

Bradford Local Plan

Core Strategy Examination Session Day

Matter 7E: Minerals

Date: 13th March 2015

Venue: Victoria Hall, Saltaire

Issue 7.24

Policy EN9 - New and Extended Minerals Extraction Sites

- a. **Are the criteria and requirements for new and extended minerals extraction sites fully justified with evidence, effective, deliverable, positively prepared, soundly based and consistent with the latest national guidance (NPPF/PPG)?**

Response

- 1.1 The criteria and requirements for new and extended minerals extraction sites are fully justified with evidence, effective, deliverable, positively prepared, soundly based and consistent with the latest national guidance. One of the key challenges for the District over the plan period is to develop a thriving local economy and accommodate significant levels of new development without degrading the quality of the built and natural environment. Policy EN9 is intended to strike the necessary balance between the promotion of investment in new minerals development and the protection of the District's human and natural resources by offering policy support for sustainable minerals development, which meets key environmental criteria. The criteria which have been set reflect the objectives for environmental protection/enhancement and prioritisation of previously developed land set out in core policies SC1, SC5 and SC6.
- 1.2 Policy EN9, together with policies EN10 and EN11, and other policies set out elsewhere in the Plan which contain environmental criteria applying to all types of development, provide sufficient coverage to comply with the policy content guidance set out in paragraph 143 of the National Planning Policy Framework (NPPF). The evidence underpinning the policy is set out in the accompanying Minerals Evidence Base Report and includes British Geological Survey resource appraisals, feedback from previous consultation exercises and the guidance set out in the NPPF.
- 1.3 The criteria set out in policy EN9 have taken account of both representations made by environmental protection bodies, such as Natural England and English Heritage, and representations made by minerals industry stakeholders, such as the Minerals Products Association. In particular the scope of the environmental criteria referred to in the policy have been broadened and the preference to extend existing workings before opening new workings has been softened, compared to earlier versions of the policy.

Issue 7.25

Policy EN10 – Sandstone Supply

- a. **Is the approach to sandstone supply, including the requirements and criteria set out, fully justified with evidence, effective, deliverable, positively prepared, soundly based and consistent with the latest national guidance (NPPF/PPG)?**
- b. **Does the policy make sufficient provision for the extraction of sandstone and aggregates, supported by evidence and consistent with a Local Aggregates Assessment, regional/sub-**

regional guidelines and national policy (NPPF; ¶ 145); and should the policy specify the overall levels of minerals provision?

- c. NPPF (¶ 143-147; 163) sets out requirements for local plans to ensure a steady and adequate supply of aggregates, including the preparation of an annual Local Aggregate Assessment, to determine the level of minerals provision; nowhere in this section of the Plan is there any indication of the required scale of minerals provision over the plan period, or the existing situation in terms of minerals provision and landbanks. Given the absence of any subsequent minerals-specific topic DPD, is this consistent with the requirements of national policy on minerals provision?**

Response

Part a)

- 2.1 The approach to sandstone supply, including the requirements and criteria set out, is fully justified with evidence, effective, deliverable, positively prepared, soundly based and consistent with the latest national guidance. Policy EN10 supports the delivery of the objectives embedded in policy SC1 by encouraging new investment in the local quarrying industry, to realise an enhanced supply of high quality building stone, whilst seeking to minimise the potential adverse social and environmental impacts associated with minerals development by setting out an environmentally considerate area of search criteria.
- 2.2 Policy EN10 also seeks to support the managed supply of aggregates and respond to the local aggregates context by setting out a favourable policy environment for proposals involving the production of building sand and allowing the production of other types of crushed rock aggregates where this is supported by the Local Aggregates Assessment or the type of aggregate proposed to be produced can otherwise be demonstrated to be needed to fulfil an unmet demand.
- 2.3 To prevent any restraint on aggregates from adversely affecting building stone production, the policy also supports the production of aggregates in circumstances where it is a secondary activity required to ensure the viability of a building, roofing or paving stone quarry, providing that the achievement of high quality quarry restoration is not prejudiced.
- 2.4 The key piece of evidence underlying policy EN10 is the West Yorkshire Local Aggregates Assessment which assesses the current situation in relation to the demand for and supply of aggregates within West Yorkshire. Other evidence which has informed the policy includes the Symonds Report (2004), an internal report on the Need for Local Stone for the Maintenance of the Character of Bradford's Built Environment (2008) and English Heritage's Strategic Stone Study: A Building Stone Atlas of West & South Yorkshire (2012). A review of all of these evidence sources can be found in the accompanying Minerals Evidence Base Report.

