



## Summary Proof of Evidence – Planning

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Appellant: Mr. Andrew Calvert

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# Minerals Waste Environment

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## 1.0. Introduction

1.1. I, Christopher Heffernan, have been instructed by the Appellant, Mr. Andrew Calvert of A.D Calvert Architectural Stone Supplies Ltd (Calverts), to prepare a proof of evidence regarding planning matters, for the benefit of The Planning Inspectorate, pertaining to the refusal of planning application: 23/00829/MCF.

1.2. I am a Chartered Town Planner, Member of the Institute of Quarrying, Fellow of The Geological Society and Managing Director of The Mineral Planning Group Ltd (MPG) – a specialist minerals and waste planning consultancy.

I am a specialist on minerals and waste planning matters and their ancillary developments, with a particular specialism in building stone sites in the north of England. I also prepared the course content for the Institute of Quarrying's course 'Mineral Planning for Mineral Planners' and attend as a guest lecturer accordingly. The course teaches the principles of mineral planning to both Mineral Planning Authority Officers and Private Sector Specialists.

1.3. I act for a diverse range of developers, planning authorities and private landowners across the United Kingdom on projects ranging from small scale dimensional stone extraction sites, through to city-centre industrial development schemes. I have provided evidence as an expert witness on minerals / waste and their ancillary planning matters for both the private and public sectors.

1.4. This report is based on my professional judgement and constitutes my true and complete professional opinion. The evidence which I have prepared and provide for this appeal is true and has been prepared, and is given in accordance with, the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

## 2.0. Scope of Evidence

- 2.1. My evidence addresses the planning policy framework (as set out in the Development Plan and national policy) against which the appeal scheme is to be assessed. It should be read together with the proofs of evidence of Mr. Radek Chanas (Landscape) [ID16] and Mrs. Erica Kemp (Biodiversity) [ID18] on whose conclusions I rely with regard to matters within their expertise.
- 2.2. My evidence will ultimately draw a conclusion on the overall planning balance and need for the proposed development, with particular regard to the absence of such an assessment in the delegated report [03-03] issued by Bradford Metropolitan District Council (BMDC).

## 3.0. Background

- 3.1. Calverts are a family owned and operated architectural stone company headquartered in Leyburn, North Yorkshire. They operate building stone quarries and a stoneyard that produces high-grade building stone products for heritage and new-build construction schemes requiring natural stone finishes.
- 3.2. The Appellant identified Horn Crag Quarry as a potentially viable building stone deposit to complement their existing supplies in 2018 after reviewing English Heritage Stone Survey records which noted it as being such. Thereafter, Calverts undertook a suite of environmental assessments, public consultation and received (positive) pre-application advice from BMDC with regards to reopening the quarry for the release of natural building stone products.
- 3.3. A planning application was submitted in March 2023 (23/00829/MCF) [01-06] and refused by planning officers under their delegated powers in May 2023 [03-04].

#### 4.0. The Appeal Site

- 4.1. The Site is located approximately 2km to the northeast of the centre of Silsden and approximately 3km to the southwest of the centre of Addingham, as shown in drawing ref: 232/5 - 1 – Location [00-01].
- 4.2. The Site occupies an area of approximately 5.9ha, which includes a short access track to Fishbeck Lane, though the proposed area to be extracted would be some 3.92ha. The Site is currently characterised as a disused quarry comprising the former quarry area, rough pasture, areas of naturally regenerated heathland, and wooded areas on the western boundary. It is common ground between the Council and Appellant that some 3Ha of the Appeal Site has been worked.
- 4.3. The bedrock beneath the Site is the Middleton Grit Unit of the Silsden Formation (Millstone Grit Group).
- 4.4. The Site is surrounded on all sides by agricultural fields, with a small equestrian field abutting its western boundary.

## 5.0. History of The Appeal Site

- 5.1. The Site has been worked, intermittently, since the 19<sup>th</sup> century but has never had the benefit of a planning permission or a restoration scheme.
- 5.2. The planning history is set out in the Statement of Common Ground [ID-04].

