18 March 2015

Bradford Local Plan

Core Strategy Examination

Matter: 7E

Further Statement on Minerals Policies EN9 – EN12

Date: 13th March 2015

Venue: Victoria Hall, Saltaire

18 March 2015

Introduction

1.1 This statement sets out the proposed revised text for Matter 7E Minerals following the examination on day seven, in which discussion took place regarding the insertion of text/tables to clearly demonstrate the approach set out in policies EN9 –EN12

1.2 The additional text is underscored and the deleted text struck through.

Issue 1 – Aggregates Landbank Context/ Duty to Cooperate

Relevant Policies:
Policy EN10: Sandstone Supply [Supporting Text] (pages 258 – 259)
Policy EN11: Sandstone Supply [Supporting Text] (pages 263 – 268)

Introduction:
During discussions it was suggested that the Council provide sufficient contextual information in relation to the West Yorkshire aggregates supply and demand situation to enable developers to readily interpret the policies and understand how a planning application involving the exploitation of crushed rock aggregates or sand and gravel would be likely to be treated by the Council.

The revised text proposed below is intended to provide sufficient further information to enable a prospective developer to readily understand the aggregates supply and demand context within West Yorkshire and thereby interpret how policies EN10 and EN11 would be likely to be applied to specific minerals development proposals.

Proposed Minor Amendments to Supporting Text to Address Issue (EN10):
Sandstone Supply
Introduction
5.5.10 The sandstones of the Bradford District are renowned as a resource capable of producing some of the highest quality building, roofing and paving stones in the country. The eight active quarries within the District work stone of varying, colours, textures and bedding characteristics, allowing a wide range of natural stone building materials to be produced, either on-site or at one of the District's numerous stone yards. Products include riven paving and roofing flags, ashlar walling stones and architectural masonry. These materials are used in both new build development projects, public realm paving schemes, and for the repair and extension of traditional buildings. The market for stone products from the District extends throughout the Region and beyond, with a demand for bespoke natural 'York Stone' masonry for quality development projects throughout the country.

5.5.11 Although the sandstone extraction industry within Bradford remains of significant importance in terms of the total national supply of natural building stone products, the level of output and the land area covered by active

quarries is far smaller than was the case at the height of the quarrying industry in the early to mid twentieth century. This is due to the significant contraction of the quarrying industry in the post-war period, a trend which appears to have continued into the 21st century. The extent of sandstone quarrying in the past has left a significant legacy, both in terms of the high quality and distinctive local character of the traditional built environment, including iconic buildings built from local stone such as Bradford City Hall, but also in relation to the land stability problems which can be associated with historic surface and underground stone mining.

5.5.12 Stone extraction is currently concentrated in the Elland Flag, Rough Rock and Woodhouse Grit rock units; however a number of other distinct sandstone types occur within the District and there is therefore the potential to further diversify the supply of building stones, particularly in relation to the courser grained sandstones found within the northern parts of the District. Core policy SC1 promotes the continued growth of the Bradford economy through facilitating high quality development which enhances local settings, character, distinctiveness and heritage, whilst protecting the District's environmental resources. 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 stones, whilst seeking to minimise the potential adverse social and environmental impacts associated with minerals development by setting out environmentally considerate area of search criteria.

5.5.13 Although the District's sandstones are primarily valued as a resource for the production of high quality building, roofing and paving stones they are also of secondary importance for the production of aggregates. The characteristics of Bradford's sandstones are such that they are generally unsuitable to produce the high specification aggregates required for use in road surfacing and concrete production; however several of the District's quarries produce crushed rock aggregates which are sold for a variety of lower specification uses including building sand, engineered fill, and material for the repair and resurfacing of tracks and paths. Recycled and Secondary Aggregates (RSA) can often be a suitable alternative material for use as engineered fill; however the same can not be said for building sand or footpath surfacing material. Therefore the use of the lower specifications sandstones which are produced as a by-product of building stone quarrying for such purposes is generally considered to represent a sustainable use of resources, allowing aggregates quarried elsewhere which meet higher engineering specifications to be reserved for use in more demanding applications.

