

Detailed audit trail of policy development from Issues and Options through to Publication

October 2016

Introduction

The proformas contained in this paper provide an audit trail for the development of policy options from the Issues and Options stage through to the Preferred Options draft policies and then progressing the policies through to the Publication stage.

Evolving the draft policies from the Preferred Options stage to the Publication stage involved including the text from the Preferred Options consultation document as a starting point, then including a note of any consultation comments suggesting a potentially significant change to the content of the Plan in blocks down the side of the main text of the proformas. The points made in these comments were considered, along with all other comments and any new evidence or legislation during the development of the policies. In particular the comments provided against the hydrocarbons section prompted a revision of the policy approach, and change in policy title and content.

The policies have gone through the Sustainability Appraisal process at this stage and the results are available in a Sustainability Report on the website at www.northyorks.gov.uk/mwsustainability.

The proformas have helped in the drafting of the final policies. There was a cut-off point for editing the text in the proformas, so the text may not exactly match what is presented in the Publication document as further editing was carried out in the document itself once the text from the proformas were transferred across.

The table below summarises the evolution of the policies from Issues and Options through to Publication.

id	Issue title	Policy number	Preferred Policy title	Policy number	Policy title at Publication
Id01	Broad geographical approach to supply of aggregates	M01	Broad geographical approach to supply of aggregates	M01	Broad geographical approach to supply of aggregates
Id02	Locational approach to new sources of supply of aggregate	-	<i>Issue addressed under other aggregate policies</i>		
Id03	Calculating sand and gravel provision	M02	Provision of sand and gravel	M02	Provision of sand and gravel
Id04	Overall distribution of sand and gravel provision	M03	Overall distribution of sand and gravel provision	M03	Overall distribution of sand and gravel provision
Id05	Landbanks for sand and gravel	M04	Landbanks for sand and gravel	M04	Landbanks for sand and gravel
Id06	Safeguarding of sand and gravel resources	S01	Safeguarding mineral resources	S01	Safeguarding mineral resources
Id07	Provision of crushed rock	M05	Provision of crushed rock	M05	Provision of crushed rock
Id08	Maintenance of landbanks for crushed rock	M06	Landbanks for crushed rock	M06	Landbanks for crushed rock
Id09	Safeguarding crushed rock	S01	Safeguarding mineral resources	S01	Safeguarding mineral resources
Id10	Concreting sand and gravel	M07	Meeting concreting sand and gravel requirements	M07	Meeting concreting sand and gravel requirements
Id11	Building sand delivery	M08	Meeting building sand requirements	M08	Meeting building sand requirements
Id12	Magnesian limestone delivery	M09	Meeting crushed rock requirements	M09	Meeting crushed rock requirements
Id13	Unallocated	M10	Unallocated	M10	Unallocated extensions

	extensions to existing aggregate quarries		extensions to existing quarries		to existing quarries
ld14	Supply of alternatives to land won primary aggregates	M11	Supply of alternatives to land won primary aggregates	M11	Supply of alternatives to land won primary aggregates
ld15	Continuity of supply of silica sand	M12	Continuity of supply of silica sand	M12	Continuity of supply of silica sand
ld16	Silica sand resources safeguarding	S01	Safeguarding mineral resources	S01	Safeguarding mineral resources
ld17	Continuity of supply of clay	M13	Continuity of supply of clay	M13	Continuity of supply of clay
ld18	Incidental working of clay in association with other minerals	M14	Incidental working of clay in association with other minerals	M14	Incidental working of clay in association with other minerals
ld19	Clay resources safeguarding	S01	Safeguarding mineral resources	S01	Safeguarding mineral resources
ld20	Continuity of supply of building stone	M15	Continuity of supply of building stone	M15	Continuity of supply of building stone
ld21	Use of building stone	-	<i>Incorporated into M15</i>	-	<i>Incorporated into M15</i>
ld22	Safeguarding building stone	S01	Safeguarding mineral resources	S01	Safeguarding mineral resources
ld23	Overall spatial options for oil and gas	M16	Overall spatial policy for hydrocarbon development	M16	Key spatial principles for hydrocarbon development
ld24	Co-ordination of gas extraction and processing	-	<i>Incorporated into M18</i>		
ld25	Gas developments (Exploration and appraisal)	M17	Exploration and appraisal for hydrocarbon resources	M17	Other spatial and locational criteria applying to hydrocarbon development
ld26	Gas developments (Production and processing)	M18	Production and processing of hydrocarbon resources	M18	Other specific criteria applying to hydrocarbons development
ld27	Coal mine methane	-	<i>Covered by policies M17 and M18</i>		
ld28	Coal bed methane, underground coal gasification, shale gas and carbon and gas storage	M19	Carbon gas storage (CBM, underground coal gasification and shale gas covered by M17 and M18)	M19	Carbon and gas storage (CBM, underground coal gasification and shale gas covered by M17 and M18)
ld29	Continuity of supply of deep coal	M20	Continuity of supply of deep coal	M20	Deep coal and disposal of colliery spoil (<i>disposal of colliery spoil incorporated into deep coal policy</i>)
ld30	Shallow coal	M21	Shallow coal	M21	Shallow coal
ld31	Safeguarding shallow coal	S01	Safeguarding mineral resources	S01	Safeguarding mineral resources
ld32	Safeguarding deep coal	S01	Safeguarding mineral resources	S01	Safeguarding mineral resources
ld33	Disposal of colliery spoil	M22	Disposal of colliery spoil	-	<i>Policy incorporated into Policy M20 Deep Coal and disposal of colliery spoil</i>

Id34	Potash supply	M23	Potash and Polyhalite supply	M22	Potash and Polyhalite supply
Id35	Safeguarding potash	S01	Safeguarding mineral resources	S01	Safeguarding mineral resources
Id36	Supply of gypsum	M24	Supply of gypsum	M23	Supply of gypsum
Id37	Gypsum safeguarding	S01	Safeguarding mineral resources	S01	Safeguarding mineral resources
Id38	Safeguarding of deep mineral resources	S01	Safeguarding mineral resources	S01	Safeguarding mineral resources
Id39	Supply of vein minerals	M25	Supply of vein minerals	M24	Supply of vein minerals
Id40	Safeguarding vein minerals	S01	Safeguarding mineral resources	S01	Safeguarding mineral resources
Id41	Borrow pits	M26	Borrow pits	M25	Borrow pits
Id42	Overall approach to the waste hierarchy	W01	Moving waste up the waste hierarchy	W01	Moving waste up the waste hierarchy
Id43	Strategic role of the Plan area in the management of waste	W02	Strategic role of the Plan area in the management of waste	W02	Strategic role of the Plan area in the management of waste
Id44	Meeting waste management capacity requirements – Local Authority Collected Waste	W03	Meeting waste management capacity requirements – Local Authority Collected Waste	W03	Meeting waste management capacity requirements – Local Authority Collected Waste
Id45	Meeting waste management capacity requirements – Commercial and Industrial waste	W04	Meeting waste management capacity requirements – Commercial and Industrial waste	W04	Meeting waste management capacity requirements – Commercial and Industrial waste (including hazardous C&I waste)
Id46	Meeting waste management capacity requirements – Construction Demolition and Excavation waste	W05	Meeting waste management capacity requirements – Construction Demolition and Excavation waste	W05	Meeting waste management capacity requirements – Construction Demolition and Excavation waste (including hazardous CD&E waste)
Id47	Managing agricultural waste	W06	Managing agricultural waste	W06	Managing agricultural waste
Id48	Managing Low Level (Non-nuclear) Radioactive waste	W07	Managing Low Level (Non-nuclear) Radioactive waste	W07	Managing Low Level (Non-nuclear) Radioactive waste
Id49	Managing waste water (sewage sludge)	W08	Managing waste water (sewage sludge)	W08	Managing waste water and sewage sludge
Id50	Managing power station ash	W09	Managing power station ash	W09	Managing power station ash and incinerator bottom ash
Id51	Overall locational principle for provision of new waste capacity	W10	Overall locational principle for provision of new waste capacity	W10	Overall locational principle for provision of waste capacity
Id52	Waste site identification principles	W11	Waste site identification principles	W11	Waste site identification principles
Id53	Waste management	S03	Waste management	S03	Waste management

