

## Kirklees Local Plan Examination

### Stage 2 - Minerals and Waste Sections

#### MATTERS, ISSUES AND QUESTIONS (MIQs)

#### Council Response

#### MATTER 10: POLICIES FOR MINERALS

- 1.1 This statement sets out the council's responses in relation to the Inspector's matters and issues Matter 10 – Policies for Minerals. All the documents referred to in this statement are referenced within the main body of the statement.

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

#### Questions

- a) Policy PLP36. Explain how the outcomes of the Sustainability Appraisal (SA) reflect the principles of sustainable development, including climate change and sustainable transport, in managing mineral development.**

- 1.2 The plans formulation has been based on a sound process of sustainability appraisal as set out in the Council's response to Stage 1 Initial Hearings Matters, Issues and Questions M1.1 (paragraphs 1.6- 1.10).
- 1.3 Policy PLP36 has been subject to SA along with the other policies in the Local Plan, with the policy being appraised against the 19 objectives in the SA framework (SD5, paras 12.60-12.64, tables 12.13 & 12.18). These 19 objectives address the various principles of sustainable development, including specifically climate change (SA objective 19) and sustainable transport (SA objective 10).
- 1.3 The SA has been undertaken iteratively throughout the Plan preparation process. Policy PLP36 was known as DLP37 at the Draft Local Plan stage and was subject to SA at that time (SD5, paras 11.160-11.162, table 11.11). The SA Report for the Draft Local Plan made a number of recommendations for changes to policy wording, including in relation to policy DLP37 (now PLP36) where it was recommended that reference could also be added to the impacts of minerals transportation in relation to air quality and the need to avoid adverse effects. Paragraph 12.159 in the SA Report for the Publication Draft Local Plan noted that this recommendation had not been addressed, but it was recognised that both policies PLP47 and PLP51 address the issue of air quality. The Council considered the recommendation as set out in the report, and concluded that the suggested addition to policy PLP36 was not required as the Plan should be read as a whole.
- 1.4 The appraisal of policy PLP36 concluded that the policy would lead to a range of minor positive effects as well as a likely significant positive effect on SA objective 5: amenity. The SA concluded that the policy is unlikely to lead to any negative sustainability effects, either minor or significant. Policy PLP36 was found to have a likely minor positive effect on SA objective 10: sustainable transport. A negligible effect was identified in relation to SA objective 19: climate change. These scores

alongside the recommendation, set out above, were used to inform decision making on the wording of PLP36.

- 1.5 In the context of mineral developments, the movement of minerals by road can impact on greenhouse gas emissions, and therefore on climate change. There are no rail linked minerals extraction sites in Kirklees and therefore any minerals extracted are transported by road. Notwithstanding this, minerals can only be worked where they are found and it is not anticipated that the plan would result in an overall increase in road movements of minerals. Where proposed minerals sites and areas of search are intended to replace existing clusters of operations, there could be a benefit in terms of sharing site equipment where these are worked by the same operator.
- 1.6 In addition to this, minimising the use of water and consequent energy requirements for waste water treatment will also reduce the impact on climate change. The need to consider the impact on water resources is a requirement of Policy PLP36.

**b) Policy PLP36. Which stone types would be needed for heritage repair and specialist work? How have sources of these materials been protected?**

- 1.7 Dimension stone quarried in Kirklees is used in connection with a broad range of building projects including heritage repairs. The vast majority of stone buildings within the district have traditionally been built using sandstone from local quarries within or close to the Kirklees area. Many of the historic buildings within the district were constructed using ashlar block and quarries such as Crosland Moor and Hill House Edge which produce good quality ashlar block were contacted during the call for sites exercise. These operators put forward sites which have been included in the local plan as either mineral extraction sites, preferred area or area of search to provide potential sources of such stone which could be made available throughout the plan period and beyond.
- 1.8 As the whole of the known sandstone reserve has been safeguarded in the local plan it is considered that this combined with the specific allocated sites ensures that sufficient protection has been afforded to potential sources of good quality sandstone block which can be subsequently used in heritage and specialist repairs.

**c) Policy PLP36. How will associated development be managed on minerals sites, especially in Green Belt areas?**

- 1.9 Schedule 2 Class 17 of the Town and Country Planning (General Permitted Development Order) 2015 grants planning permission for a wide range of ancillary development at minerals site subject to the development meeting specific criteria and subsequently being removed once the minerals development has been completed.
- 1.10 If ancillary development is required which requires express planning permission then it would be assessed using the relevant policies in the Kirklees Local Plan Strategy and Policies (SD1). These policies are likely to include:
  - PLP10 Supporting the rural economy (Strategies and Policies page 62)
  - PLP21 Highway safety and access (Strategies and Policies page 106)
  - PLP22 Parking (Strategies and Policies page 109)

- PLP24 Design (Strategies and Policies page 114)
- PLP28 Drainage (Strategies and Policies page 127)
- PLP30 Biodiversity and Geodiversity (Strategies and Policies page 132)
- PLP35 Historic Environment (Strategies and Policies page 144)
- PLP51 Protection and improvement of environmental quality (Strategies and Policies page 176).

