the viability of extraction precludes safeguarding.

Whilst workable mineral reserves normally occur within the green belt, even the limited development acceptable under green belt policies could sterilise them or hinder extraction or the subsequent restoration of extraction sites using imported fill. New development need not necessarily take place directly on mineral reserves to have such an effect; new residential development immediately adjacent could sterilise a reserve. The identification of mineral reserves will in itself create no presumption that proposals for mineral extraction will be acceptable.'

Local Development Framework

- 2.6 In October 2013 the Council withdrew the Local Development Framework (LDF) core strategy from examination by the Secretary of State and will now take the LDF process forward by preparing a Local Plan. Chapter 14 of the withdrawn core strategy covered minerals and waste.
- 2.7 Within the Core Strategy, Policy SCS32 dealt with mineral safeguarding. The policy stated that:

'Within the areas shown on the key diagram as minerals safeguarding areas (MSA) all proposals for non-mineral development on:

- a) Any site within the sand and gravel MSA; or*

b) Sites of 0.5 hectares and above within the Green Belt;

Will be required to make provision for the extraction of any viable mineral resource present prior to construction unless it can be demonstrated that:

- 1) The mineral concerned is no longer of any value; or*
- 2) The proposed development is of a temporary nature and the site can be restored to a condition that does not inhibit extraction before the mineral will be needed; or*
- 3) There is an overriding need for the development proposed.*

The same requirement will apply to proposals for the development of any site identified as a historically important source of building and roofing stone.

All relevant proposals must include an assessment of the quantity and quality of the underlying mineral resource and the potential effect of the proposed development on mineral extraction on adjacent land.

- 2.8 As part of the LDF Core Strategy submission (2011) Kirklees used the British Geological Survey as base line data to produce mineral resources maps of the area as the basis for both identifying minerals for consideration for protection by MSAs and the extent of those resources.

3. What are Minerals Safeguarding Areas?

- 3.1 Minerals play a vital role in contributing to the economic success of our society. They are essential raw materials for construction, manufacturing, transportation, agriculture and energy. However, minerals are a finite resource and they must be used in a sustainable way to ensure that we leave sufficient reserves available for future generations to use.
- 3.2 Sterilisation of mineral resources can occur when other development, such as housing or industry, is developed on top of, or in close proximity to, a mineral resource. Minerals can only be worked where they are found and, therefore, they should not be needlessly sterilised by other development.
- 3.3 Mineral safeguarding Areas (MSAs) are a planning designation which must be identified and shown on the Local Plan Proposals Map. MSAs are areas of known mineral resources that are of sufficient economic or conservation value to warrant protection for generations to come. The level of information used to prove the existence of a mineral resource can vary from geological mapping to more in depth geological investigations.

- 3.4 The purpose of MSAs is to draw the attention of developers and planners to the existence of proven deposits of minerals which are, or may become of economic importance in the future, and ensure that they are not unnecessarily sterilised by surface development. Unlike other planning designations which may allocate land for development i.e. Site Specific Allocation, Preferred Areas or Areas of Search, where there is a presumption that extraction is appropriate, Government guidance is clear that **there is no presumption that resources defined in MSAs will be worked.**
- 3.5 It is in the interest of all concerned with planning for minerals that the minerals industry are involved in the designation of MSAs as, along with the British Geological Survey and certain landowners, they are likely to hold the best local knowledge of quality and viability of working the specific minerals. Once designated as MSAs it will enable the knowledge that economic minerals exist in the safeguarded areas to be a material consideration and provide protection from sterilisation by surface development.
- 3.6 The Government recognises the important contribution minerals make to economic growth and also that mineral resources are finite and require best use and conservation. A mineral resource is a natural concentration of minerals in or on the Earth's crust that are or may become of economic interest because they are present in such a form, quality and quantity that there is the potential for economic extraction (British Geological Survey, 2011).