	facility safeguarding		facility safeguarding		facility safeguarding
Id54	Transport infrastructure	I01	Minerals and waste transport infrastructure	I01	Minerals and waste transport infrastructure
Id55	Transport infrastructure safeguarding	S04	Transport infrastructure safeguarding	S04	Transport infrastructure safeguarding
Id56	Locations for ancillary minerals infrastructure	I02	Locations for ancillary minerals infrastructure	I02	Locations for ancillary minerals infrastructure
Id57	Minerals ancillary infrastructure safeguarding	S05	Minerals ancillary infrastructure safeguarding	S05	Minerals ancillary infrastructure safeguarding
Id58	Presumption in favour of sustainable development	D01	Presumption in favour of sustainable minerals and waste development	D01	Presumption in favour of sustainable minerals and waste development
Id59	Local amenity and cumulative impacts	D02	Local amenity and cumulative impacts	D02	Local amenity and cumulative impacts
Id60	Transport of minerals and waste and associated traffic impacts	D03	Transport of minerals and waste and associated traffic impacts	D03	Transport of minerals and waste and associated traffic impacts
Id61	North York Moors National Park and AONBs	D04	North York Moors National Park and AONBs	D04	Development affecting the North York Moors National Park and AONBs
Id62	Minerals and waste development in the Green Belt	D05	Minerals and waste development in the Green Belt	D05	Minerals and waste development in the Green Belt
Id63	Landscape	D06	Landscape	D06	Landscape
Id64	Biodiversity and Geodiversity	D07	Biodiversity and Geodiversity	D07	Biodiversity and Geodiversity
Id65	Historic environment	D08	Historic environment	D08	Historic environment
Id66	Water environment	D09	Water environment	D09	Water environment
Id67	Strategic approach to reclamation and afteruse	D10	Reclamation and afteruse	D10	Reclamation and afteruse
Id68	Sustainable design, construction and operation of development	D11	Sustainable design, construction and operation of development	D11	Sustainable design, construction and operation of development
Id69	Other criteria for minerals and waste development	D12	Protection of agricultural land and soils	D12	Protection of agricultural land and soils
Id70	Developments proposed within Mineral Safeguarding Areas	S02	Developments proposed within Mineral Safeguarding Areas	S02	Developments proposed within Mineral Safeguarding Areas
Id71	Consideration of applications in minerals consultation areas	S06	Consideration of applications in Consultation areas	S06	Consideration of applications in Consultation areas
Id72	Coal mining legacy	D13	Consideration of applications in Development High Risk Areas	D13	Consideration of applications in Development High Risk Areas

The individual proformas are included in the following pages.

Development of Policy M01: Broad geographical approach to supply of aggregates.

Part 1 - Issues and Options to Preferred Options

Policy id 01- Broad geographical approach to supply of aggregates	
<i>Options presented at Issues and options stage</i>	<p>Option 1: This approach could seek to ensure that requirements for new aggregates supply from the Joint Plan area would be met only from those parts of the area outside the North York Moors National Park, AONBs and the City of York area.</p> <p>Option 2: In addition to aggregates supply from the NYCC area, this approach could seek to deliver an element of total sand and gravel supply requirements from the City of York area by encouraging working of sand and gravel (including building sand) in appropriate locations.</p>
What the SA told us	
<p>Option 1 would have clear benefits for the landscape and natural and historic environment whilst enabling supply of aggregates to be maintained. In particular significant positive effects would be evident in the AONBs which currently contain aggregates quarries.</p> <p>Option 2 would potentially have negative effects on the environment of the City of York but would potentially displace such effects from elsewhere in the Plan area and enable aggregates required within York to be sourced locally.</p>	
Number of consultation responses	
Total number of comments against id:	32
Question 07: Do you have any views on either of these options?	Option 1: 11(1 SC, 1 MWI)
	Option 2: 7 (2 LA, 2 MWI)
	DNS: 5 (1 SC)
Question 08: Are there any alternative options that you think should be considered?	Number of respondents: 9 (1 SC, 1 LA, 1MWI)
Brief overview of consultation responses	
<p>Key Messages Q7: Several responses suggested that there should be no restriction on where aggregates are worked and that the City of York should contribute to aggregate supply. Converse views were also received which sought to see a restriction of working within the North York Moors National Park and AONBs.</p> <p>Developing a policy which locates sites close to markets was also raised and supported in some consultation responses.</p> <p>One representation sought to clarify the interpretation of the NPPF within the consultation and suggested that whilst the NPPF states that ‘as far as practical’ landbanks should be maintained outside the National Park and AONBs this does not necessarily mean that there should be a blanket ban of working in these areas.</p> <p>Key Messages Q8: A range of alternative options were suggested in the responses, these are detailed in the ‘Suggested new options Chapter 5 – Minerals table’ along with justification as to why they have or have not been taken forward. Any realistic alternatives have been worked up and are detailed below</p> <p>Proposed Option 3</p> <ul style="list-style-type: none"> Allow extraction of aggregate from within National Park and AONBs if required to do so as well as from the rest of the Joint Plan area. <p><i>Suggested approach</i> <i>Supply from the National Park and AONBs would be supported in circumstances where demand could not be met from locations outside protected areas.</i></p>	

Proposed Option 4

- Any workings in the York area are restricted to being small scale and only used in the York area.

Suggested approach

In addition to aggregates supply from the NYCC area seek to deliver an element of total sand and gravel supply requirements from the City of York area by encouraging working of sand and gravel (including building sand) in appropriate locations. Extraction within the City of York area would be supported where it is on a small scale and is for use only within the City of York area.

Proposed Option 5

- There should be no specific geographical restriction in the Plan relating to the location of aggregates extraction in the Joint Plan area.

Suggested approach

Allow extraction to take place from any geographical location in the Joint Plan area.

Proposed Option 6

- Restrict further extraction in the land between the North York Moors and Yorkshire Dales National Parks, any sites should be restored to their former use.

Suggested approach

Only permit future extraction in the geographical area between the North York Moors and Yorkshire Dales National Parks where sites are to be restored to their former use.

Proposed Option 7

- Support aggregate extraction through extensions to former quarries in the National Park.

Suggested approach

Notwithstanding the restrictions identified in Options 1 and 2, this option would support aggregate extraction through extensions to former quarries in the National Park.

Proposed Option 8

- In addition to Option 1 or 2 support should be given to the use of excess crushed rock from building stone sites in the National Park in the local area.

Suggested approach

Working alongside Option 1 or 2 and notwithstanding any restrictions applied through Options 1 and 2, this option would support the use of excess crushed rock from building stone sites in the National Park and AONBs as aggregate for use in the local area.

SA of options including alternatives**Summary of assessment**

Option 1 would have clear benefits for the landscape and natural and historic environment whilst enabling supply of aggregates to be maintained. In particular significant positive effects would be evident in the AONBs which currently contain aggregates quarries. Option 3 would place greater uncertainty over the positive effects observed for the National Park and AONBs as a result of both Options 1 and 2, although would have positive effects in relation to supply of minerals and the economy, whilst Option 7 is likely to lead to negative effects on the National Park without necessarily benefitting the economy overall.

Options 2 and 4 would potentially have negative effects on the environment of the City of York (with effects under Option 2 being greater than effects under Option 4) but would potentially displace such effects from elsewhere in the Plan area and enable aggregates required within York to be sourced locally, thus having a positive effect in terms of transportation impacts. Under Option 5 there would potentially be negative effects on the environment across the Plan area although it scores positively in terms of the economy and ensuring supply of aggregates.

Acting alongside the overall strategy, Option 6 would have negative effects in the longer term

as it would not support securing enhancements for the landscape, biodiversity or recreation. Option 8 would provide positive effects in relation to the supply of minerals and on minimising environmental effects.

Revised Recommendations

It is recommended that a combination of Options 1, 2 and 3 be progressed, whereby the policy is clear that extraction should take place outside of the National Park and the AONBs as a first priority but within the rest of the NYCC area and the City of York area. Option 8 should also be supported as a further means of enabling aggregates extraction with minimal environmental effects.

Joint Authorities response to consultation responses

Whilst mixed views were received on the degree of constraint that should be applied in the NP and AONBs, it is considered that a relatively high level of constraint is appropriate, taking into account the requirements of national minerals policy. It is acknowledged that it may be reasonable to allow some more flexibility in AONBs in relation to the approach towards existing aggregates quarries and this distinction could be reflected in policy. It is agreed that incidental extraction of aggregate in association with building stone in these areas could be appropriate in some circumstances. It is also accepted that it would be appropriate in principle to support sand and gravel working within the City of York area, taking into account national policy and guidance. In practice opportunities for working in this area are likely to be very limited.