5.5.14 The Local Aggregates Assessment for West Yorkshire 2012 (WY LAA) confirms that the sub-region is heavily dependant upon higher specification crushed rock aggregate imports from neighbouring authorities, and in particular Derbyshire and North Yorkshire. Substantial crushed rock aggregate reserves exist within West Yorkshire; however the majority of these reserves do not comprise concreting or road stone grade materials and the quality of the sub-

region's stone resources is such that any significant future reduction in the reliance of West Yorkshire on high specification aggregate imports from neighbouring authorities is considered to be unlikely.

Table: TABEN10

West Yorkshire Crushed Rock (CR) Aggregate Landbank Figures				
Estimated CR Consumption 2009 (tonnes)	Estimated CR Imports from Neighbouring Authorities 2009 (tonnes)	Ten Year Average Annual CR Sales (2003-2012) (tonnes)	CR Reserves as of 31 Dec 2012 (tonnes)	Landbank (Reserves/ Avg Sales)
2,330,000	1,499,505	1,000,000	28,500,000	28.5 Years

Note: Above Figures are taken from The Local Aggregate Assessment for West Yorkshire 2012, wherein full details of how these figures have been derived can be found.

5.5.15 The landbank calculation set out in the LAA, as repeated in table TABEN10 above, represents a calculation of the length of time it would take to exhaust current permitted reserves of Crushed Rock within West Yorkshire if average annual sales continue at historic average levels. However the fact that this figure is in excess of the 10 year minimum recommended within the NPPF in no way implies that sufficient crushed rock reserves exist within West Yorkshire to meet West Yorkshire's construction aggregate needs. In fact the figures set out in the WY LAA imply that the level of aggregate product within West Yorkshire could satisfy, at most, 40% of demand, with imports from neighbouring authorities estimated to be almost 50% higher than indigenous production.

5.5.16 In order to secure continuity of supply of crushed rock the West Yorkshire Authorities have engaged with neighbouring authorities, in particular Derbyshire and North Yorkshire, through the Aggregates Working Party and through the production of the WYLAA. This has resulted in the adoption of LAAs by those neighbouring authorities which provide for the continuation of levels of extraction which are sufficient to allow for the continued supply of aggregates into West Yorkshire.

5.5.17 Although Bradford is not a significant aggregate producer the small quantities of crushed sandstone aggregate by-product which are produced do contribute towards redressing the trade imbalance highlighted above and absorbing some local demand for lower specification bulk aggregates and building sand. Therefore, notwithstanding the fact that the West Yorkshire landbank calculated in the 2012 WYLAA (based upon historic average sales) is substantially in excess of the 10 year minimum it is considered inappropriate to adopt a strongly negative policy position towards the extraction of crushed rock aggregates in the District.

5.5.18 Policy EN10 below 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. 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.

5.5.15**9** The key pieces of evidence underlying policy EN10 include 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), English Heritage's Strategic Stone Study: A Building Stone Atlas of West & South Yorkshire (2012), The Regional Aggregates Working Party reports up to 2009 and the Bradford Local Stone Survey thereafter, and the emerging Local Aggregates Assessments for adjacent MPAs including North Yorkshire and Derbyshire. A review of all of these sources can be found in the accompanying Minerals Evidence Base Report.

Proposed Minor Amendments to Supporting Text to Address Issue (EN11):

Sand, Gravel, Fireclay**, Coal** and Hydrocarbons **(oil & gas)**

Introduction

5.5.19 Although sandstone is the primary commodity extracted within Bradford, the District also possesses coal, clay, sand and gravel resources which were an important source of construction and energy minerals in the past and may become so again in the future. No significant coal, sand or gravel extraction has occurred within the District over the preceding four decades, other than production of sand from crushed sandstone; however future changes in extraction technology and commodity prices may make renewed extraction viable within the plan period or beyond. Brick clay and landfill engineering clay continue to be extracted at two sites on Soil Hill to the south of Denholme.