Defining Minerals Safeguarding Areas in Kirklees

- 3.7 British Geological Survey (BGS) guidance suggests that MSAs should be based on the best available geological information at the time the MSAs are drawn up and as a basis for this have produced Mineral Resource Maps which delineate the mineral resources of current or potential economic value. For Kirklees, the primary source of information is the literature provided within the BGS Mineral Resource Data for West Yorkshire (CR/04/172N 2006). In addition, the Coal Authority has prepared a Coal Resource Map to assist in defining safeguarding areas for coal.
- 3.8 The BGS Resource Data and the information from the Coal Authority together with information supplied by industry and information have been used as the starting point for the development of MSA's. In order to refine these, this document presents a variety of options for each resource, together with maps to seek views on the most appropriate boundaries for each MSA.
- 3.9 The identification of mineral resources may change with time and is dependent on economic influences, advances in technology and environmental factors. Consultation is important as commercial operators often have the best local

knowledge about the quality and viability of currently exploited geological formations which may be considered as mineral resources.

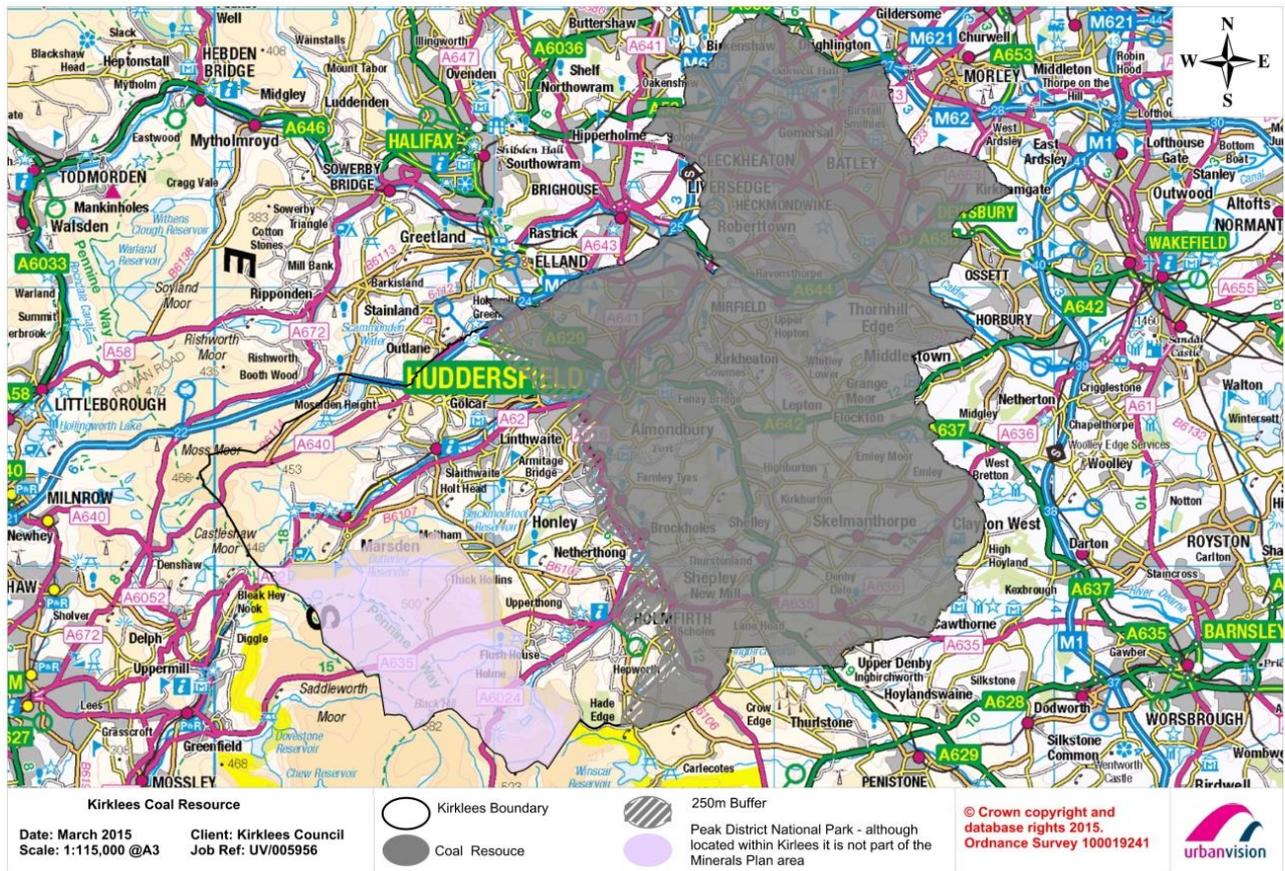
4 Overview of the Mineral Resource in Kirklees

- 4.1 This section provides a brief overview of the geological mineral resources in the Kirklees and provides background to later sections which discuss individual minerals in more detail.
- 4.2 The underlying geology of Kirklees means that the plan area has a broad range of mineral deposits and resources. Minerals that have been extracted from within Kirklees include coal, sandstone, clay and shale, sand and gravel and Brick Clay and Fire Clay.