Evidence base update

A further assessment of the potential deliverability of sand and gravel working in York was undertaken by the Joint Plan authorities in August 2014, taking into account findings of previous resource identification work carried out by BGS in 2013. The assessment suggests there are significant constraints to sand and gravel working and that any supportive policy should utilise a criteria based approach.

Since Issues and Options consultation a site for aggregates working in the NYMNPA area has been submitted for consideration.

This evidence base update is accurate as of January 2015.

Duty to Cooperate

Is this is a DtC matter: yes

At a general level the imbalance between location of resources and areas of demand for minerals was a factor influencing the decision to produce a joint minerals and waste plan for NYCC/CYC/NYMNPA.

Discussion around development of preferred policy approach

A range of national policy considerations and guidance are relevant particularly:

- Landbanks of non-energy minerals should be maintained outside National Parks, AONBs, World Heritage Sites, Sites of Special Scientific Interest and Conservation Areas as far as practical;
- National Park Authorities are not expected to designate preferred areas or areas of search for minerals given their overarching responsibilities for managing National Parks;
- All areas with minerals resources should make a contribution to supply where practical

Mixed views were received on the approach that should be taken with respect to National Parks, AONBs and the City of York. The SA favoured an approach of restricting minerals aggregates extraction in National Parks and AONBs, whilst supporting the principle of small scale working in the City of York area. Taking into account the range of views received it is considered that it may be relevant to draw a distinction between support for aggregate working in the NYMNP and support for working in the AONBs. Aggregates extraction in the NP has not taken place for a number of years and any further working would, in effect involve

opening up a new extraction area. By contrast there are a number of active and dormant aggregates sites in AONBs in the Plan area. It is recognised that there could be benefit in providing support in principle for limited further working at such sites where this could help maintain current economic and employment benefits associated with the site and where development could take place without compromising the environment. This could provide a greater degree of flexibility, as well as a positive approach, in the Plan. In some cases it is possible that any such proposals would also need to satisfy the major development test. Such an approach would represent a modification of the alternative Option 3.

With regard to the City of York area, it is considered that it could be appropriate to support the principle of small scale working of sand and gravel to help provide some flexibility for development of a more local source of supply. Due to the level of constraints in this area and the absence of any proposed site allocations it is considered that such support would need to be provided through a criteria-based policy. Restricting sales from any such workings to the City of York area only is not considered practicable but, as sand and gravel sites tend to serve relatively local markets, it is likely that any such workings would mainly serve markets in the City of York area in any event.

It is accepted that supporting the incidental supply of crushed rock from building stone sites in the National Park and AONBs would be appropriate to help ensure the efficient use of resources, provided that the removal of this material from the site would not compromise the standard of restoration, taking into account the sensitivity of the environment in these areas.

The preferred approach is a combination of Options 1 and 2 with elements of additional options 3 and 8.

Preferred policy approach – title changed to M01: Broad geographical approach to supply of aggregates

The Joint Plan area outside the North York Moors National Park, the Areas of Outstanding Natural Beauty and the City of York will be the main focus for extraction of aggregate (sand and gravel and crushed rock). Exceptions to this principle will be made for:

- 1) In the National Park and Areas of Outstanding Natural Beauty, the extraction of crushed rock aggregate where it is incidental to building stone extraction as the primary activity, and where the removal of crushed rock from the site will not compromise the high quality reclamation and afteruse of the site.**
- 2) In the Areas of Outstanding Natural Beauty, the extension of time for the extraction of remaining permitted reserves at existing quarries and/or, subject where necessary to the major development test, the limited lateral extension or deepening of existing quarries where necessary to help ensure continued operation of the site during the plan period. Any proposals in these areas will need to demonstrate a particularly high standard of mitigation of any environmental impacts including, where practical, enhancement of mitigation and quality of site reclamation compared with that required by the existing permission/s.**
- 3) In the City of York area, the small scale extraction of sand and gravel where the development will comply with the development management policies in the Plan.**

Supporting text

The large majority of aggregates resources, and existing aggregates quarries, are located in the NYCC area. Due to a combination of resource availability issues and environmental constraints, it is expected that this will remain the position over the plan period. However, there may be limited circumstances where it would be appropriate to support aggregates extraction in other parts of the Joint Plan area.

Although extraction has taken place until relatively recently there are now no existing permitted aggregates quarries in the National Park. Further working would therefore involve opening a new quarry. It is not considered that there is sufficient justification for such development, taking into account the existence of substantial permitted reserves elsewhere in the Joint Plan area, as well as the requirements of national policy, which supports the maintenance of landbanks of aggregate from outside National Parks as far as practical.

Although Areas of Outstanding Natural Beauty are also subject to a similar degree of national policy constraint, the AONBs in the Joint Plan area contain a number of well-established crushed rock quarries, including Pateley Bridge Quarry in the Nidderdale AONB and a number of smaller quarries in the Howardian Hills AONB. It would not be appropriate to support large scale new working in these areas during the plan period, taking into account availability of reserves and resources of crushed rock elsewhere in the Plan area. However, provision of support for the continuation of working at sites where existing time limited permissions are due to expire during the plan period yet reserves remain, would help ensure that local economic benefits, including local employment, are sustained, as well as the site's contribution to the overall supply of aggregate. Similar benefits could also arise through the limited physical extension of quarrying at existing sites in the AONB where this is needed to enable the site to continue its' existing role in supply.

Where an extension in time, or additional extraction through lateral extensions or deepening, are proposed a very high degree of protection of the environment should be demonstrated and, preferably, overall enhancement of the quality of environmental mitigation and site reclamation compared with that required by the existing permission/s. This is necessary to help reduce the overall impact of such development on these highly protected areas. It is unlikely that proposals involving an increase in rate of output compared with the previous position would be supported under this policy. Where any proposals are considered to be 'major development' they will also need to satisfy the specific policy tests for such development as currently set out in the National Planning Policy Framework.

There is no recent history of aggregates extraction in the City of York area but evidence suggests that some sand and gravel resources (mainly building sand) are present, particularly in the north. Resources in this area are subject to a substantial number of environmental and physical constraints and it is considered that the potential to identify suitable resources for development is relatively low. No proposals have come forward from industry in response to calls for sites. However, provision of support in principle for small scale extraction would be appropriate to help encourage delivery of a local contribution to supply, subject to suitable proposals coming forward. The draft York Local Plan identifies a range of criteria which would need to be met by any proposals for working in the City of York area and any proposals would also need to comply with the development management policies in the Minerals and Waste Joint Plan.

Links to Objectives and Policies

Links to Objectives

Objective 6

Objective 7

Objective 9

Links to other relevant policies in the Plan:

Id04: Overall distribution of sand and gravel
Id07: Provision of crushed rock
Id10: Concreting sand and gravel delivery
Id11: Building sand delivery
Id12: Magnesian limestone delivery
Id13: Unallocated extension to existing aggregate quarries
Id58: Presumption in favour of sustainable minerals and waste development
Id59: Local amenity and cumulative impacts
Id61: North York Moor National Park and the AONBs
Id62: Minerals and waste development in the Green Belt
Id63: Landscape
Id64: Biodiversity and geodiversity
Id65: Historic environment
Id66: Water environment
Id67: Strategic approach to reclamation and afteruse

SA/SEA

Summary of assessment

This preferred option exhibits a range of different effects. In the main the sustainability objectives recorded minor positive effects for the protected landscapes in the plan area. However, some minor negative effects associated with crushed rock extraction shifted location away from protected areas and into the remaining plan area.

Recommendations

No recommendations are made.

Part 2- Preferred options to Publication

Consultation Responses to Preferred Options

Spatial Approach to Aggregates Supply

5.3 Aggregates are identified in national policy as a mineral of national and local importance and are some of the most important primary minerals worked in the Joint Plan area, as they contribute to requirements for high quality concreting aggregate in urban areas such as West and South Yorkshire and the Tees Valley, as well as meeting local requirements. Minerals resource information produced to support preparation of the Plan indicates that the large majority of potential sand and gravel resources in the Plan area, particularly those of greatest commercial significance are located within NYCC. The total volume of the resource is very large, although a wide number of constraints such as surface development, environmental constraints and accessibility considerations, means that the volume potentially available for extraction is likely to be much lower.