~~5.5.20 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.~~

5.5.20 The Local Aggregates Assessment for West Yorkshire 2012 (WYLAA) identifies that the sub-region is heavily dependant upon sand and gravel imports from neighbouring authorities, and in particular

North Yorkshire. Very limited sand and gravel reserves exist within West Yorkshire, with only two relatively small sites reported in the WYLAA (located in Kirklees and Wakefield), possessing reserves totalling 1.6 million tonnes. No reserves of sand and gravel exist within the Bradford District. British Geological Survey (BGS) resource maps indicate that some potentially viable sand and gravel resources may remain within West Yorkshire, including river terrace deposits along the Wharfe and Aire Valleys in the Bradford District. However previous BGS research has identified minerals extraction industry scepticism that the remaining resource would be economically viable to exploit due to the constrained nature of the remaining deposits.

Table: TABEN11

West Yorkshire Sand and Gravel (S&G) Landbank Figures				
Estimated S&G Consumption 2009 (tonnes)	Estimated S&G Imports from Neighbouring Authorities 2009 (tonnes)	Ten Year Average Annual S&G Sales (2003-2012) (tonnes)	S&G Reserves as of 31 Dec 2012 (tonnes)	Landbank (Reserves/ Avg Sales)
810,000	490,000	130,000	1,600,000	12.3 Years

Note: Above Figures are taken from The Local Aggregate Assessment for West Yorkshire 2012, wherein full details of how these figures have been derived can be found.

5.5.21 The landbank calculation set out in the LAA, as repeated in table TABEN11 above, represents a calculation of the length of time it would take to exhaust current permitted reserves of Sand and Gravel within West Yorkshire if average annual sales continue at historic average levels. However the fact that this figure is in excess of the 7 year minimum recommended within the NPPF in no way implies that sufficient sand and gravel reserves exist within West Yorkshire to meet West Yorkshire's construction aggregate needs. In fact the figures set out in the WY LAA imply that West Yorkshire historic production could satisfy, at most, 16% of demand, with imports from neighbouring authorities estimated to be almost 4 times higher than indigenous production.

5.5.22 In order to secure continuity of supply of sand and gravel the West Yorkshire Authorities have engaged with neighbouring authorities, in particularly Derbyshire and North Yorkshire, through the Aggregates Working Party and through the production of the WYLAA. This has resulted in the adoption of LAAs by those neighbouring authorities which provide for the continuation of levels of extraction which are sufficient to allow for the continued supply of aggregates into West Yorkshire.

5.5.23 Notwithstanding the fact that the West Yorkshire landbank calculated in the 2012 LAA, based upon historic average sales, is in excess of the 7 year minimum, given West Yorkshire's reliance on

imports from neighbouring authorities, it is considered inappropriate and unsustainable to adopt a policy position that would not be supportive of any environmentally acceptable proposals for the extraction of sand and gravel resources within the District which may come forward within the plan period. Therefore policy EN11 is supportive in principle of proposals for sand and gravel extraction, within an area of search constrained by specified environmental criteria, except in the unlikely event that the LAA indicates that no additional permitted reserves of sand and gravel are required.

5.5.2~~1~~**4** 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.

5.5.2~~2~~**5** 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 is know to contain relatively lower rank coals which have already been subject to significant historic extraction activity.

5.5.2~~3~~**6** 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.

5.5.2~~4~~**7** 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.

Issue 2 – Definition of Hydrocarbons

Relevant Policy:
Policy EN11: Sand, Gravel, Fireclay and Hydrocarbons (pages 263 – 268)

Introduction:
During the Examination in Public Session on Minerals on Friday 13th March 2015 the Coal Authority expressed a concern that the use of the word 'hydrocarbons' within policy EN11 could lead to ambiguity and lack of clarity in terms of the scope of minerals development proposals which would be covered by the policy.

This point was accepted by Council Officer during the Examination Session and it was proposed to revise policy EN11 and associated text to specify coal separately to hydrocarbons and insert (oil and gas) after the term hydrocarbons to clarify the scope and applicability of the policy.