Coal

- 4.3 In West Yorkshire opencast coal mining is concentrated in Leeds and Wakefield Districts (Figure 1). There has not been an operational opencast coal mine in Kirklees since 1984 perhaps because the local geology is more difficult and because of the extent of previous extraction in the exposed coalfield within Kirklees during the 1950's and 1960's.

Figure 1: Kirklees coal resource



Sandstone

4.4 The Carboniferous Millstone Grit and Pennine Coal Measures of Yorkshire have traditionally been extensively used as a source of building stone. Sandstone which is extracted in Kirklees serves a local and national market for building stone and flagstone and a local market for aggregate. Substantial permitted reserves of gritstone for dimension stone extraction exist in the District.

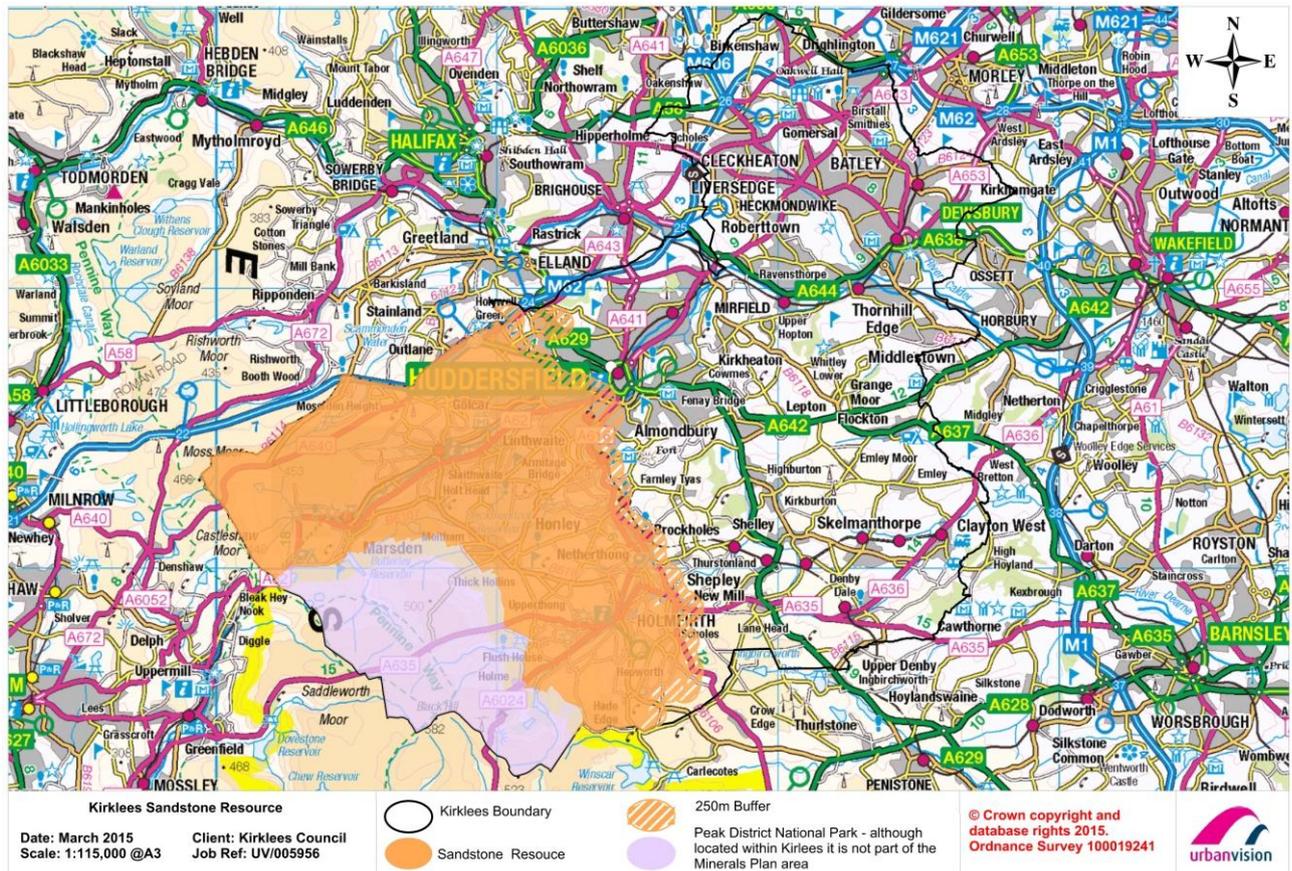
4.5 Within Kirklees, sandstone is produced at the following quarries (Figure 2):