## 6.0. Relevant NPPF Policies [05-01]

- 6.1. 215, 216, 217.
- 6.2. NPPG 27-016-20140306

## 7.0. Relevant Development Plan mineral policies [06-02]

- 7.1. Policy EN9 & Policy EN10

### Policy Analysis

#### Need

- 8.0. The NPPF recognises the Importance of ensuring a sufficient supply of minerals, and requires planning policies to provide for the extraction of mineral resources of local and national Importance. BMDC are not simply encouraged to maintain a sufficient supply of minerals in this regard, the NPPF states that it is essential that they do so.
- 8.1. BMDC consider it had 8 active sites at the point of adoption but do not provide any further detail in the Core Strategy. Since 2017, however, several of the District's building stone quarries have closed, become dormant, or, sought allocation / planning permission for non-minerals development. In particular:

- Bolton Woods Quarry

- Deep Lane Quarry
- Apperley Lane Quarry
- Fagley Quarry

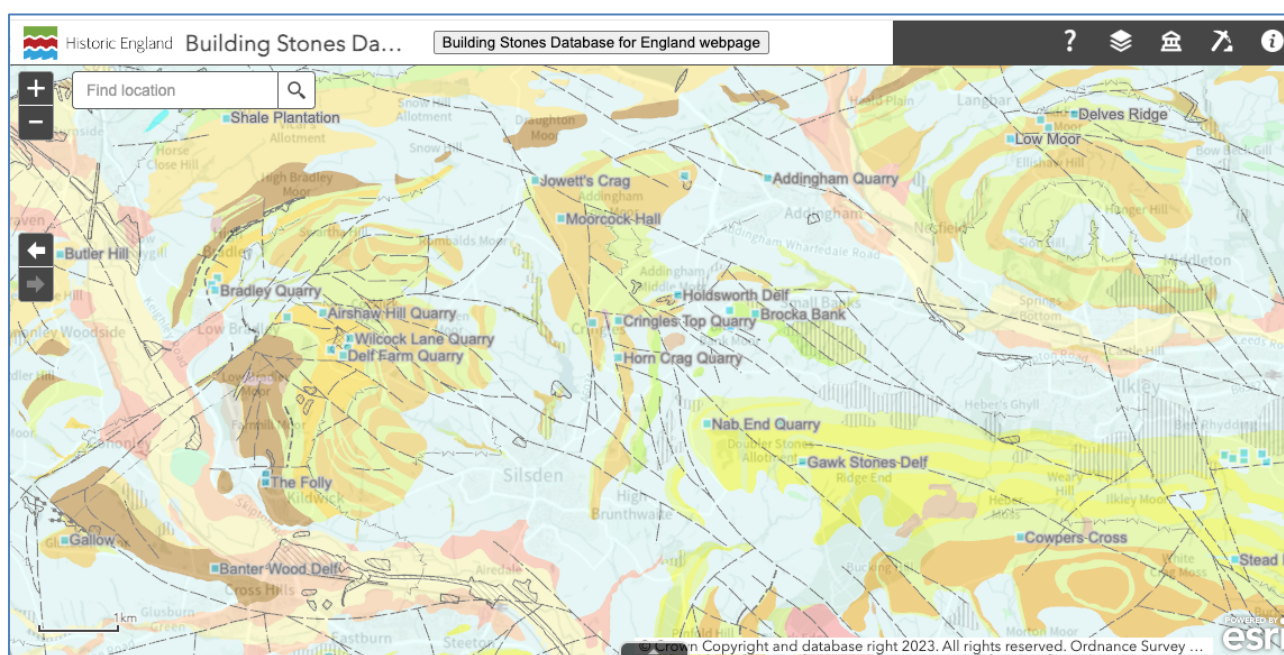
- 8.2. It follows that there are no active mineral sites in the north of the District capable of supplying the, scarce, building stone materials Horn Crag would provide. The highly localised variance in Millstone Grit Units is recognised in the Core Strategy's direction to enable a 'range' of deposits to be selected during the plan period.
- 8.3. A striking example of how the Core Strategy is not delivering on providing both a sufficient supply and diversity of building stone materials within the District is that residential schemes, including new development in Silsden itself, are currently being constructed with imported sandstones originating from the Yorkshire Dales National Park as a proxy for the absent local mineral deposits.
- 8.4. In summary, without the provision of any data to the contrary (such as an up-to-date building stone survey) but with clear evidence that several of the District's building stone sites have closed or can no longer make a significant contribution to building stone supplies, it is apparent that the District is not currently maintaining reserves of building stone as intended, and cannot demonstrate the level of indigenous building stone supply that it could upon adoption of the Strategy. It follows that there are insufficient reserves, and that new reserves will need to be consented, in order to comply with para 215 of the NPPF.
- 8.5. The appeal site would contribute some 500,000 tonnes of locally distinctive building stone in this regard. The economic benefits of this are those ordinarily associated with mineral sites, including direct 'on-site' employment and safeguarding of 'supply chain' jobs (HGV drivers, stone masons, plant / machinery operatives). It is accepted that the small-scale nature of the site means on-site employment will be limited to 3-5 members of staff, nevertheless, this will be in a rural location where the benefit derived from the provision of new roles is amplified. However, the economic benefits extend beyond this, to the builders