Part b)

2.5 Policy EN10 does make sufficient provision for the extraction of sandstone and aggregates, supported by evidence and consistent with a Local Aggregates Assessment, regional/sub-regional guidelines and national policy. The policy is supportive in principle of all proposals for the extraction of sandstone for Building Stone purposes. In relation to aggregates, the policy has been amended from earlier versions to make a more explicit commitment to contributing towards maintaining an adequate West Yorkshire aggregates landbank and to set out a more positive approach to aggregate quarrying, providing policy support for new aggregate quarries where:

1. The sandstone reserves to be used for aggregates are not suitable for the production of building, roofing or paving stones, and;

2. One of the following circumstances applies:

i. The Local Aggregates Assessment indicates that additional permitted reserves of crushed rock aggregates are required, or;

ii. The aggregates would mainly be used to produce building sand, or;

iii. The applicant can to be produced can not be met from the existing permitted reserves within West Yorkshire or by Recycled or Secondary Aggregates.

2.6 The West Yorkshire Local Aggregates Assessment, ratified by the Leeds City Region Portfolio Holders on 05 December 2014, reveals that the Bradford District is a major consumer of aggregates but currently has no primary aggregate extraction sites, nor have any such sites been operated within the last 10 years or been proposed in response to recent calls to industry for site allocations. In this situation it is considered to be inappropriate to adopt the inflexible approach of setting a precise local apportionment for the provision of a small quantity of aggregates within the Local Plan. Instead it is considered more appropriate to state a clear and strong commitment to contributing towards a landbank of aggregates at a West Yorkshire spatial scale.

2.7 The West Yorkshire Local Aggregates Assessment will be a live document, updated annually, which will be used as a tool by planning authorities and the extractive industry to understand the ongoing supply and demand situation and any potential landbank shortfalls. Referencing the LAA within policies EN10 and EN11 will provide for a strong but flexible policy approach which commits the Council to fulfilling its role to maintain West Yorkshire landbanks at an appropriate level.

2.8 The alternative approach of setting a fixed aggregate provision level within the policies would reduce flexibility to respond to changing trends in terms of demand and supply patterns over the plan period. Therefore the Council's view is that committing the Council to contributing towards a 10 year aggregate landbank, and referencing the LAA as a tool for assessing whether additional aggregate reserves

should be released to maintain an adequate landbank, is a justified approach consistent with NPPF paras. 143-147 & 163. This approach is considered to be preferable to setting an aggregate provision target for the District which would be likely to be out-of-date within a few years of the plan's adoption.

Part c)

- 2.9 Giving consideration to the absence of any subsequent minerals-specific topic DPD, policy EN10 is still consistent with the requirements of national policy on minerals provision. The minerals policies set out in the Local Plan Core Strategy have been informed by the preparatory work on the production of an LAA for West Yorkshire. As discussed above, the minerals policies have been written in a flexible manner which allows for decisions on site allocations and individual development proposals to be informed by the landbank calculations of need set out in the LAA.
- 2.10 The Local Plan Core Strategy policies clearly commit the Council to contributing, as best it can given resource constraints, to the maintenance of a West Yorkshire aggregates landbank. Aggregate supply and demand issues are by their nature dynamic and the Council cannot see the benefit of adopting a more rigid inflexible approach where specific aggregate provision figures are set out in the Local Plan informed by the LAA relevant to the time of plan preparation. A good example of the dynamic nature of aggregate landbanks can be seen in the proposed changes to the aggregate provision figures being considered for the updated North Yorkshire LAA, where future supply targets are being significantly adjusted up, from the level set out in the previous LAA, to account for economic and infrastructure factors.
- 2.11 As well providing an example of the dynamic nature of aggregate landbanks, the revision to the North Yorkshire LAA aggregate provision targets, and the implications of these revisions for Bradford, particularly in relation to longer term security of supply of sand and gravel issues, illustrates how complex and interrelated the minerals supply and demand networks within the Region are. In this complex, interrelated and dynamic situation, adopting a policy position which commits the Council to contributing towards the maintenance of sub-regional landbanks, and allowing aggregate supply targets to evolve dynamically over the plan period through the annual LAAs, uninhibited by fixed figures set out in Local Plans, seems to be the most appropriate and reliable option.