- Whitegate (Windyridge) Quarry, Cartworth Moor (AMWix & 2012/93305) (crushed rock)
- Hill House Edge Quarry, Cartworth Moor (AMWx)
- Moselden Heights Quarry and extension are off Saddleworth Rd, Scammonden (2013/92691)
- Woodhouse Quarry (2001/91247)
- Temple Quarry (98/93299) (crushed rock)
- Appleton Quarry and extension on adjacent land (2012/90997) (subject to satisfactory restoration of original quarry area)

- Crosland Moor Quarries and land off Thewlis Lane (2013/90793)
- Sovereign Quarry (2006/92787)

4.6 Carboniferous Millstone Grit and Shale & Clay extraction also take place at Appleton Quarry, Shepley (AMWvi & 2012/90997).

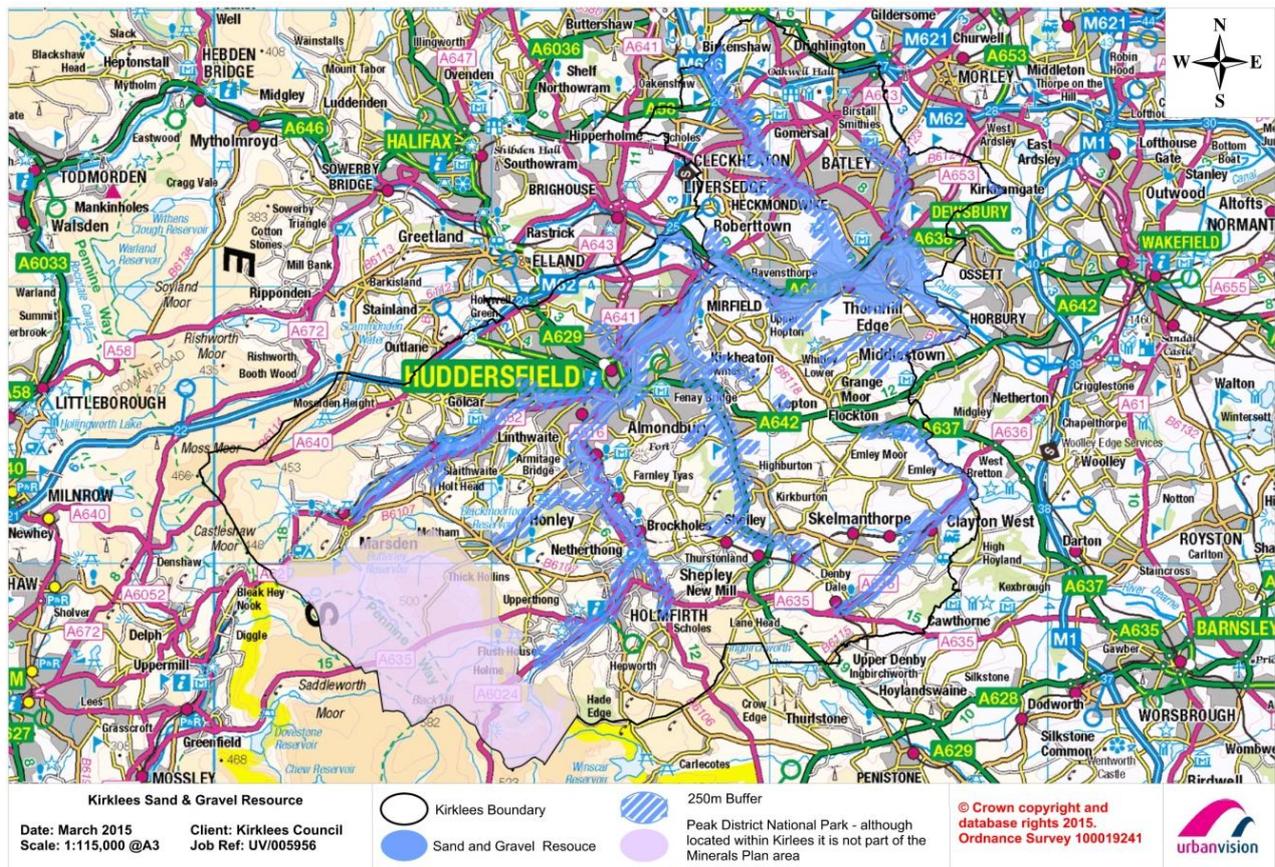
Figure 2: Kirklees sandstone resource



Sand and Gravel

- 4.7 Sand and gravel resources are defined on the basis of particle size with sand (fine aggregate) being material that is finer than 4mm but greater than 0.063mm and gravel (coarse aggregate) is between 4mm and 80mm. For use as asphalt sand 2mm is usually the break point between coarse and fine.
- 4.8 The principal uses for sand and gravel are in the manufacture of concrete and concrete products, mortar and asphalt although substantial quantities may be used for construction fill.
- 4.9 Within Kirklees, there is one quarry at Forge Lane, Ravensthorpe (M2iv.) producing sand and gravel (Figure 3).