and construction companies that require local stone for local construction projects.

#### Locations Guidance: Working Minerals Where they are Found

- 8.6. As the NPPF observes, minerals can only be worked where they are found. That advice has a particular resonance in the present case, where we are concerned with the need for Millstone / Middleton Grit, which is found in upland areas due to its comparative resistance to erosion. It will therefore, almost always, be worked upon and from an elevated topographic feature.
- 8.7. In the present case, the outcrop at Horn Crag quarry constitutes one site amongst many former quarries along a linear outcrop stretching several miles from Silsden / Addingham to Guiseley (Figure 1.0).



*Figure 1.0 - Historic England Building Stone Database Excerpt*

- 8.8. What the spread of historic building stone sites along this zone of outcrops demonstrates is that local building stone resources are tightly constrained to the upland outcrops of the Millstone Grit Group. This is where the mineral is found, and it is therefore the only place where it can be worked.



- 8.9. The appeal site complies with the locational criteria of the development plan, insofar that they are relevant.
- 8.10. Working the site would constitute the winning of building stone from a disused quarry which receives clear support from Core Strategy Policy EN9 and the scheme would deliver mineral recognised as being scarce across the District at Policy EN10 without causing unacceptable impacts upon the environment or amenity.
- 8.11. The appeal site complies with paragraph 215 of the NPPF by making 'best use' of a known, locally distinctive, mineral deposit and would deliver a significant tonnage of said minerals towards the District's obligation to maintain a 'sufficient supply'.
- 8.12. Whilst paragraph 216 of the NPPF pertains to the provision of appropriate development plan policies, the appeal scheme would provide locally important mineral without conflicting with any of the criteria-based tests at 'a' through 'h' of paragraph 216.
- 8.13. The appeal scheme has great weight afforded to its benefits by paragraph 217 as it complies with the criteria based tests at 'a' through 'g'.
- 8.14. Therefore, I conclude that the appeal scheme complies with both the development plan and relevant National Planning Policies.

#### Comments on the Officer's Report

- 8.15. Across the Officer's delegated report [03-03], informing the refusal of planning application 23/00829/MCF [03-04], only two references are made to para 217 (formerly 211) of the NPPF and neither of these instances goes beyond stating that such a direction exists. In my view, this does not apply due weight to any of the planning policies at a National or Local level pertaining to the benefits of mineral extraction or the supply of building stone, other than noting that they exist and are not sufficient to overcome the reasons for refusal.