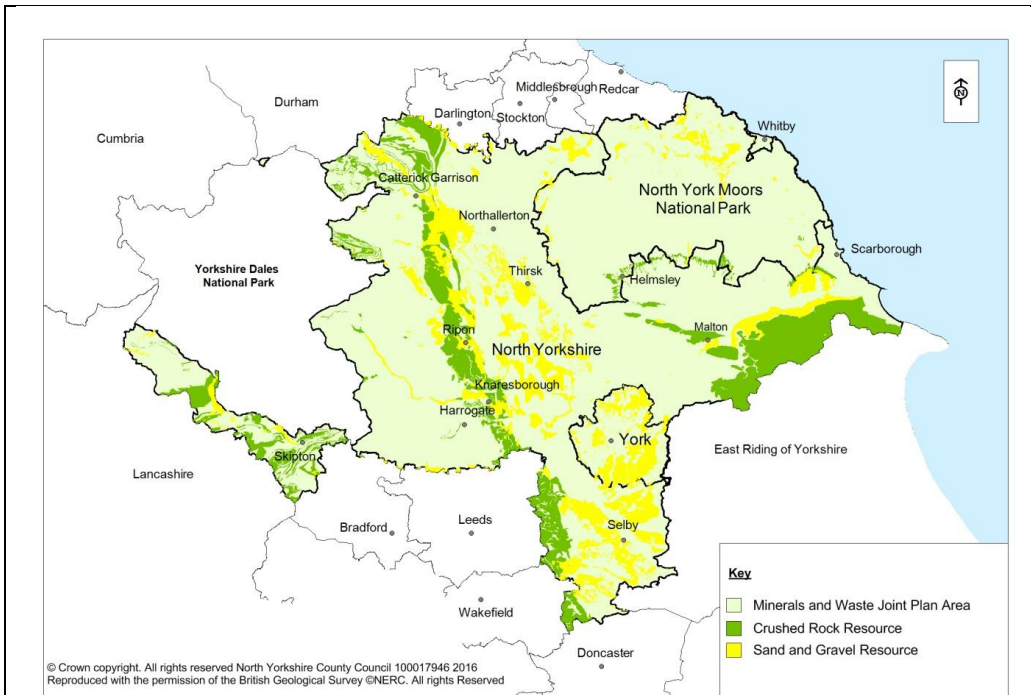


Figure 9: Aggregate resources in Joint Plan area

- 5.4 Crushed rock resources in the area typically comprise three main types: Carboniferous limestone, which occurs in the north around the Scotch Corner-Leyburn area in Richmondshire and Craven in the west; Magnesian limestone, which occurs as a narrow band running north-south through the central part of the Plan area; and Jurassic limestone, which occurs around the fringes of the Vale of Pickering and the North York Moors National Park in the east of the area. Small amounts of chalk have previously been produced but working has now stopped. There are no crushed rock resources in the City of York.
- 5.5 Substantial resources and permitted reserves of crushed rock exist within Areas of Outstanding Natural Beauty (Howardian Hills and Nidderdale AONBs respectively) and resources also exist in the southern part of the North York Moors National Park. However, as with sand and gravel, national policy encourages the maintenance of crushed rock landbanks from outside National Parks and AONBs, as far as practicable.

Policy M01: Broad geographical approach to supply of aggregates

The Joint Plan area outside the North York Moors National Park, the Areas of Outstanding Natural Beauty and the City of York will be the main focus for extraction of aggregate (sand and gravel and crushed rock). Exceptions to this principle will be made for:

- 1) In the National Park and Areas of Outstanding Natural Beauty, the extraction of crushed rock aggregate where it is incidental to and would not compromise the supply of building stone extraction as the primary activity, and where the removal of crushed rock from the site will not compromise the high quality reclamation and afteruse of the site.

Comment [MS1]: 1174/1676- Other special landscape features should be referenced e.g Mag Lst Ridge. 3748 (Meldgaard UK) 1214policy should include reference to safeguarding waste management sites for recycled/secondary aggregates. Note - it is not considered practicable or appropriate to refer to other special landscape features in this policy, which is providing a high level strategic spatial steer to aggregates extraction. Other policies in the Plan provide protection to landscape. Safeguarding of sites is addressed in Chapter 8 of the Plan.

Comment [JJ2]: 0120 (Historic England) 0110- add new text 'and would not compromise the supply of ' **Note** - it is agreed that this should be included in the Policy in order to ensure that aggregates supply remains incidental to the primary use for supply of building stone, for which there may be stronger policy justification in sensitive locations.

2) In the Areas of Outstanding Natural Beauty, the extension of time for the extraction of remaining permitted reserves at existing quarries and/or, the limited lateral extension or deepening of existing quarries where necessary to help ensure continued operation of the site during the plan period. Any proposals in these areas will need to demonstrate a particularly high standard of mitigation of any environmental impacts including, where practical, enhancement of mitigation and quality of site reclamation compared with that required by the existing permission/s. Where proposals are considered to comprise major development the test for major development in Policy D04 will also need to be satisfied.

3) In the City of York area, the small scale extraction of sand and gravel where this is consistent with safeguarding the special character and setting of the City.

Main responsibility for implementation of policy: NYCC, CYC, NYMNPA and Minerals Industry

Key links to other relevant policies and objectives

M02, M03, M05, M07, M08, M09, M10, D01, D02, D03, D04, D05, D06, D07, D08, D09, D10, D11, D12	Objectives 6, 7, 9
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Monitoring: Monitoring indicator 1 (see Appendix 3)

Comment [MS3]: 0115 (MPA) 0627- It is unclear why extraction in the CYC area should be limited to small scale. This is an artificial barrier and should be removed. Note - Geological information suggests that resources of good quality sand and gravel resources in York are relatively scarce, relatively highly fragmented and subject of a significant degree of environmental and other constraints to working. It is therefore expected that the potential for future working, if any, is likely to be for small scale extraction only and hence it is appropriate to acknowledge this in the Policy.

Comment [JJ4]: 0128(Yorkshire Wildlife trust) 1154. Suggested extra text **'Allocations will be supported where restoration has the potential to create large connected areas of priority habitat.'** Note - a wide range of considerations will be relevant to the allocation of sites and it is not considered appropriate to reference this specific consideration in the Policy. minerals site restoration, including the potential for strategic scale restoration is addressed elsewhere in the Plan.

Policy Justification

- 5.6 Due to a combination of resource availability issues and environmental constraints, it is expected that the NYCC area will be the main focus for aggregates working over the plan period. However, there may be limited circumstances where it would be appropriate to support aggregates extraction in other parts of the Joint Plan area.
- 5.7 Although extraction has taken place until relatively recently there are now no existing permitted aggregates quarries in the National Park. Further working would therefore involve opening a new quarry. It is not considered that there is sufficient justification for such development, taking into account the existence of substantial permitted reserves elsewhere in the Joint Plan area, as well as the requirements of national policy, which supports the maintenance of landbanks of aggregate from outside National Parks as far as practical.
- 5.8 Although Areas of Outstanding Natural Beauty are also subject to a similar degree of national policy constraint, the AONBs in the Joint Plan area contain a number of well-established crushed rock quarries, including Pateley Bridge Quarry in the Nidderdale AONB and a number of smaller quarries in the Howardian Hills AONB. It would not be appropriate to support large scale new working in these areas during the plan period, taking into account availability of reserves and resources of crushed rock elsewhere in the Joint Plan area. However, provision of support for the continuation of working at sites where existing time limited permissions are due to expire during the plan period yet reserves remain, would help ensure that local economic benefits, including local employment, are sustained, as well as the site's contribution to the overall supply of aggregate. Similar benefits could also arise through the limited physical extension of quarrying at existing sites in the AONB where this is needed to enable the site to continue its' existing role in supply.
- 5.9 Where an extension in time, or additional extraction through lateral extensions or deepening, are proposed a very high degree of protection of the environment should

be demonstrated and, preferably, overall enhancement of the quality of environmental mitigation and site reclamation compared with that required by the existing permission/s. This is necessary to help reduce the overall impact of such development on these highly protected areas. It is unlikely that proposals involving an increase in rate of output compared with the previous position would be supported under this policy. National policy does not preclude major development from taking place in protected areas. However proposals need to be considered against the requirements for major development which state that exceptional circumstances need to be shown and that it can be demonstrated they are in the public interest. Although the term 'major development' is not defined in the context of the national policy test, it is likely that most proposals for extensions to aggregates quarries in the National Park and AONBs will need to be subject to the test, as set out in Policy D04 of the Plan..