Figure 3: Kirklees sand and gravel resource



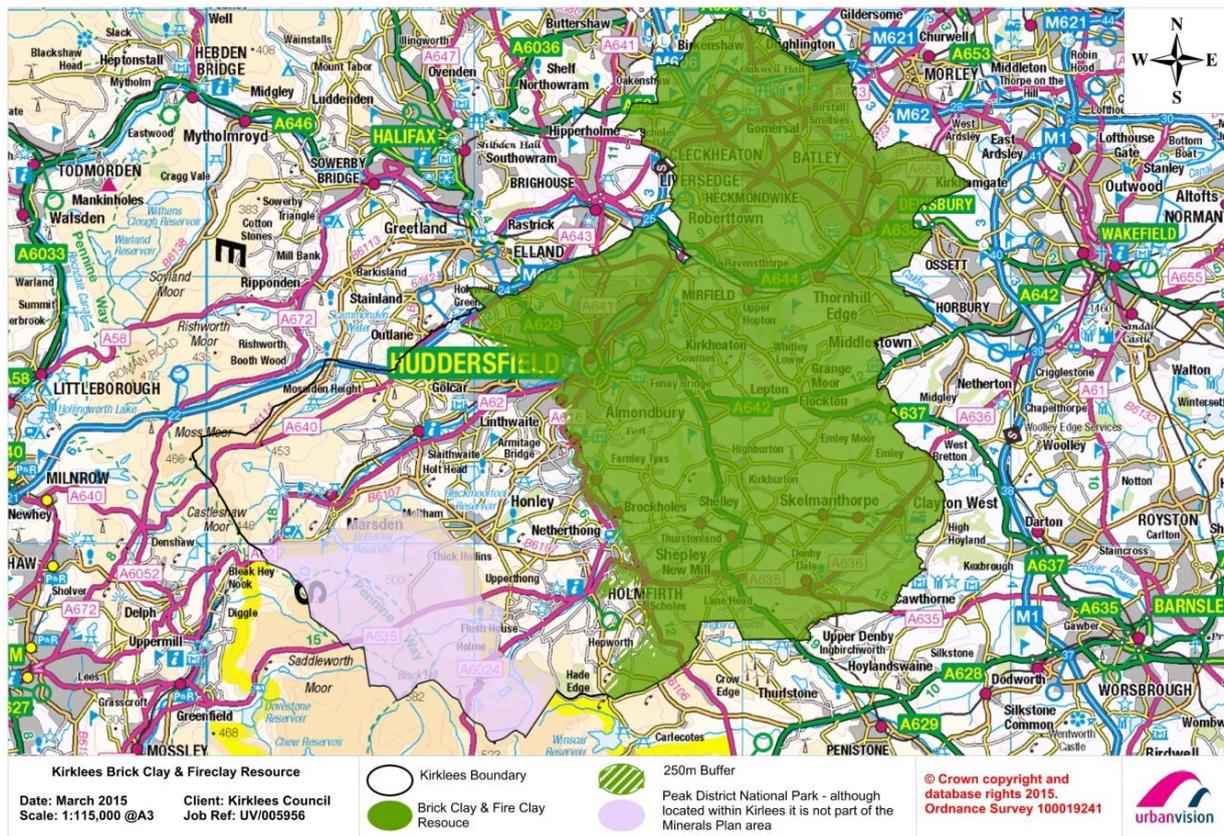
Brick clay and Fireclay

4.10 Brick clays are essentially mud stones of different geological age and compositions. Brick Clay is used predominantly in the manufacture of bricks and to a lesser extent, roof tiles, clay pipes and decorative pottery. Brick clay has been worked extensively in the past, mostly from a number of mudstone horizons in the Pennine Coal Measures. The Coal Measures remain the principal brick resource in Northern England.

4.11 Figure 4 indicates that within Kirklees, brick clay and fire clay are extracted from the following sites:

- Ox Lee, Hepworth (M2vi.)
- Pace Wood Quarry, Shelley (AMWxiv)
- Bromley Farm Quarry, Upper Cumberworth (AMWxv)
- Hen Perch Quarry, Scissett (AMWxvii)

Figure 4: Kirklees brick clay and fireclay resource



5. Options for Mineral Safeguarding for Sandstone, Clay and Shale, Sand and Gravel and Brick Clay and Fire Clay

5.1 In considering the options that are available to safeguard mineral deposits within Kirklees the guidance sets out how planning authorities should take into account other planning considerations in defining MSAs. The guidance advises that minerals safeguarding should not be curtailed by other planning designations such as urban areas and environmental designations without sound justification.

5.2 Defining MSAs alongside environmental and cultural designations will ensure that the impact of any proposed development on mineral resources will be taken into account alongside those other environmental designations. In urban areas the guidance states that Mineral Planning Authorities should define MSAs where they consider this will be of particular value. MSAs in existing urban areas may not be appropriate when resources occur widely elsewhere within the plan area or where working methods are likely to be unacceptable in urban areas.

