

# UDP

## **KIRKLEES UNITARY DEVELOPMENT PLAN**

### **WRITTEN STATEMENT – REVISED WITH EFFECT FROM 28 SEPTEMBER 2007**

**As a result of a Direction issued by the Secretary of State for Communities and Local Government, from 28 September 2007 some of the policies in the UDP continue to have effect ('saved policies') and some do not as they were not saved. This updated version of the UDP contains explanatory text for each not saved policy. Further information about policy saving can be found on the Kirklees website at**

**<http://www.kirklees.gov.uk/business/regeneration/udp/savedPolicies.aspx>**

# UDP

## KIRKLEES UNITARY DEVELOPMENT PLAN

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## **6. MINERALS**

### **STRATEGY**

- 6.1 The occurrence of minerals in Kirklees is a consequence of its carboniferous geology; successive outcrops of sandstone, gritstones, shales, mudstone and coal measures. Pipeclay, brickclay and dimension stone are quarried together with a small amount of sand and gravel. Pipeclay extraction in Kirklees is of national significance and the local dimension stone industry is of regional significance. All of the District east of Huddersfield lies within the exposed Yorkshire coalfield. Underground extraction of coal has ceased with the exception of a small private sector coal mine. There has been little opencast coal mining in the past decade but significant reserves of coal workable by both methods remain. The District is, in common with the rest of West Yorkshire, a net importer of aggregate minerals although the quantities consumed in Kirklees are relatively modest in the absence of large construction and development projects.
- 6.2 A steady supply of minerals is essential to meet the needs of society and underpin economic activity but mines and quarries can be considered as equivalent to heavy industry in the countryside and the environmental costs of mineral extraction can be high if the activity is not properly planned and controlled. Of particular concern is the need to protect local water resources from disruption and pollution. Considerable burdens may be imposed upon roads and other infrastructure, and amenity and landscape and other land uses may be adversely affected over very long periods of time. Consequently the need to extract the mineral has normally to be justified and planning permission for mineral working should not be granted unless the local environment and residential amenity can be adequately protected during extraction and restoration which should be to an appropriate after-use. Furthermore, although minerals can only be won where they are found, extensive and prolonged concentration of extraction and restoration operations in a particular locality can lead to intolerable injury to the amenity of local residents and to the environment. The assessment of new proposals which are part of a pattern of piecemeal working of a mineral reserve will need to take into account the cumulative environmental impact resulting from other previous or simultaneous extractive operations.

### **M1 PROPOSALS FOR MINERAL EXTRACTION, WHICH SHOULD INCLUDE MEASURES FOR RESTORATION AND AFTER-USE OF THE SITE, WILL BE CONSIDERED HAVING REGARD TO:**

- i THE IMPACT ON THE ENVIRONMENT INCLUDING WATER RESOURCES AND BEST AND MOST VERSATILE AGRICULTURAL LAND;**
- ii THE IMPACT ON RESIDENTIAL AMENITY AND HIGHWAY SAFETY; AND**

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### iii THE NEEDS OF BUSINESS AND INDUSTRY.

#### ACTIVE MINERAL SITES WITH PERMITTED RESERVES

6.3 The following active mineral sites are likely to operate for some or all of the next 10 years and are indicated on the proposals map for information.

AMWi) Wellfield Quarry, Crosland Moor, Huddersfield

AMWii) Waterholes Quarry, Crosland Moor, Huddersfield

AMWiii) Moorfield Quarry, Crosland Moor, Huddersfield

AMWiv) Sandene Quarry, Crosland Moor, Huddersfield

AMWv) Honley Wood Quarry, Huddersfield

AMWvi) Appleton Quarry, Shepley

AMWvii) Sovereign Quarry, Shepley

AMWviii) Carr Hill Quarry, Shepley

AMWix) Whitegate Quarry, Cartworth Moor

AMWx) Hill House Edge Quarry, Cartworth Moor

AMWxi) [Site deleted]