Issue 7.26

Policy EN11 - Sand, Gravel, Fireclay and Hydrocarbons

- a. **Is the approach to sand, gravel, fireclay and hydrocarbons, including the criteria and requirements set out for sand and gravel and clay extraction, coal extraction, fireclay extraction, the exploration, appraisal and commercial production of oil or gas resources, fully justified with evidence, effective, deliverable, positively prepared, soundly based and consistent with the latest national guidance (NPPF/PPG)?**

- b. Should the policy include minerals provision levels, based on the latest Local Aggregate Assessment, in order to provide a sound framework for the provision of sand and gravel within the District?**
- c. Has the Plan been positively prepared in terms of addressing cross-boundary minerals provision issues with neighbouring Mineral Planning Authorities, including any outstanding issues relating to minerals provision, including cross-boundary minerals issues such as import/export of minerals and unmet mineral provision needs from neighbouring authorities?**

Response

Part a)

- 3.1 The approach to sand, gravel, fireclay and hydrocarbons, including the criteria and requirements set out for sand and gravel and clay extraction, coal extraction, fireclay extraction, the exploration, appraisal and commercial production of oil or gas resources, is fully justified with evidence, effective, deliverable, positively prepared, soundly based and consistent with the latest national guidance.
- 3.2 Research undertaken at a regional level and the emerging Local Aggregates Assessments of neighbouring authorities have identified a potential future shortfall in meeting the demand for sand and gravel within West Yorkshire from local land-won extraction. Therefore policy EN11 confirms the Council's commitment to taking any appropriate opportunities to contribute towards the provision of a 7 year sand and gravel landbank level within West Yorkshire by supporting sand and gravel extraction within an area of search constrained by specified environmental criteria.
- 3.3 Clay extraction tends to be driven by a demand for a clay resource which meets certain specifications, in terms of porosity or engineering qualities, for specific purposes. The Council are aware that there is currently a demand for mudstone/clay with properties which make it suitable to produce high quality engineering bricks, however, it is not feasible to predict with any degree of certainty the level or nature of the demand for clay likely to persist within the plan period. Therefore policy EN11(B) adopts a flexible approach by indicating that support will be given for clay extraction where a specific demand is demonstrated.
- 3.4 The policy on coal extraction set out in EN11(C) generally reflects the advice contained in paragraph 149 of the National Planning Policy Framework, with the modification that the quality of the coal resource must be demonstrated and that provisions for the co-extraction of fireclay are also included. This slightly modified local approach reflects the local context, in that the fireclays within the District have historically been valued as a high quality refractory material (co-extraction of coal, ironstone and fireclay has been common in Bradford's mines in the past) and the fact that the part of the coalfield covered by the District contains relatively lower rank coals which have already been subject to significant historic extraction activity. The evidence underlying the position explained above is discussed further in the Minerals Evidence Base Report.

3.5 There are no proven oil or gas resources within the District and the Council are unaware of any interest in initiating exploratory works in connection with either conventional or unconventional onshore oil or gas extraction. However the potential for future interest in oil or gas extraction cannot be entirely discounted, as part of the southern half of the District is underlain by the East Pennine Coalfield, which could potentially contain resources suitable for Coal Bed Methane exploitation or Underground Coal Gasification, and part of the northern half of the District is underlain by the Lower Bowland-Hodder Shale Unit, which could potentially contain shale oil or gas resources. Policy EN11(D) sets out a general policy applying to all forms of conventional and unconventional oil and gas exploitation which takes account of the advice set out in the Planning practice guidance for onshore oil and gas 2013 published by the Government and paragraph 144 of the NPPF.