5.3 The MSAs should be as realistic and practical as possible and we believe that in the case of most surface extraction it would be unnecessary to safeguard mineral resources under built environment as they are in effect already sterilised by that development with very little prospect of working.

- 5.4 However for minerals extracted by underground methods this may not be the case and it may not be possible or desirable to exclude urban areas from the MSAs for such minerals.
- 5.5 In developing a policy for MSAs it is considered that the following options should be considered for each of the economic minerals:

Option 1

Safeguard all resource areas in a single MSA irrespective of mineral type.

- 5.6 This would entail safeguarding the entire resource as detailed on the BGS map for the plan area. Safeguarding the entirety of all economic minerals would mean safeguarding very large areas of Kirklees, including areas that are presently developed, areas which may be overlain by substantial drift deposits that may never be worked and areas that have already been worked and are no longer of any real economic interest to the industry. It would however have the advantage of helping to safeguard significant resources from sterilisation.
- 5.7 However such a wide ranging safeguarding policy must be considered against a number of factors including but not limited to the following:
- Method of extraction not compatible with land uses within urban areas.
 - Prior extraction could be a lengthy process which could delay non mineral projects and create a landform that would then be unsuitable for the non mineral project.
 - The deposit may not have economic viability.
- 5.8 This option may also be seen in some quarters as to be limiting opportunities for new built development.

Option 2

Safeguard the entire resource area, but show separately for each mineral.

- 5.9 The overall effect of this option would be similar to option 1 but would better indicate which mineral type was being safeguarded and allow differentiation in particular where not all of the resource is of a similar quality.