AMWxii) Spa Green Quarry, Fenay Bridge, Huddersfield

AMWxiii) Laneside Quarry, Kirkheaton, Huddersfield

AMWxiv) Peace Wood Quarry, Shelley

AMWxv) Bromley Farm Quarry, Upper Cumberworth

AMWxvi) Lower Cumberworth Quarry

AMWxvii) Hen Perch Quarry, Scissett

AMWxviii) Hay Royds Colliery, Scissett

AMWxix) Laneside Quarry East, Kirkheaton, Huddersfield

## **AREAS FOR FUTURE MINERAL WORKING**

### **Gritstone**

- 6.4** The gritstone quarrying industry located on the Greenmoor, Rough Rock and White Rock strata produces dimensional building and walling stone, random walling, blockstone and sawn and hand-riven paving slabs. Physical characteristics such as colour, durability and consistency further differentiate the use to which these products can be put. The occurrence of stone suitable for these products depends on variable local geological conditions. Prospecting is difficult and therefore proven sources are particularly important. Substantial permitted reserves of gritstone for dimension stone extraction exist in the District. The release of 17.5 hectares containing White Rock at Crosland Moor, Huddersfield for extraction compensates for both the deletion of land formerly allocated at Thewlis Farm, Crosland Moor and now considered too close to the built-up edge of Huddersfield to work without undue injury to the amenities of local residents, and the exhaustion of permitted reserves of White Rock at Honley Wood, Meltham.

### **Aggregates**

- 6.5** Kirklees is not well endowed with aggregate resources in quantity or quality. Some are produced as the bulky by-product of local dimension stone quarries and small pockets of glacial sand and gravel remain along the River Calder. Release of the latter for extraction during the next 10 years would be justified in principle in the light of the 1992 commentary of the Regional Aggregates Working Party. These sites may also offer significant opportunities for the development of water based recreation after-use unless this would prejudice their washland function.<sup>1</sup> The release of gritstone reserves suitable for aggregates use may become necessary during the next 10 years.
- 6.6** MPG6 requires Minerals Planning Authorities to maintain a landbank or stock of planning permissions for the winning and working of aggregates sufficient for at least 7 years extraction. The mechanism through which the landbank requirement is calculated is the Yorkshire and Humberside Regional Aggregates Working Party comprising industry and Minerals Planning Authorities' representatives who produce the Regional Commentary or assessment of demand and supply. The RAWP also produces sub-regional apportionment reports indicating the contributions to be made by constituent "local areas" to the regional provision of aggregates. The appropriate local area for Kirklees is West Yorkshire. Within West Yorkshire Leeds and Wakefield are the main producers of sand and gravel aggregates. Liaison between the 5 constituent West Yorkshire Minerals Planning Authorities is required, however, to ensure that West Yorkshire's contribution to the regional provision of aggregates in Yorkshire and Humberside is achieved.

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<sup>1</sup> See policy R14

**M1A THE COUNCIL, IN CONJUNCTION WITH THE OTHER WEST YORKSHIRE METROPOLITAN BOROUGH COUNCILS, WILL MAINTAIN A LANDBANK OF PERMITTED RESERVES OF AGGREGATES, AND ALSO MAINTAIN ITS CONTRIBUTION TO MEETING ITS SHARE OF THE AGGREGATES DEMAND IN THE REGION ON THE ADVICE OF THE YORKSHIRE AND HUMBERSIDE REGIONAL AGGREGATES WORKING PARTY, UNLESS EXCEPTIONAL CIRCUMSTANCES PREVAIL, IN ACCORDANCE WITH NATIONAL GUIDANCE CONTAINED IN MPG6.**

- 6.7 The outcrop of Midgeley Gritstone inside the western boundaries of Kirklees at Marsden Moor and Scammonden continues through Calderdale into Bradford. It is presently worked at Clockface Quarry, Barkisland in Calderdale and crushed for manufacture locally for artificial stone. Clockface Quarry will be exhausted by approximately 1997 and therefore a replacement source will be required which the industry indicate must be on the Midgeley Gritstone outcrop.