3.6 Policy EN11 is intended to support the aspirations for economic growth and better resource use, set out in core policies SC1 and SC2, particularly through the facilitation of improved security in the supply of sand and gravel into West Yorkshire. The evidence underlying the policy includes resource maps and resource appraisals published by the British Geological Survey and a series of reports on sand and gravel provision within the West Yorkshire Region published by the former Yorkshire and Humber Assembly. All such evidence is referenced and summarised in the accompanying Minerals Evidence Base Report.

Part b)

3.7 Policy EN11 does not need to include minerals provision levels, based on the latest Local Aggregate Assessment, in order to provide a sound framework for the provision of sand and gravel within the District. The policy sets out strong support for sand and gravel extraction within the District, this supportive policy position has been informed by the landbank calculation and assessment of sand and gravel supply and demand issues set out in the West Yorkshire Local Aggregates Assessment.

3.8 The West Yorkshire Local Aggregates Assessment, reveals that the Bradford District is a major consumer of aggregates but currently has no primary aggregate extraction sites, nor have any such sites been operated within the last 10 years or been proposed in response to recent calls to industry for site allocations. In this situation it is considered to be inappropriate to adopt the inflexible approach of setting a precise local apportionment for the provision of a small quantity of aggregates within the Local Plan. Instead it is considered more appropriate to state a clear and strong commitment to contributing towards a landbank of aggregates at a West Yorkshire spatial scale

3.9 The West Yorkshire Local Aggregates Assessment will be a live document, updated annual, which will be used as a tool by planning authorities and the extractive industry to understand the ongoing

supply and demand situation and any potential landbank shortfalls. Referencing the LAA within policies EN10 and EN11 will provide for a strong but flexible policy approach which commits the Council to fulfilling its role to maintain West Yorkshire landbanks at an appropriate level.

- 3.10 The alternative approach of setting a fixed aggregate provision level within the policies would reduce flexibility to respond to changing trends in terms of demand and supply patterns over the plan period. Therefore the Council's view is that committing the Council to contributing towards a 10 year aggregate landbank, and referencing the LAA as a tool for assessing whether additional aggregate reserves should be released to maintain an adequate landbank, is a justified approach consistent with NPPF paras. 143-147 & 163. This approach is considered to be preferable to setting an aggregate provision target for the District which would be likely to be out-of-date within a few years of the plan's adoption.

Part c)

- 3.11 The Local Plan has been positively prepared in terms of addressing cross-boundary minerals provision issues with neighbouring Mineral Planning Authorities, including issues relating to the import/export of minerals and unmet mineral provision needs from neighbouring authorities.
- 3.12 Bradford Council participates in the Aggregates Working Party (AWP) for the Yorkshire and Humber Region, has played a strong role as a consultee informing the development of the Local Aggregates Assessments of neighbouring authorities, such as North Yorkshire and Derbyshire, and has played a lead role in the preparation of West Yorkshire's own Local Aggregates Assessment. In addition to participation in formal AWP meetings Bradford is regularly actively involved in discussions with neighbouring Minerals Planning Authorities, particularly in relation to cross—boundary minerals import/export issues.
- 3.13 The West Yorkshire Local Aggregates Assessment includes a full review of cross boundary issues, confirming that West Yorkshire and Bradford are heavily reliant on concrete and road stone grade crushed rock and sand and gravel imports from neighbouring authorities, primarily North Yorkshire and Derbyshire. Bradford's involvement as a consultee during the preparation of the LAAs for these neighbouring areas has helped to ensure that the relevant MPAs are aware of West Yorkshire's aggregate dependence, with the consequence that their adopted LAAs express a commitment to providing for continuing aggregate extraction at a level which will allow continuity of supply to West Yorkshire.
- 3.14 The Local Aggregates Assessment has identified potential longer-term supply constraints, particularly in terms of the diminishment of sand and gravel supplies from North Yorkshire and Bradford Council has been working with other Yorkshire and Humber MPAs to explore the feasibility of longer term alternative sources of concrete grade sand

and gravel supply, including from marine dredged sources. The evidence indicates that large scale further extraction of Sand and Gravel within the Bradford District is unlikely, due to the factors explained in the Minerals Evidence Base Report. However, to respond to the known future supply constraints, the policy position set out in EN11 is supportive of appropriate proposals for renewed sand and gravel extraction within the District.

