

Introduction

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

Matter 9: Introductory matters and minerals requirements

Coverage and approach

a) Whilst we agree that this is a long-term, strategic issue, we have been concerned by the scale of changes to the proposed allocations between the consultation draft and publication draft Plans. Our key concern therefore is the issue of 'steady and adequate supply'. The reality of current reserves, current and future likely sales and the indicative reserves in proposed sites, all need to be examined in terms of overall sustainability, landscape and amenity impacts over the plan period (to be addressed in the Mineral requirements questions (a,b,c). However if the data, once tested at Examination, indicates landbank shortfall, then it will be appropriate to address this by way of planned review. CPRE have long championed a 'plan, monitor, manage' approach (as compared with simplistic 'predict and provide' which has historically led to over-provision) and this would be consistent with a PMM approach.

One of our most pressing concerns about the Plan's approach to minerals is that it provides for several, long-term allocations (including areas of search and minerals preferred areas) that, in combination, would place an ongoing, cumulative impact within landscapes and on nearby communities. Therefore it is not just the total amount of provision that is of concern, but the lack of any policies to control and phase the number of sites and intensity of extraction taking place at any one time. Without those policies, there is a high risk that cumulative effects will be unacceptable. In our view this is a serious omission that makes the plan unsound, in that the approach is not justified by any evidence that cumulative impacts have been considered; and ineffective with regard to protecting the amenity of communities affected by minerals operations.

Minerals requirements

Much of the above comment applies equally to question a), less so to b) and c). We had, in our previous submission, raised concern about (lack of) explication of the proposed allocation of supply (reserves), in part due to not having access to the Kirklees Mineral Needs Assessment. Although we understand the issue of confidentiality in terms of individual site reserves, we would nonetheless hope and expect that the figures underpinning the landbank calculations and hence future allocations for all minerals can be discussed and tested with rigour at the Examination.

1. Summary

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

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

2. Policies and accompanying text

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

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

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

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

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

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

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

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

Allocations

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

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

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

Mineral Areas of Search:

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

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

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

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

Mineral Extraction Sites:

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

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

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

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

Mineral preferred areas:

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

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