**Secondary Aggregates**

- 6.8 In view of the growing demand for aggregates and the environmental sensitivity of establishing new workings there are likely to be considerable benefits if greater use is made of secondary aggregates such as colliery shale and recycled demolition waste. Former colliery spoil heaps and steam ash deposits are likely to be the only significant sources of secondary aggregates in Kirklees. Colliery spoil has occasionally been extracted for use as cover material on landfill sites.

**Clays**

- 6.9 The requirements of ceramic pipeware manufacture locally justify the release of 28.7 hectares of land at Ox Lee, Jackson Bridge for the extraction of Halifax Hard Bed Shales over the next 20 - 25 years.

**Coal**

- 6.10 The only deep coal mine which operates in the District has sufficient permitted reserves for the next 10 years. The energy industry's apparent intention to reduce its dependence upon coal as a fuel seems likely to result in a reduction even in the level of opencast coal mine production. In West Yorkshire opencast coal mining is concentrated in Leeds and Wakefield Districts. 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. Unlike aggregates there is no national or regional guidance on the level of production required or where it should be met; MPG3 leaves that to market forces. For these reasons no allocations for opencast coal mining are considered necessary.

**M2 PROVIDED THAT PROPOSALS ACCORD WITH POLICY M3 WORKING OF MINERALS WILL BE PERMITTED IN THE FOLLOWING LOCATIONS WHICH ARE SHOWN ON THE PROPOSALS MAP.**

- i KIRKLEES LOCK, CLIFTON (8.5HA)**
- ii SANDS MILL, EARLSHEATON (4HA)**
- iii SHEPLEY BRIDGE, MIRFIELD (17HA)**
- iv FORGE LANE, RAVENSTHORPE (10.5HA)**
- v LAND AT CROSLAND MOOR, HUDDERSFIELD (17.5HA).**
- vi OX LEE, HEPWORTH (28HA)**
- vii [SITE REFERENCE NOT USED]**
- viii CARR HILL QUARRY, SHEPLEY (1.3HA)**

**CRITERIA FOR ASSESSING MINERALS APPLICATIONS**

- 6.11 Mineral extraction can cause noise, dust, vibration, heavy vehicle traffic with its implications for road safety and highway maintenance, change to ground water and drainage, injury to visual amenity, and damage to the landscape and nature conservation. In addition the subsequent beneficial use of the land could be impaired. In many cases planning conditions can provide the means of control to ensure the protection of the environment and local amenity during the life of mineral workings and their subsequent restoration to a beneficial after-use. Alternatively planning obligations agreed between the operator and the Council may be a more suitable means of achieving the necessary protection measures or securing a compensating environmental or public benefit. In some cases planning conditions and legal agreements may be insufficient to ensure a satisfactory scheme of operations or restoration because of technical problems, for example, in achieving progressive working and phased restoration of dimension stone quarries. In such circumstances a financial bond may be sought to cover the risk of an operator ceasing to trade before the completion of operations. MPG2 and MPG7 provide detailed guidance on the protection of local amenity and the restoration of mineral workings.
- 6.11a There is no a priori requirement for planning applications for mineral extraction to demonstrate the need for the mineral or the absence of a more suitable alternative site or source of supply. However, it is almost invariably the case that mineral extraction will give rise to some environmental harm, and in practice the issues of need and alternative

sources are usually relevant material planning considerations in the determination of such applications. Therefore when an environmental assessment is required it will usually be appropriate for the statement to include an appraisal of the main alternatives. In the case of energy minerals, the most relevant of which is opencast coal, it is implicit in paragraph 6 of MPG3 that energy market conditions, nationally and internationally, determine need and explicit that Minerals Planning Authorities in determining applications for the extraction of energy minerals may only take account of the need to protect the environment subject to the circumstances set out in paragraphs 62 to 64 of MPG3.

- 6.12 Exploration to prove mineral resources takes place from time to time. There is some potential in the Pennine area for the occurrence of oil and natural gas reserves and several seismic and borehole surveys have taken place. Exploratory surveys of this kind tend to be of limited duration with limited environmental impact and can often be carried out as permitted development under the terms of the General Permitted Development Order. However, where exploratory activity requires planning permission it will be appropriate to assess proposals against the criteria which apply to mineral extraction.