- 5.10 There is no recent history of aggregates extraction in the City of York area but evidence suggests that some sand and gravel resources (mainly building sand) are present, particularly in the north. Resources in this area are subject to a substantial number of environmental and physical constraints and it is considered that the potential to identify suitable resources for development is relatively low. No proposals have come forward from industry in response to calls for sites. However, provision of support in principle for small scale extraction would be appropriate to help encourage delivery of a local contribution to supply, subject to suitable proposals coming forward. The draft York Local Plan identifies a range of criteria which would need to be met by any proposals for working in the City of York area and any proposals would also need to comply with the development management policies in the Minerals and Waste Joint Plan.

SA/SEA

Summary of assessment This preferred option exhibits a range of different effects. In the main the sustainability objectives recorded minor positive effects for the protected landscapes in the plan area. However, some minor negative effects associated with crushed rock extraction shifted location away from protected areas and into the remaining plan area. There were also positive benefits noted on tourism, which benefit the economy and community vitality objectives, and for the recreation objective effects were mixed, but became more positive in the longer term as quarry restorations are either enhanced, or possibly directed closer to more populated areas in the wider plan area.

Recommendations: No recommendations are made.

Overall Summary of Reasons for Change

Minor edits to Policy and supporting text for clarity

Development of Policy M02: Provision of sand and gravel.

Part 1 - Issues and Options to Preferred Options

Policy id03: Calculating sand and gravel provision- Now Called Provision of sand and gravel

<i>Options presented at Issues and options stage</i>	Option 1: This option would involve projecting forward 10 year annual average sales over the period to 2030 to provide an indication of the overall scale of provision required, after allowing for the level of reserves already with planning permission. Based on the position at the end of
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	<p>2011 this would result in a need for an additional 27.5mt of sand and gravel over the Plan period.</p>
	<p>Option 2: This option would calculate provision of sand and gravel by basing future requirements on an assumed annual average requirement higher than that generated by taking an annual average of 10 years sales at the time of plan preparation. This option would include an assumption of an additional 7mt over the plan period (calculated based on the mid-point between the sub regional apportionment figures contained in the former RSS of 2.63mtpa and provision based on pre-recession levels of 2.7mtpa). Based on the position at the end of 2011 this would result in a need for an additional 34.5mt of sand and gravel over the plan period.</p>
	<p>Option 3: This option would calculate future provision by projecting forward 10 year annual sales and incorporating an additional contingency of 10% over the full plan period. Based on the position at the end of 2011 this would result in a need for an additional 31.9mt of sand and gravel over the plan period.</p>
	<p>Option 4: This option would calculate future provision by projecting forward 10 year average sales with the addition of a review of sand and gravel sales at the end of 2019. In the event that sales of sand and gravel recover to a level such that short term average sales (as measured over a three year averaging period for the years 2017, 2018 and 2019) exceed the 10 year average sales figure used to define provision at the time of plan preparation by an amount exceeding 10%, then additional provision can be made in line with that referred to in Option 3 above, i.e. provision of an additional 10% leading to a total provision of 31.9mt over the plan period.</p>
	<p>Option 5: This option would involve projecting forward 10 years annual sales but factoring in an assumed reduction of 1mt in land-won supply, which would be offset by increased imports of marine aggregate. Based on the position at the end of 2011 this would result in a need for an additional 26.5mt of sand and gravel over the plan period.</p>
	<p>Option 6: This option would involve projecting forward 10 year annual sales but factoring in a larger assumed reduction in the overall requirement to take account of the potential for other alternative sources of supply to also serve markets currently met by exports from North Yorkshire. An assumed reduction in overall provision of 250,000tpa over the period 2020-2030 could be applied, resulting in a reduction of 2.5mt in overall provision. Based on the position at the end of 2011 this would result in a need for an additional 25mt of sand and gravel over the plan period.</p>

What the SA told us

There is a significant amount of uncertainty in relation to all of these options due to uncertainty over where provision would be made. However, generally there are likely to be negative effects on climate change, resource minimisation and waste, which range in severity depending on the amount extracted varying from option 2 (which performs least well) to option 6 (which performs the best).

Negative effects are also observed in other areas for individual options, with Options 2, 3 and 4 exhibiting the most certain negative environmental effects. Option 5 also has the potential to lead to negative effects on marine environments. Most options also have some positive effects, particularly in relation to economic growth, flood risk and changing population. This is because it is important to match supply of aggregate with demand to support the economy, and because new sand and gravel sites may open up opportunities to contribute to a range of SA objectives, including flood storage and to meet the development needs of local communities and businesses. The exception to this is Option 6, which shows uncertain to negative economic and population effects as shortfalls in provision may result. Option 6

would be likely to have positive environmental effects due to a lower level of land take.		
Number of consultation responses		
Total Number of comments against id:	25	
Question 11: Do you have a preference for any of the options presented above?	Option 1: 2 (SC/MWI/ 2 Local Authorities)	Option 5: 0
	Option 2: 0 (SC/MWI/ Local Authorities)	Option 6: 6 (SC/MWI/ Local Authorities)
	Option 3: 3 (SC/MWI/ 1Local Authorities)	Did not Specify: 3 (SC/2 MWI/ 1 Local Authorities)
	Option 4: 7 (1 SC/1 MWI/ 2 Local Authorities)	None: 1 (1 SC)
Question 12: Are there any alternative options we should consider in order to determine the level of sand and gravel provision to be made in the Joint Plan?	Number of respondents: 3 (1 SC)	
Brief overview of consultation responses		
General Comments: The suggestion in option 6 that Derbyshire CC may increase supply of sand and gravel into West Yorkshire is unlikely to occur.		
<p>Key messages Q 11: Respondents views were mixed on which option is preferred. Both option 6 and 4 were most preferred as they were seen to provide the greatest flexibility in terms of reviews to take account of uncertainties in supply. Some support was given for option 6 based on the view that this provided the 'least worst' option. Preference was also given to a combination of options 1 and 3, taking into account other relevant factors in the calculation of supply, such as national infrastructure projects, any increase such as that proposed in option 3 must be based on local information and can be fully justified. Respondents who either didn't support any of the options or did not express a preference suggested that future sand and gravel provision should be calculated with a forecast of demand in mind and not just an average of the last 10 years sales data. The forecast should take account of other relevant local information such as housing requirements. One respondent deemed that any option which affected the marine environment should not be considered.</p>		
<p>Key Messages Q12: A range of alternative options were suggested in the responses, these are detailed in the 'Suggested new options Chapter 5 – Minerals table' along with justification as to why they have or have not been taken forward. Any realistic alternatives have been worked up and are detailed below.</p>		
<p>Proposed Option 7</p> <ul style="list-style-type: none"> Support increased importation of aggregate into the joint Plan area to reduce reliance on supply from within the Joint Plan area. <p><i>Suggested approach</i> Consideration would be given to possibilities to increase imports into the Plan area which would be factored into a reduced requirement to be provided from within the Plan area itself.</p>		
<p>Proposed Option 8</p> <ul style="list-style-type: none"> Combine Options 1 and 3, project forward 10 year average sales and incorporate 10% contingency up to end of Plan period to provide flexibility. <p><i>Suggested approach</i> Calculate future provision by projecting forward 10 year average sales and considering any likely changes to building rates over the Plan period compared to building rates over the past 10 years.</p>		

Proposed Option 9

- Option 1 should include a commitment to monitoring.

Suggested approach

Calculate future provision by projecting forward 10 year annual average sales over the period to 2030 to provide an indication of the overall scale of provision required, after allowing for a level of reserves already with planning permission. Based on the position at the end of 2011 this would result in a need for an additional 27.5mt of sand and gravel over the plan period. Monitoring should take place on a regular basis.

Proposed Option 10.

- Option 4 should be expanded to take account of external sources of supply.