Option 3

Safeguard the entire resource area outside the urban areas and International Designations.

- 5.10 There is limited potential for extracting minerals that exist under current urban areas and BGS evidence shows that there are extensive areas of all economic minerals outside the urban areas.

Option 4

Safeguard a refined resource based on industry submissions and feedback on what areas should be safeguarded.

- 5.11 This would entail safeguarding a refined resources based on industry submissions as the industry often has the best local knowledge about the quality and viability of working local geological formations.

Options for Minerals Safeguarding for Coal

- 5.12 Coal extraction in advance of development can take place at a range of locations, including residential and industrial areas. In addition, coal extraction in advance of development can take place on sites as small as 0.13ha. However, coal extraction is often associated with adverse environmental and social impacts on neighbouring land uses.
- 5.13 For these reasons Kirklees are proposing 3 options for the development of an MSA for Coal and these are set out below:-

Option 1

Safeguard the entire resource area.

- 5.14 This option ensures the prior extraction of coal, a nationally significant resource, is a consideration in *all* planning applications that may result in sterilisation.

Option 2

Safeguard the entire resource outside the urban area and limit safeguarding in the urban area to regeneration and brownfield developments over 5ha in size.

- 5.15 This option would ensure that the prior extraction of coal is a consideration in all planning applications that may result in sterilisation outside of the urban area whilst maintaining a reasonable and proportional approach to planning applications that may result in sterilisation within the urban area, i.e. land that may be redeveloped during the plan period.
- 5.16 It is considered that limiting safeguarding in the urban area to regeneration and brownfield developments over 5ha in size will ensure that only sites of sufficient size to deal with on site storage of overburden are safeguarded.
- 5.17 This option would *not* result in extra requirement on developers and the council to provide/assess data on mineral resources when applications for non-minerals development are made in the urban area.

Buffer Zones

- 5.18 Minerals are not just at risk of being sterilised by non minerals development happening immediately on top of them but sensitive developments, such as housing or schools, will have an impact some distance beyond its boundary. Government guidance indicates that "...It should be kept in mind that in addition to proposed development within the Mineral Safeguarding Areas, incompatible development that is allowed close to an MSA may also lead to sterilisation of part of the resource".
- 5.19 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.

Safeguarding wharfs and depots

- 5.20 NPPF requires that all existing, planned and potential rail heads, wharfage and associated storage, handling, processing facilities for the bulk movement of minerals are safeguarded. The safeguarding of existing transportation infrastructure, which is currently used, or could be used for the transport of minerals, and any potential infrastructure will be important in order to help promote the movement of mineral by rail or water borne transport and so contributing to achieving sustainable development.
- 5.21 The following minerals processing / infrastructure sites should be included as potential safeguarded sites:
- Former coal / aggregates depot and associated rail spur off Bretton Street, Dewsbury

- Concrete batching plant off Lees Hall Road, Thornhill Lees, Dewsbury
- Rolled products plant (Asphalt) at Newlay Concrete, Calder Road, Ravensthorpe
- Cement depot and associated rail spur off Bretton Street, Savile Town, Dewsbury
- Coal wharf for the former Thornhill Power Station adjacent to the Calder and Hebble Navigation
- Concrete batching plant off Barr Street, Huddersfield
- Former railway sidings off Alder Street, Hillhouse, Huddersfield are currently no mineral wharf and depot facilities within Kirklees.

6. Draft Mineral Safeguarding Policy

- 6.1 As with the MSAs themselves, a range of specialist stakeholders (see Appendix A) will be involved in formulating a safeguarding Policy. The purpose of the policy is to set out how decision-makers, when considering proposals for surface development within the area of a designated MSA, will decide between safeguarding mineral resources and prior extraction of minerals before non mineral development can take place within an MSA. Please see Appendix 1 for a list of the specialist stakeholders.
- 6.2 Not every development proposal within or close to an MSA represents a risk to future minerals extraction. For example, householder planning applications to extend properties and infill development are unlikely to raise concerns so can be excluded from the process. The main risks will come from proposals to extend built up areas and new development in the open countryside.
- 6.3 In order to prompt debate on the formulation of the policy the following draft policy for Kirklees is proposed:

Draft Policy XX

Prior Extraction of Mineral Resources within Minerals Safeguarding Areas

Surface development will only be permitted within a Mineral Safeguarding Area where it has been demonstrated that:

1. The mineral concerned is proven to be of no economic value as a result of the undertaking of a Mineral Resource Assessment; or
2. The development will not inhibit extraction if required in the future; or

3. There is an overriding need for the development and prior extraction cannot reasonably be undertaken; or
4. The mineral can be extracted prior to the development taking place.