**M3 PROPOSALS TO EXPLORE FOR OR TO EXTRACT MINERALS WILL BE PERMITTED PROVIDED THAT THEY WOULD NOT:**

- i CAUSE UNACCEPTABLE DETRIMENT TO LANDSCAPE OR LOCAL VISUAL AMENITY DURING OR SUBSEQUENT TO EXTRACTION;**
- ii BE MATERIALLY DETRIMENTAL TO INTERESTS OF NATURE CONSERVATION, CULTURAL HERITAGE, GEOLOGICAL OR ARCHAEOLOGICAL IMPORTANCE;**
- iii CAUSE NUISANCE OR MATERIALLY SIGNIFICANT DISTURBANCE TO LOCAL RESIDENTS AS A CONSEQUENCE OF THE GENERATION OF DUST, NOISE OR VIBRATION BY SITE OPERATIONS OR ASSOCIATED TRANSPORT;**
- iv PREJUDICE HIGHWAY SAFETY THROUGH THE VOLUME OR NATURE OF VEHICLE MOVEMENTS GENERATED;**
- v RESULT IN POLLUTION OF WATER RESOURCES OR SOILS OR THE INTERRUPTION OF LAND DRAINAGE;**
- vi CAUSE MATERIALLY SIGNIFICANT PERMANENT CHANGE TO LOCAL RIGHTS OF WAY NETWORKS; OR**
- vii RESULT IN PERMANENT LOSS OF BEST AND MOST VERSATILE AGRICULTURAL LAND.**



**APPLICATIONS TO EXTRACT MINERALS SHOULD BE ACCOMPANIED BY SUFFICIENT INFORMATION TO DEMONSTRATE THAT SUCH UNACCEPTABLE IMPACTS WOULD NOT RESULT OR COULD BE CONTROLLED AND TO DEMONSTRATE THE PRESENCE OF THE MINERAL. WHENEVER PROPOSALS, EXCEPT THOSE INVOLVING THE EXTRACTION OF ENERGY MINERALS, WOULD RESULT IN UNAVOIDABLE ADVERSE IMPACTS ON LOCAL AMENITY OR THE ENVIRONMENT, THEY SHOULD BE ACCOMPANIED BY INFORMATION TO DEMONSTRATE THE NEED TO EXTRACT THE MINERAL AS WELL AS THE ABSENCE OF MORE SUITABLE ALTERNATIVE SOURCES OF SUPPLY.**

6.12a It is established Government policy that restoration and aftercare will be required to make mineral workings fit for beneficial after-use and environmentally acceptable. Detailed guidance on restoration and aftercare is given in MPG7 "The Reclamation of Mineral Workings".

**M3A ~~PROPOSALS TO EXPLORE FOR OR EXTRACT MINERALS SHOULD, IN ADDITION TO SATISFYING THE REQUIREMENTS OF POLICY M3 ABOVE, ALSO PROVIDE FOR BENEFICIAL AFTER-USE OF THE SITE TO AGRICULTURE, FORESTRY OR AMENITY USE, HAVING REGARD TO ANY PROVISIONS OF THE PLAN WHICH APPLY TO THE SITE OR ITS SURROUNDINGS, BY INCLUDING ARRANGEMENTS FOR PROGRESSIVE WORKING, PHASED RESTORATION AND AFTERCARE.~~**

Policy M3A was not saved because guidance on beneficial after-uses and restoration for mineral sites is set out in paragraph 19 of Minerals Policy Statement 1: Planning and Minerals (2006), as follows: <sup>2</sup>

*Restoration:*

- *take account of the opportunities for enhancing the overall quality of the environment and the wider benefits that sites may offer, including nature and geological conservation and increased public accessibility, which may be achieved by sensitive design and appropriate and timely restoration;*
- *consider the opportunities that sites may offer for the development of new woodland areas and for providing networks of habitats;*

<sup>2</sup> To assist applicants the Council has identified text from relevant sources which it considers provides the most appropriate guidance as to how the issues in this unsaved policy should be addressed in planning applications. However, the selected text is intended to provide general guidance only, is not necessarily exhaustive and does not constitute legal or other professional advice. The Council recommends that applicants should always obtain their own expert advice.