Issue 7.27

Policy EN12 – Minerals Safeguarding

- a. Is the approach to minerals safeguarding, including the criteria and requirements within the Sandstone and Coal and Sand and Gravel Minerals Safeguarding Areas, fully justified with evidence, effective, deliverable, positively prepared, soundly based and consistent with the latest national guidance (NPPF/PPG)?**
- b. Is there sufficient evidence to justify the location and extent of the Minerals Safeguarding Areas (Coal MSA; Sand & Gravel MSA; Sandstone MSA) shown in Appendix 13 of the Plan?**

Response

Part a)

- 4.1 The approach to minerals safeguarding, including the criteria and requirements within the Sandstone and Coal and Sand and Gravel Minerals Safeguarding Areas, is fully justified with evidence, effective, deliverable, positively prepared, soundly based and consistent with the latest national guidance. Policy EN12 is informed by the government's objective of safeguarding specific mineral resources of local and national importance from sterilisation by non-mineral development, a key element of the government's approach to minerals planning, as articulated in paragraph 143 of the National Planning Policy Framework.
- 4.2 The resources found within the Bradford District which are considered to be of local and national importance are: coal, sandstone, sand and gravel. Coal is considered to be nationally important due to the strategic need for security of supply of energy minerals, sand and gravel is considered to be regionally important due to the relative scarcity of concrete grade sand and gravel within West Yorkshire and the local sandstone resource is considered to be important due to its suitability for the production of the high quality building stones necessary to maintain the character of the historic built environment and also its secondary value as a source of aggregates and, in particular, building sand.
- 4.3 Where a mineral resource is scarce it is appropriate to adopt a strongly protective safeguarding policy prohibiting surface development which does not involve prior-extraction of minerals other than in exceptional circumstances. However, where the mineral resources being safeguarded occur fairly widely throughout a geographical area, such as is the case for coal, sandstone, sand and gravel within the Yorkshire

and Humber Region, a strongly protectionist approach is not appropriate, as it would significantly impede non-minerals related economic development and housing supply, contrary to paras 173 – 177 of the NPPF. Therefore the policy approach set out in policy EN12 is designed to ensure that due consideration is given to the prior extraction of minerals in appropriate situations, rather than to strongly restrain non-mineral development within the allocated Mineral Safeguarding Area.

- 4.4 Requiring consideration of prior-extraction for surface development proposals within areas thought to contain important minerals should serve to mitigate the impact of housing growth and economic development on the accessibility of the District's mineral resources. Therefore minerals safeguarding policy EN12 is key to the implementation of core policy SC2, which includes the aspiration of seeking to assess and manage the impact of future decisions on the District's natural resources and the objective of encouraging better resource use.

Part b)

- 4.5 There is sufficient evidence to justify the location and extent of the Minerals Safeguarding Areas. The key type of evidence necessary to implement an effective safeguarding policy is geological evidence identifying the location of the minerals resources within the District likely to be economically viable for extraction. The primary source of this form of evidence is the British Geological Survey (BGS) and therefore the BGS resource areas are the primary basis for the MSAs. Policy EN12 has also been informed by evidence in relation to the quality of the resources likely to be remaining within the District and the factors which influence the viability of prior-extraction. Further details and analysis of the evidence underpinning the Council's safeguarding policy is contained within the accompanying Minerals Evidence Base Report.
- 4.6 The Minerals Safeguarding strategy set out in Policy EN12 has evolved significantly since its initial drafting in response to consultation with stakeholder bodies. Most significantly an extended period of consultation was undertaken with the Coal Authority between June 2012 and February 2013, including a joint meeting on 02 July 2012, to resolve concerns about the initially proposed approach to safeguarding Coal Resources in Bradford.
- 4.7 This process of consultation culminated in proposals to revise the safeguarding strategy, to still safeguard coal resources located in urban areas but restrict the requirement to consider coal resources to Major Developments, as set out in the current iteration of policy EN12. The Coal Authority confirmed that they supported policy EN12 in its amended form in their letter of 04 February 2013 and the Council considers that the mineral safeguarding strategy set out in the Local Plan is now proportionate, fully justified with evidence, effective, deliverable, positively prepared, soundly based and consistent with the latest national guidance.