Suggested approach

Calculate future provision by projecting forward 10 year average sales with the addition of a review of sand and gravel sales at the end of 2019. In the event that sales of sand and gravel recover to a level such that short term average sales (as measured over a three year averaging period for the years 2017, 2018 and 2019) exceed the 10 year average sales figure used to define provision at the time of the plan preparation by an amount exceeding 10%, then additional provision can be made in line with that referred to in Option 3, i.e. provision of an additional 10% leading to a total provision of 31.9mt over the plan period. When reviewing provision at the end of 2019 consideration will also be given to provision from outside of the Plan area.

SA of options including alternatives**Summary of assessment**

There is a significant amount of uncertainty in relation to all of these options due to uncertainty over where provision would be made. However, generally there are likely to be negative effects on climate change, resource minimisation and waste, which range in severity depending on the amount extracted varying from Option 2 (which performs least well) to Option 6 (which performs the best).

Negative effects are also observed in other areas for individual options, with Options 2, 3, 4, 8 and 10 exhibiting the most certain negative environmental effects. Option 5 also has the potential to lead to negative effects on marine environments and Option 7 has the potential to displace negative effects outside of the plan area. Most options also have some positive effects, particularly in relation to economic growth, flood risk and changing population. This is because it is important to match supply of aggregate with demand to support the economy, and because new sand and gravel sites may open up opportunities to contribute to a range of SA objectives, including flood storage and to meet the development needs of local communities and businesses. The exceptions to this are Options 6 and 7, which shows uncertain to negative economic and population effects as shortfalls in provision may result. These options would however be likely to have positive environmental effects (at least within the plan area) due to a lower level of land take.

Revised recommendations

Option 6 performs the most positively in terms of the sustainability appraisal. However, this option does present some uncertainty in terms of meeting demand for sand and gravel. This might be addressed by allowing greater flexibility to increase supply in a similar way to option 4 and Option 10.

The SA Team considered that as option 6 takes account of the potential for other alternative sources of supply, final consideration of this option should also include consideration of the alternatives presented under ID14.

Joint Authorities response to consultation responses

It is agreed that factors other than historic sales should be taken into account in deriving the scale of future provision to be made for sand and gravel and that any approach should consider external supply and demand factors where practicable. The range of specific views

relevant to this issue are noted and have generally been reflected in discussion contained in the Local Aggregates Assessment for North Yorkshire, which will form a key part of the evidence base for the Plan. It is also agreed that there will be a need for ongoing monitoring of sand and gravel provision and supply and that an element of flexibility in any approach could be appropriate in order to reflect the range of uncertainties that exist.

Evidence base update

An updated Local Aggregates Assessment for the Yorkshire and Humber area was produced in February 2015 for submission to the Y&H AWP.

Duty to cooperate

Is this is a DtC matter: yes

Supply of sand and gravel gives rise to strategic cross boundary issues as a result of the important role of the Plan area in the export of sand and gravel to adjacent areas where shortfalls in supply exist. Consultation with relevant MPAs has taken place during preparation of the Plan and in the preparation of the Local Aggregates Assessment. Discussion with adjacent MPAs has also taken place via the Y&H AWP and through input into LAAs prepared by adjacent areas.

Discussion around development of preferred policy approach

The updated (2015) Local Aggregates Assessment is the key source of evidence for identification of the scale of future provision to be made for sand and gravel. This contains detailed information and discussion on a local approach to identifying future demand over the plan period and has been developed through consultation with relevant organisations including the minerals industry. The conclusions of the LAA suggest that the level of predicted demand should reflect historic sales but add additional components of predicted demand to reflect projected housing growth in key market areas as well as foreseeable supply constraints elsewhere which could impact on demand for sand and gravel from North Yorkshire. Such an approach is considered to be most in line with national policy, which requires other local demand factors to be taken into account in deriving a forecast.

The SA indicated a significant amount of uncertainty in relation to the predicted effects of the range of options initially considered. There is also likely to be significant uncertainty about the actual scale of future demand for sand and gravel that may arise. It is therefore considered, at this stage, that the preferred approach should be based on the approach identified in the LAA but utilise lower and higher range assumptions about demand over the whole plan period, which could inform the basis for ongoing monitoring and give an element of flexibility in the Plan.

It is considered that this flexibility could be provided through use of a lower case assumption about future demand using the base demand forecast contained in the LAA 2015 (Table 23) and a higher case assumption using the total assumed demand (also identified in Table 23 of the LAA).

A further consideration is that the demand forecast in the LAA assumes that demand will increase relatively rapidly over the period to 2018, reflecting a bounce back from a period of recession or relatively low economic growth, together with the impact of expected increasing demand for sand and gravel related to house building. Thereafter the forecast predicts only a low level of annual growth. Taking into account likely lead times for any new sand and gravel extraction resulting from implementation of the Plan, and in view of the fact that the forecast can only be indicative and will need to be subject to monitoring, it is considered that the annual provision to be made in the Plan should be the average of total predicted demand (for each of the lower and higher case assumptions) over the whole of the plan period.

It will also be necessary to ensure maintenance of an adequate landbank for sand and gravel at the end of the Plan period, in line with national policy. As the actual level of sales of sand and gravel will be subject to ongoing monitoring over the plan period, and there will be a need to review the LAA annually in line with national policy, it is not considered appropriate at this stage to identify the projected level of supply at the end of 2030 which would form the basis for maintenance of a 7 year landbank at that date. This is a matter which will need to be kept under review through monitoring and updates to the LAA in line with national policy and guidance.

The preferred option therefore represents an alternative option not specifically considered at Issues and Options stage.

Preferred policy approach – title changed to M02: Provision of sand and gravel

Total provision for sand and gravel over the 16 year period 1st January 2015 to 31st December 2030 shall be in the range of 41.3mt to 42.8mt, at an equivalent annual rate between 2.58mt and 2.68mt.

Additional provision shall be made, through a mid term review of provision in the Plan, in order to maintain a 7 year landbank of sand and gravel at 31 December 2030 based on an annual rate of provision to be determined through the review.

Supporting justification

Evidence indicates that demand for sand and gravel worked in the Plan area is likely to continue and may increase over recent historic levels. Pressure for growth and development generates demand for aggregate minerals, including sand and gravel. The Plan area has traditionally been a major supplier of sand and gravel in the Yorkshire and Humber and Tees Valley areas, as well as within North Yorkshire, and growth and development in all these areas is expected to take place over the plan period. Information about relevant future supply and demand factors for sand and gravel has been included in the Local Aggregates Assessment for the North Yorkshire Sub-region, which will be updated regularly. In order to ensure that an adequate supply can be maintained, significant additional resources of sand and gravel will need to be made available for working in the Plan area, in line with the level of demand forecasted in the LAA.

The initial distribution of provision between concreting sand and gravel (northwards distribution), concreting sand and gravel (southwards distribution) and building sand will be in accordance with the approach set out in Policy M03 Overall Distribution of Sand and Gravel Provision.

In order to ensure availability of an adequate supply (ie a 7 year landbank) at the end of 2030, it will also be necessary to identify the additional resources needed to deliver this. As it is intended that the Local Aggregates Assessment will be updated regularly, and that it may be expected that changes to the approach to demand forecasting may occur over the plan period, it is not considered appropriate to specify, at this stage, the level of further provision that may be needed in order to maintain a 7 year landbank at 2030. This is a matter which can be addressed in monitoring of the plan and via a mid-term review, at which time the level of additional provision which may be needed can be subject of updated assessment, and additional site allocations brought forward if necessary.

Links to Objectives and Policies

Links to Objectives
Objective 5

Links to other relevant policies in the Plan:

Id01: Broad geographical approach to supply of aggregate

Id04: Overall distribution of sand and gravel provision

Id05: Landbanks for sand and gravel

Id10: Concreting sand and gravel delivery

Id11: Building sand delivery

Id14: Supply of alternatives to land won primary aggregates

SA/SEA

Summary of assessment

This preferred policy's effects are in the main uncertain as no indication of where provision would be obtained from is presented. However, clearly extracting a substantial volume of sand and gravel will have at least some environmental effects, though the magnitude of these effects is dependent on location. There are a small number of exceptions to this. For instance, it requires energy to extract and to transport minerals which, assuming continued reliance on fossil energy, would generate significant CO₂ and other greenhouse gases, with strongly works against the climate change objective. Similarly, the 'minimising resource use' use objective displays strong negative effects, as this policy will allow for the consumption of up to 42.8 Mt of primary minerals. There are also some positive effects noted, for instance the recreation objective receives indirect positive support, as further extraction would ultimately lead to further restoration in line with other policies in the plan, while the economic development, flooding and changing population objectives would also be supported.