**d) Policy PLP37. To what extent is the Best and Most Versatile Agricultural land important in the local area and how will it be protected and /or provision made for its restoration, as required by NPPF?**

1.11 Most of the agricultural land in Kirklees is classified as grade 3 to 5 and does not therefore fall into the category of the best and most versatile (Grade 1 to 3a). A small area in the north east of the district is classified as Grade 3a close to the border with the Leeds Unitary Authority where it is unlikely that mineral extraction will take place during the plan period.

1.12 Para 143 of the NPPF indicates that MPAs should;

*“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.”*

1.13 It is important to note that this does not preclude the use of agricultural land falling into this category for mineral development, rather it requires that restoration proposals consider the long term use of the land for agriculture and the aftercare methods required to achieve this.

1.14 In accordance with PLP36 (Page 151 Strategies and Policies) any planning application to extract mineral from such land would need to be accompanied by sufficient information to allow this issue to be fully considered. It is expected that this would include an assessment of the agricultural classification grade of the land.

1.15 Policy PLP37 (Page 153 Strategies and Policies) indicates that should mineral extraction involve the best and most versatile agricultural land then measures would be required within the restoration proposals to restore the land back to such a condition.

**e) Policy PLP37. To what extent is it intended to use inert waste for minerals restoration purposes? How does the plan ensure that any inert waste used in restoration will be managed in accordance with the waste hierarchy?**

1.16 It is difficult to provide a definitive answer as the final restoration of a site will depend on what is appropriate in a particular location, the nature of mineral extraction and the fact that this issue will be led by mineral operators who will put forward restoration proposals as part of subsequent planning applications. The suitability of sites for the deposit of inert waste for restoration purposes would then be assessed by the Council in conjunction with policies PLP 37 (page 151 Strategies and Policies), PLP43 and PLP46 (pages 162 to 165 Strategies and Policies).

1.17 Policy PLP37 makes it clear that mineral extraction will be permitted only where the Council is satisfied that suitable site restoration can be achieved. Should this involve the use of inert waste then Policy PLP43 provides positive policy mechanism to encourage that waste is managed in accordance with the waste hierarchy. This is reiterated in Paragraph 16.9 bullet point two of the Strategies and Policies document

1.18 Where appropriate, provisions within the local plan will facilitate the potential treatment of waste imported for restoration at minerals sites and provide opportunities to recycle useful imported waste such as inert demolition materials for use off site.

**f) Policy PLP38. Are all economically significant minerals safeguarded as well as those that have a prospect of becoming so in the future?**

1.19 The British Geological Survey (BGS) Minerals Resources Map for West Yorkshire has been used to inform the Council's safeguarding approach in the Local Plan. The BGS resources map indicates that the economically significant minerals in the Kirklees Area comprise Sandstone, Clays/shales, river and gravel and coal. The Council's approach has been to safeguard all of these resources across the district.

1.20 BGS research indicates that parts of the district are underlain by the Bowland Shale Gas field which extends from the west coast of northern England across to the east coast. However, there are currently no Petroleum Exploration and Development Licences (PEDL) in the Kirklees area confirming the potential for the exploration of these reserves in the near future. As the viability of such reserves is unknown and their location is, as yet, untested it is considered there is insufficient information available to specifically safeguard these resources at part of the current local plan.

1.21 However, policies PLP 41 and PLP 42 (pages 158 and 159 Strategies and Policies) provide a positive policy approach to dealing with any planning applications for the extraction of such resources during the plan period should they come forward.

**g) Policy PLP38. Do Mineral Safeguarding Areas (MSAs) cover the whole mineral resource in accordance with BGS Guidance: Mineral Safeguarding in England: good practice advice. What development management protocols are in place to ensure that relevant minerals are safeguarded?**

1.22 Principally mineral resource information provided by the BGS and DCLG has been used to identify the minerals present in Kirklees and the extent of their boundaries. BGS Guidance: Mineral Safeguarding in England: good practice advice (para 4.1.2) indicates that this approach is considered to be adequate when developing mineral safeguarding areas.

1.23 The Council's approach has been to safeguard all of the mineral resources within the district which accords with para 4.2.3 of the said BGS guidance which states:

*"MSAs should usually cover the whole resource and not be curtailed by other planning considerations. Any modifications made by the MPA to the extent of any resources should be fully justified and a record kept for future reference/challenges"*

1.24 Minerals safeguarding areas will be uploaded as a layer on the Council's planning mapping system (Kompass) as a planning constraint which will automatically identify minerals safeguarded areas when a planning application is being processed. Individual case officers will then be aware that the application must then be dealt with in accordance with PLP 30 (page 154 Strategies and Policies).