- 8.16. The principal benefits of the appeal scheme are the provision of a locally distinctive natural building stone which is needed by the construction industry as well as the direct and indirect economic benefits which flow from the extraction. Both of these benefits should have had Great Weight applied to them in the determination process.
- 8.17. Furthermore, the officer states that there is no need for the development as there are other sites within the district that can meet current building stone supply demands.
- 8.18. In my view, this conclusion is at odds with Development Plan Policies EN9 and EN10 and its Background Dataset, including the BMDC Minerals Background Paper and Evidence Report (2021) [06-04].
- 8.19. BMDC's position that there are "arguably" more suitable / sustainable locations from which to extract building stone of the same type as is found at Horn Crag within the District and West Yorkshire more broadly, is not supported by any evidence or examples.
- 8.20. Based on surface area, land outside of urban areas in the north of the District, is dominated by the areas of land known as Ilkley and Baildon Moor and their associated South Pennine Moor SSSI designations. Other than the Middleton Grit outcrops exposed in, and underlying, the rural landscapes abutting Silsden and Addingham, it is not apparent where such "sustainable / suitable" mineral can be won from in the north of the District.
- 8.21. Horn Crag quarry is located outside of an urban area, any National or International Designation and upon an outcrop of locally scarce building stone. I am not aware in my capacity as a Witness to this Inquiry, my role as Director of a local Mineral Planning consultancy or as an expert in Regional building stone sites of any more sustainable / suitable location for the extraction of locally distinctive building stone that has been explored or permitted by BMDC in the exercise of their delegated powers.

8.22. I consider BMDC's conclusion on need to be demonstrably incorrect.

### The Planning Balance

- 9.0. It has been established through common ground [ID-04] that the Council's reasons for refusal on matters relating to Hydrogeology can be overcome through the use of planning conditions.
- 9.1. Considering that the Council and Appellant agree that matters relating to hydrogeology can be suitably controlled by planning condition, the reasons for refusal on hydrogeological grounds no longer weigh against the proposed scheme.
- 9.2. The Appeal site is not within a statutory designated landscape and does not constitute a 'valued landscape', the Appellant's witness on this issue also concludes that any impacts upon the landscape are acceptable or can be made acceptable through mitigation measures.
- 9.3. The site is not subject to any national or international ecological designation, has not been designated as Local Wildlife Site and the Council accept that there are no losses of irreplaceable habitat. A net gain in biodiversity is also delivered in the long-term.
- 9.4. There is a clear and worsening issue with regards to the provision of indigenous building stone in the District and I am directed by National and Local planning policies to apply both great and significant (with regards to the supply of a scarce mineral) weight to the benefits of this scheme.
- 9.5. Therefore, I consider the planning balance to weigh significantly in favour of the Appeal Scheme.

## Conclusions

- 10.0. Minerals can only be worked where they are found and in the north of the BMDC District the building stone deposits are situated in elevated locations, such as the Appeal Site.
- 10.1. The mineral encountered at Horn Crag quarry is scarce and the provision of building stone from the scheme should be afforded Significant Weight accordingly.
- 10.2. There are no other quarries in the District working the mineral encountered at Horn Crag quarry - a consistently 'buff', coarse grained, sandstone / gritstone.
- 10.3. Local construction projects are relying on imports of building stone from National Parks as a proxy for local reserves in their absence.
- 10.4. The District has fewer active building stone sites than it had upon the adoption of the Core Strategy and, as such, cannot demonstrate that there are sufficient reserves available for the maintenance of local distinctiveness.
- 10.5. The benefits of mineral extraction are afforded Great Weight by the NPPF and BMDC did not duly apply this weight against apparent policy conflicts regarding Amenity and the Environment.
- 10.6. BMDC's conclusion that there is no need for the development due to a prevalence of existing quarries and existing reserves is, manifestly, incorrect.
- 10.7. BMDC has an outright absence of mineral reserves that are suitable for use in the north of the District as is recognised by their Minerals Background Paper and Evidence Report (2021) [06-04] with no alternatives to a scheme such as Horn Crag in place.

10.8. Evidence from other witnesses demonstrates that there are no unacceptable impacts to amenity and the environment, nevertheless and in any event, on balance, a combination of:

- Great Weight afforded to the scheme's benefits (NPPF)
- Significant and Great Weight afforded to the scheme's benefits (BMDC EN10)
- The Scarcity of the mineral reserve (a building stone in the north of the District)
- An overall declining stock of building stone reserves in the District
- No comparable deposits within the District
- Importation of proxy building stone from National Parks
- The sustainability and suitability of the scheme's location

Outweighs any residual impacts upon amenity and the environment, applicable to most mineral extraction schemes, which are not considered to be material in nature and can be readily controlled or mitigated by planning condition.