Recommendations

While much is uncertain in relation to this objective, it is recognised that this is the nature of policies such as this. To some extent this policy is mitigated by policy M11 which encourages alternatives to land won primary aggregate, though it is acknowledged that many secondary and recycled aggregates are not direct substitutes for sand and gravel. Further consideration of the potential contribution made by recycled and secondary aggregate is recommended when this policy is considered at the mid term review, depending on the availability of reliable data.

Part 2 - Preferred options to Publication

Consultation Responses to Preferred Options

Scale of provision for sand and gravel over the plan period

- 5.11 A North Yorkshire sub-regional Local Aggregates Assessment (LAA) has been produced in partnership by North Yorkshire County Council, City of York Council and the North York Moors and Yorkshire Dales National Park Authorities and provides an important source of evidence on supply of, and potential future requirements for, sand and gravel.
- 5.12 The evidence indicates that demand for sand and gravel worked in the Plan area is likely to continue and may increase over recent historic levels. Pressure for growth and development generates demand for aggregate minerals, including sand and gravel. The Plan area has traditionally been a major supplier of sand and gravel in Yorkshire and Humber and the Tees Valley, as well as within North Yorkshire, and growth and development in all these areas is expected to take place over the plan period. Information about relevant future supply and demand factors for sand and gravel has been included in the Local Aggregates Assessment for the North Yorkshire Sub-region, which will be updated regularly. In order to ensure that an adequate supply can be maintained, significant additional resources of sand and gravel will need to be made available for working in the Plan area, in line with the

level of demand forecasted in the LAA.

Policy M02: Provision of sand and gravel

Total provision for sand and gravel over the 15 year period 1st January 2016 to 31st December 2030 will be 36.6 million tonnes, at an equivalent annual rate of 2.44 million tonnes.

Additional provision shall be made, through a mid-term review of provision in the Plan, if necessary in order to maintain a landbank of at least 7 years for sand and gravel at 31 December 2030 based on an annual rate of provision to be determined through the review.

Main responsibility for implementation of policy: NYCC, CYC, NYMNP and Minerals Industry

Key links to other relevant policies and objectives

M01, M03, M04, M07, M08, M10, M11, S01, D01	Objective 5
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Monitoring: Monitoring indicator 2 (see Appendix 3)

Policy Justification

- 5.13 The Joint Plan area is particularly important for the supply of high quality concreting aggregate, of which it is significantly the largest supplier in the Yorkshire and Humber area. Supply of concreting sand and gravel into the Tees Valley and adjacent areas in the North East from quarries in northern North Yorkshire is also very important. In 2009 more than half of sales were exported to locations outside North Yorkshire. It is expected that the important role of the area in the supply of aggregate minerals, including to markets outside the Plan area, will need to continue over the period to 2030.
- 5.14 The initial distribution of provision between concreting sand and gravel (northwards distribution), concreting sand and gravel (southwards distribution) and building sand will be in accordance with the approach set out in Policy M03 Overall Distribution of Sand and Gravel Provision.
- 5.15 In order to ensure availability of an adequate supply (i.e. to maintain a landbank of at least 7 years) at the end of 2030, additional resources may be needed to deliver this, depending on the actual scale of demand that arises. As it is intended that the Local Aggregates Assessment will be updated regularly, and that it may be expected that the demand forecast may change over the plan period in response to new information, it is not considered appropriate to specify, at this stage, the precise level of further provision that may be needed in order to maintain a minimum 7 year landbank at 2030. This is a matter which can be addressed in monitoring of the Plan and via a mid-term review, at which time the level of additional provision which may be needed can be subject of updated assessment, through the annual review of the Local Aggregates Assessment with additional site allocations brought forward if necessary. A commitment to maintaining a landbank of at least 7 years is set out in Policy M04.

SA/SEA

Summary of assessment This policy's effects are, in effect the cumulative effects of the plan as it relates to sand and gravel extraction, so many effects are either cumulatively negative, or cumulatively mixed negative and positive. Some objectives also benefit from the cumulative effect of sand and gravel restoration schemes in the longer term (e.g. flooding,

Comment [MS5]: 2173 (CPRE) 0731/0713 (Kirkby Fleetham PC)1483- provision of secondary and recycled / marine aggregates should be used to help maintain a 7 year land bank.

Note - assumptions about the likely future role of secondary, recycled and marine aggregates have been taken into account in the approach to demand forecasting set out in the LAA. Other policy in the Plan encourage the increased use of such materials

Comment [MS6]: 2841/0028- limit provision to what is needed and do not allow exportation of minerals.

Note - National policy requires MPAs to Plan for strategic cross boundary movements as part of a managed system of aggregates supply

Comment [MS7]: 0115 (MPA) 0628- recommend a 5 year review as standard instead of mid-term (7/9 years after policy formation)

Note - There are a range of uncertainties about the actual future extent of demand that may arise and it is considered appropriate to retain a degree of flexibility to respond to this

Comment [JJ8]: 0128(Yorkshire Wildlife trust) 1155. Extra text 'Allocations will be supported where restoration has the potential to create large connected areas of priority habitat.'

Note - minerals site reclamation and habitat creation are addressed elsewhere in the Plan and it is not considered appropriate to identify them here as the policy is concerned with the scale of future requirements, not how they may be delivered.

Comment [MS9]: 2826/1493 Allocation must be provided by evidence to justify and verify the level of reserve proposed. **Noted.**

recreation, health). Some objectives report highly negative effects, as quarrying for sand and gravel will inevitably involve the significance utilisation of material resources and have a large carbon footprint.

Recommendations To some extent this policy is mitigated by policy M11 which encourages alternatives to land won primary aggregate, though it is acknowledged that many secondary and recycled aggregates are not direct substitutes for sand and gravel. Further consideration of the potential contribution made by recycled and secondary aggregate is recommended when this policy is considered at the mid-term review, depending on the availability of reliable data.

Overall Summary of Reasons for Change

Minor edits to Policy and supporting text for clarity

Development of Policy M03: Overall distribution of sand and gravel provision

Part 1 - Issues and Options to Preferred Options

Policy id04: Overall distribution of sand and gravel provision	
<i>Options presented at Issues and options stage</i>	<p>Option 1: This option could make future provision for sand and gravel on the basis of separate provision for the southwards and northwards distribution areas (concreting sand and gravel) and for building sand, at a ratio of 50:45:5.</p> <p>Option 2: This option could make future provision for sand and gravel on the basis of separate provision for the southwards and northwards distribution areas with an increased emphasis on provision for the southwards distribution area. This could assume provision based on a ratio of 55:40:5 southwards : northwards : building sand.</p> <p>Option 3: This option could make future provision for sand and gravel on the basis of separate provision for the southwards and northwards distribution areas with increased emphasis on provision for the northwards distribution area. This could assume provision on the basis of a ratio of 45:50:5 southwards : northwards : building sand.</p> <p>Option 4: This option could make provision for concreting sand and gravel on the basis of a single subdivision, combining provision across the northwards and southwards distribution areas, with overall provision of concreting sand and gravel: building sand at a ratio of 95:5.</p>
What the SA told us	
<p>All options display a mixture of uncertain, negative and positive effects. However, Option 1 displays the strongest positive effects largely because it matches well with current market demand, so effects on transport, air pollution and climate change as well as economic growth are all positive. There are also a number of areas where positive effects are either balanced by uncertainty or are confined to a particular period.</p> <p>Other options tend to perform less well, and effects vary depending on the ratio of northern to southern division. For instance, landscape effects are both positive and negative under all options though some uncertainty is noted. Similarly, the transport related benefits become negative under Options 2 and 3, or uncertain to negative for option 4.</p> <p>The final Option (4) displays significant uncertainty across most of the SA objectives as it is not clear where sand and gravel extraction will occur under this objective.</p>	
Number of consultation responses	
Total Number of comments against	18