1.25 Policy PLP38 of the Local Plan (SD1) sets out the approach that would be taken when a planning application was made on a mineral safeguarding area. This policy sets out the situations where a non-minerals development on a mineral safeguarding area would be permitted, as well as listing types of development which would not be required to submit a mineral resource assessment due to the fact that they would not sterilise the mineral resource.

**h) Policy PLP39. How has the assessment of sites that “perform or have the potential to perform, a significant role in the efficient process and distribution of minerals” been identified?**

1.26 Minerals infrastructure sites were identified for safeguarding through a combination of planning permissions, local knowledge of operational and former sites, and through an internet search to capture any additional sites that may not have been identified through the first two approaches.

This has resulted in the allocation of 8 safeguarded mineral infrastructure sites. Most of the sites identified in PLP39 are currently operational and therefore already perform an important role in the efficient process and distribution of minerals. They either produce or are capable of producing significant quantities of concrete or rolled products, store and distribute substantial quantities of cement or aggregates. Consequently the Council considered that these operational sites must be safeguarded. These sites are MI3397 & MI3400 (Bretton Street, Dewsbury), MI3398 (Lees Hall Road, Thornhill Lees, Dewsbury), MI3404 (Ravensthorpe Road, Ravensthorpe), MI3399 (Calder Road, Ravensthorpe), MI3402 (Barr Street, Huddersfield).

1.27 Two sites are not operational but have been identified as potentially offering opportunities to provide future infrastructure. These sites are:

- Coal wharf for the former Thornhill Power Station adjacent to the Calder and Hebble Navigation (MI3401)
- Former railway sidings off Alder Street, Hillhouse, Huddersfield (MI3403)

It is considered these sites conform to NPPF paragraph 143 (bullet 4) and NPPG (Minerals) at paragraph: 006 Reference ID: 27-006-20140306, in that they have the potential to provide future facilities for the storage, handling and transport of minerals due to their location adjacent to established infrastructure.

**i) Policy PLP40. Justify the 100m distance used in this policy.**

1.28 Following consultation on the Draft Local Plan, the Minerals Products Association raised concerns that PLP 40 only safeguarded the sites themselves and did not provide a reasonable buffer to prevent sensitive development being allowed in close proximity to a site which could potentially be adversely affected as a result of noise,

dust HGV etc. or prejudice the use of a dormant site brought back into use. The Minerals Products Associations suggested that buffer of 100m around such sites to address their concerns.

- 1.29 The Council accepted that this was a real possibility and agreed that such a buffer was necessary. The 100m distance was considered to represent a reasonable buffer on the basis that the effects of noise and dust would reduce over this distance to levels less likely to cause disturbance and would potentially allow the construction of mitigation measures such as screen bunds or acoustic barriers etc. between the site and sensitive uses.

**j) Policy PLP41. Should “least sensitive areas” in section a) be defined in the text below it?**

- 1.30 Least sensitive areas will vary throughout the district so it would not be possible to provide a definitive list. In more rural areas – particularly the south of the district - this may mean away from designated areas such as SSSI, whereas in more urban locations this may be away from residential areas.

**k) Policy PLP41. How does this policy, along with Policy PLP42, reflect the guidance in the NPPF and PPG?**

- 1.31 Paragraph 147 of the NPPF requires that Mineral planning authorities, clearly distinguish between the three phases of development (exploration, appraisal and production) when planning for unconventional hydrocarbons and address constraints on production and processing within areas that are licensed for oil and gas exploration or production.
- 1.32 The Government later issued separate planning practice guidance for onshore oil and gas in 2013. This reflected the increased interest in the exploitation of such materials and the issues which arose from the Cuadrilla developments in Lancashire. This guidance sets out the distinct stages of the process from exploration through to production. Guidance also states that plans should include criteria-based policies for each of the development phases of hydrocarbon extraction. These policies should set clear guidance and criteria for the location and assessment of hydrocarbon extraction within the Petroleum Licence Areas.
- 1.33 The policy approach for Kirklees has been to manage the three stages through 2 separate criteria based policies, with the policy for production identifying the significant infrastructure requirements which are not required in the earlier stages. An application for planning permission should usually be within an area which is covered by a Petroleum Exploration and Development Licence (PEDL). National guidance emphasises that obtaining a PEDL is the step before applying for planning permission. At present there are no PEDL areas within Kirklees, however this does not mean there will not be any permitted during the lifespan on the plan. In line with the NPPF, Kirklees are planning positively to ensure there is a planning framework to enable decisions in this area to be made should opportunities present themselves during the plan period. The council cannot identify any potential locations as these are unknown at this time