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- *in order to avoid the possibility of mineral working resulting in dereliction, ensure land is reclaimed at the earliest opportunity and that high quality restoration and aftercare of mineral sites takes place through the provision of guidance on suitable or preferred after-uses and reclamation standards, and the use of conditions and legal agreements, as appropriate;*
- *ensure proposals for restoration and aftercare of sites include details of appropriate phasing of progressive restoration, final landform and landscape and monitoring procedures;*
- *develop a strategy for inactive sites with planning permission for future working, which are considered unlikely to be reactivated in the foreseeable future;*
- *maintain or improve the Public Right of Way network around restored mineral sites as far as practicable;*
- *do not seek or require bonds or other financial guarantees to underpin planning conditions, except as set out in MPG710;*
- *where restoration of mineral workings is through landfill or to a wetland habitat, consult the owner or operator of civil and military aerodromes within 13km, in order to assess the likelihood of increasing the bird strike hazard;*
- *examine the merits of recycling mineral wastes for productive uses or using them for site restoration, in order to minimise the adverse impact that they could otherwise have on the landscape*

6.13 Waste deposits, whether restored or not, are a potential source of secondary aggregates or cover material for landfill sites. Extraction and removal of unrestored waste deposits would enable restoration and beneficial after-use to be secured. However, many waste deposits have been restored using derelict land grant and their reworking could only be justified where the material to be extracted is a substitute for natural aggregates or a suitable cover material for landfill sites and alternative unrestored waste deposits are not available.

**M4 PROPOSALS TO EXTRACT MINERALS FROM FORMER WASTE DEPOSITS WILL BE SUBJECT TO POLICY M3. IN THE CASE OF RESTORED SITES ADDITIONAL CONSIDERATIONS WILL BE WHETHER THE MATERIAL TO BE EXTRACTED CAN BE CONSIDERED A SUBSTITUTE FOR NATURAL AGGREGATES OR A SUITABLE COVER MATERIAL FOR LANDFILL SITES, AND WHETHER AN ALTERNATIVE UNRESTORED SOURCE OF THE MATERIAL IS AVAILABLE LOCALLY.**

## **PROTECTION OF MINERALS RESERVES**

- 6.14 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.
- 6.15 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.

### **M5 SAFEGUARDED MINERAL RESERVES ARE INDICATED ON THE PROPOSALS MAP AS FOLLOWS:**

- i HUDDERSFIELD ROUGH ROCK RESERVES AT CROSLAND MOOR**
- ii CUMBERWORTH THIN PIPECLAYS, NEAR SHELLEY**
- iii PIPECLAYS ASSOCIATED WITH THE PENISTONE FLAG SERIES OF THE LOWER COAL MEASURES, ADJACENT TO HEN PERCH QUARRY, DENBY DALE**
- iv ASHLAR AT ROCKINGSTONE, WHOLESTONE MOOR, HUDDERSFIELD**
- v PIPECLAYS AT LARGE DIAMETER PIPEWORKS, LOWER CUMBERWORTH**
- vi ASHLAR AT SOVEREIGN QUARRIES, CARR LANE, SHEPLEY**
- vii SANDSTONE AND PIPECLAYS AT APPLETON QUARRY, SHEPLEY**
- viii PIPECLAYS AT THE BROMLEYS (NORTH EAST), UPPER CUMBERWORTH**
- ix PIPECLAYS AT THE BROMLEYS (SOUTH WEST), UPPER CUMBERWORTH**

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**x PIPECLAYS AT GREEN HOUSE FARM, SHELLEY**

**DEVELOPMENT PROPOSALS LIKELY TO AFFECT THESE RESERVES  
SUCH THAT FUTURE SURFACE EXTRACTION WOULD BE PREJUDICED  
WILL NOT NORMALLY BE PERMITTED.**