Policy XX will not apply to the following classes of surface development as they are unlikely to lead to the long term sterilisation of minerals:

1. Extensions of existing buildings within their curtilage;
 2. Infilling development except for proposals within 250 metres of an existing permission for mineral extraction;
 3. Minor development (such as walls, gates, accesses); individual residential caravans for a period of less than 5 years;
 4. Amendments to previously approved developments;
 5. Applications for Listed Building Consent;
 6. Reserved matters'
 7. Or other development identified by the authority to be of a minor nature
- 6.4 The above draft policy has been informed by, and expands upon, Policy SCS32 of the core strategy.

Exemptions

- 6.5 The definition of MSAs will not in itself safeguard mineral resources. Effective safeguarding will only be achieved by outlining criteria against which planning applications for land use and development in MSAs will be considered. The BGS guidance provides advice on a criteria based safeguarding policy which controls development within MSAs. This policy should set out the circumstances where non-minerals development would be permitted within MSAs and provide guidance to developers on how applications falling within MSAs will be treated
- 6.6 Following on from the BGS advice the policy should ensure that planning permission would not be granted for non mineral development that would lead to unnecessary sterilisation of mineral resources with an MSA unless:
- It can be shown that the mineral concerned is not of economic value; or
 - The mineral can be extracted without unacceptable community and environment impacts prior to the development taking place; or
 - The development is exempt as set out in the accompanying exemption criteria

Exemption Criteria

- 6.7 For some types of non minerals development, the sterilising effect on minerals resources may be negligible e.g. housing extensions. The Council have drawn up a list of exempt development below:

Applications for Householder Development

Applications for extensions to commercial developments similar in scale to householder development

Applications for Conservation Consent

Applications for Listed Buildings Consent

Applications for Advertisement Consent

Applications for Tree Works

Prior Notifications

Certificates of Lawfulness of Existing or Proposed Use or Development

Urban Vision Recommendations

Options for each economic mineral

- 6.8 As stated in the supporting text of core strategy policy SCS32

“The widespread nature of the sandstone and clay and shale resources occurring in Kirklees and the relatively localised nature of the mineral extraction means that it is impractical and unnecessary to define the whole geographical extent of the resource as a mineral safeguarding area”

Urban Vision sees little benefit in safeguarding resources within the urban area because they have already been sterilised by development. Provided that there are robust policies in place to inform the assessment of individual proposals, it is **RECOMMENDED** that the appropriate option would be **Option 3** (Safeguard the entire resource area outside the urban areas and International Designations – page 12)

- 6.9 However, Urban Vision also **RECOMMENDS** that **Option 4** (Safeguard a refined resource based on industry submissions and feedback on what areas should be safeguarded – page 12) is investigated and that any response from industry is assessed when finalising the preferred option. The reasoning for this, as set out above, is that the industry often has the best local knowledge about the quality and viability of working local geological formations.

Option for Safeguarding of Coal

- 6.10 Urban Vision **RECOMMENDS Option 2** (Safeguard the entire resource outside the urban area and limit safeguarding in the urban area to regeneration and brownfield developments over 5ha in size – page 13) as the preferred option. In the opinion of Urban Vision **Option 1** is not considered suitable as on balance this option would create an unnecessary burden on the MPA as they would need to consider the viability of prior extraction for coal on all planning applications.

Appendix 1: Specialist Stakeholders

- The Environment Agency
- Historic England
- Natural England
- United Utilities
- Network Rail
- Highways Agency
- Confederation of UK Coal Producers (CoalPro)
- The Coal Authority
- Adjacent Authorities
- National Trust
- RSPB
- British Waterways
- NHS
- Sport England
- Electrical Power Lines
- Previous Consultees