Proposed Additional Minor Amendment to Address Issue:
Sand, Gravel, Fireclay**, Coal** and Hydrocarbons **(oil & gas)**

Policy EN11: Sand, Gravel, Fireclay**, Coal** and Hydrocarbons **(oil & gas)**

A. In conjunction with other Minerals Planning Authorities within West Yorkshire, the Council will seek to contribute to the maintenance of a landbank of at least 7 years supply of sand and gravel reserves, as calculated through the Local Aggregates Assessment. Therefore, within the area of search identified in the Allocations DPD, proposals for the extraction of sand and gravel will be supported in principle unless the Local Aggregates Assessment indicates that no additional permitted reserves of sand and gravel are required.

B. Proposals for the extraction of clay (including brick clay, engineering clay and fireclay) will be supported in principle providing that the applicant can produce evidence that there is a demonstrable economic need for the quality and quantity of clay proposed to be recovered.

C. Proposals for coal extraction will not be permitted unless the coal resource would otherwise be sterilised by another form of development or all of the following criteria are met:

1. Any viable fireclay resources will also be recovered, and;
~~2. The applicant can demonstrate that the quality of the coal resource proposed to be extracted is such that it is suitable for use as an energy mineral, and;~~
~~3.~~ **2.** One of the following circumstances applies:

I. The proposals are environmentally acceptable, or can be made so by planning conditions or obligations, or;
ii. The proposal provides national, local or community benefits which clearly outweigh the likely impacts of the development.

D.1. Proposals associated with the exploration and appraisal of **hydrocarbons (**oil ~~or~~ **&** gas**)** resources will be supported in principle providing that the proposal accords with other policies within the Local Development Plan and all of the following criteria are met:

1. Any sites where intrusive exploration or appraisal works are to take place are sited so as to minimise averse impacts on people or the environment, whilst allowing for the effective exploration and appraisal of the potential oil or gas resource, and;
2. Adequate evidence has been provided that the operations and infrastructure associated with the exploration or appraisal activities will not lead to unacceptable adverse impacts on people or the environment or that any such adverse impacts will be adequately mitigated, and;
3. Any boreholes intended to be capable of being reused for production in the future are sited in locations which can accommodate the scale of infrastructure and mitigation which would be necessary at the production stage, and;
4. Proposals are included to restore the areas of land affected by the exploration or appraisal activities to a condition which provides for the maintenance or enhancement of the ecological, landscape and/ or amenity value of the site in the event that planning permission is not subsequently granted for these areas of land to be used for production.

D.2. Proposals for the commercial production of **hydrocarbons (**oil ~~or~~ **&** gas**)** will be supported in principle providing that the proposal accords with other policies within the
Local Development Plan and all of the following criteria are met:

1. A full appraisal programme for the oil or gas resource proposed to be exploited has been completed which demonstrates that a viable oil or gas resource exists of a sufficient size to justify the environmental, social and economic costs associated with its extraction, and;
2. The proposed production site is in the most sustainable viable location taking account of the proximity of sensitive environmental, human and cultural receptors, transportation distances, infrastructure requirements and the benefits of efficiently exploiting the identified oil and gas deposit, and;
3. Adequate evidence has been provided that the operations and infrastructure necessary for the exploitation of the oil or gas resource will not lead to unacceptable adverse impacts on people or the environment or that any such adverse impacts will be adequately mitigated, and;
4. Proposals are included to restore the areas of land affected by the production activities and associated infrastructure to a condition which provides for the maintenance or enhancement of the ecological,

landscape and/ or amenity value of the site once production has ceased.

E. The following criteria shall be used to identify areas of search for sand and gravel extraction sites:

1. Locations within the potential sand and gravel resource areas identified by the British Geological Survey;
2. Locations outside of areas where the natural environment is protected under national and international statutory designations;
3. Locations outside of areas where further minerals extraction activities would be likely to lead to the loss or significant deterioration of any irreplaceable habitats, or to the permanent disruption of a significant ecological network;
4. Locations outside of urban areas.