id:	
Question 13: Do you have a preference for any of the options presented above?	Option 1: 9 (1 SC, 2 MWI/ 1 Local Authorities)
	Option 2: 0
	Option 3: 2 (SC/MWI/ Local Authorities)
	None: 1 (SC/MWI/ Local Authorities)
Question 14: Are there any alternative options we should consider relevant to the distribution of sand and gravel provision in the Joint Plan area?	Option 4: 1 (SC/MWI/ 1 Local Authorities)
	Did not specify: 2 (SC/MWI/1 Local Authorities)
	Number of respondents: 3 (1 SC, 1 MWI, 1 Local Authorities)
Brief overview of consultation responses	
<p>General Comments: Concern about any action to limit exports to adjoining areas in the short to medium term. Option 3 suggests there is potential for an increase in supply of sand and gravel from East Midlands to west and south Yorkshire but this is unlikely to occur from Derbyshire. Extraction should only occur where there is adequate means of restoration identified.</p> <p>Key Messages Q13: The majority of respondents expressed a preference for the continuation of the existing northward and southward supply patterns areas based on Option 1. One respondent did not support any of the options put forward and instead would like to see provision made from across the whole of the Plan area.</p> <p>Key Messages Q14: A range of alternative options were suggested in the responses, these are detailed in the 'Suggested new options Chapter 5 – Minerals table' along with justification as to why they have or have not been taken forward. The only realistic alternative has been worked up and is detailed below.</p> <p>Proposed Option 5</p> <ul style="list-style-type: none"> The Joint Plan area should be considered as a whole if there is a shortfall in one of the distribution areas. <p><i>Suggested approach</i> Enable provision for sand and gravel to be made from across the Plan area to meet either northwards or southwards demand where there is a shortfall in either the northwards or southwards distribution area.</p>	
SA of options including alternatives	
<p>Summary of assessment All options display a mixture of uncertain, negative and positive effects. However, Option 1 displays the strongest positive effects largely because it matches well with current market demand, so effects on transport, air pollution and climate change as well as economic growth are all positive. There are also a number of areas where positive effects are either balanced by uncertainty or are confined to a particular period.</p> <p>Other options tend to perform less well, and effects vary depending on the ratio of northern to southern division. For instance, landscape effects are both positive and negative under Options 1 to 4 though some uncertainty is noted. Similarly, the transport related benefits become negative under Options 2 and 3, or uncertain to negative for option 4. Option 4 displays significant uncertainty across most of the SA objectives as it is not clear where sand and gravel extraction will occur under this objective.</p> <p>The addition of Option 5 is considered likely to result in a number of minor positive effects as</p>	

it would ensure that demand is met leading to positive economic benefits and, where a shortfall exists, it would allow a larger number of sites from which overall sand and gravel provision can be made. This means that it is less likely that the most sensitive sites will need to be developed in order to meet demand. Option 5 would lead to some minor negative impacts in relation to transport, air quality and climate change although wherever possible provision would be met within the designated distribution areas, keeping these negative effects to a minimum.

Revised Recommendations

Option 1 is associated with a clear economic and a number of outright environmental, benefits and is seen to perform best in relation to the SA Framework. It is considered that Option 1 should be combined with Option 5 in order to ensure that demand can be met and to strengthen the economic benefits.

Joint Authorities response to consultation responses

The preference for distributing provision in line with the previous approach and in order to maintain existing supply patterns is noted. It is agreed that it may be appropriate to make provision across the whole of the Plan area if it is not practicable to make sufficient provision within either subdivision. This could help avoid an undue burden being placed on any particular distribution area in order to meet expected requirements.

Evidence base update

Local Aggregates Assessment Dec 2014 and Sand and Gravel Demand Forecasting Paper (July 2014). These indicate an expectation of future demand from markets outside the Plan area both to the north and south, including the potential for a small increase in demand from markets in West and South Yorkshire.

Duty to Cooperate

Is this is a DtC matter: yes

Considered through preparation of and consultation on the NY LAA 2014 update, Sand and Gravel Forecasting Paper and direct correspondence with other MPAs.

Discussion around development of preferred policy approach

The approach to this issue is influenced by the overall approach to forecasting demand for sand and gravel and the overall scale planned for. Since preparation of the Issues and Options consultation further work on demand forecasting has taken place, leading to a suggested approach which factors in likely future demand into an overall forecast. This work, and work on the LAA, suggests that there may be a small relative increase in demand from export markets south of the Plan area rather than to the North. However, at the time of undertaking this work there was no corresponding LAA for the Tees Valley area (the principle northwards export area) which might help inform this position. As it is proposed to factor in an allowance for a small relative increase in demand in export markets to the south in the overall assessment of future demand, as well as take into account housing growth issues in the Tees Valley area in the demand forecast, it is not considered necessary to make an adjustment to the allocation of provision between the two areas, given the significant uncertainty that exists over the scale of actual, as opposed to forecast, demand.

It is considered that, if it is not practicable to meet the required provision for concreting sand and gravel in one or other distribution area, for example because it is not possible to identify sufficient future resources for extraction, then the necessary total provision should be met across both areas in combination.

Preferred policy approach – title changed to M03: Overall distribution of sand and gravel provision

Overall provision of sand and gravel will be allocated in the following proportions:

Southwards distribution area: 50%

Northwards distribution area: 45%

Building sand: 5%

If it is not practicable to make overall provision for concreting sand and gravel in accordance with this ratio then provision for concreting sand and gravel shall be made across both areas in combination.

Supporting text

Evidence in the Local Aggregates Assessment suggests that demand for sand and gravel from the Plan area will be significant and that there will be a continuing requirement for exports of concreting sand and gravel into adjacent areas, particularly Tees Valley and West and South Yorkshire, where there are substantial limitations on the availability of similar resources. Since adoption of the North Yorkshire Minerals Plan in 1997 separate provision has been made for maintenance of supply in northwards and southwards distribution areas for concreting sand and gravel, reflecting the distribution of key markets for sand and gravel as well as the distribution of sources of supply and this approach has been successful in maintaining supply. Although there are some indications that there could be a small relative increase in future demand from markets to the South in response to future supply constraints and growth pressures, an allowance for this has been made in the overall forecast of demand for the Joint Plan area and there are a number of uncertainties about the actual scale of future demand for concreting sand and gravel in the various markets served by the Joint Plan area. It is therefore considered that provision should be made in accordance with the recent historic shares of total provision for each distribution area, with separate provision for building sand reflecting the different end uses for this product.

Links to Objectives and Policies

Links to Objectives

Objective 5

Objective 6

Objective 7

Links to other relevant policies in the Plan:

Id01: Broad geographical approach to supply of aggregate

Id03: Calculating sand and gravel provision

Id04: Overall distribution of sand and gravel provision

Id05: Landbanks for sand and gravel

Id06: Safeguarding sand and gravel

Id10: Concreting sand and gravel

Id11: Building sand delivery

SA/SEA

Summary of assessment

There are a range of effects that arise from this preferred policy and all effects are tentative with significant uncertainty at this scale. For instance, the biodiversity, water, soils, historic environment and recreation objectives all show a negative relationship with this preferred policy, largely because the balance of development proposed favours areas that are richer in terms of the environmental assets associated with those SA objectives.

More positive contributions towards objectives are reported for the traffic, air quality and climate change objectives because, as the policy seeks to fit with the distribution of markets and demand, the length of minerals freight journeys will be slightly less on balance. This will

also keep costs down and benefit the economy SA objective. Other objectives are either neutral or report more mixed effects. For instance, while journeys may be shorter, because the southern plan area is closer to centres of population, there may be a greater probability that traffic will affect communities.

Recommendations

No recommendations are made

Part 2 - Preferred options to Publication

Consultation Responses to Preferred Options

Overall distribution of sand and gravel provision

- 5.16 The Local Aggregates Assessment provides further information on the operation of the sand and gravel supply system in North Yorkshire and is a key source of evidence for the Plan.
- 5.17 Due to the specific properties and different end uses of building sand and concreting sand and gravel, their supply has been addressed separately. There is no general substitute for building sand and concreting sand and gravel and it is considered that maintaining this distinction is likely to remain appropriate over the plan period.

Policy M03: Overall distribution of sand and gravel provision

Overall provision of sand and gravel will be allocated in the following proportions:

Concreting sand and gravel (Southwards distribution area): 50%

Concreting sand and gravel (Northwards distribution area): 45%

Building sand: 5%

If it is not practicable to make overall provision, through grant of permission on allocated sites in accordance with this ratio, then provision for concreting sand and gravel shall be made across both areas in combination.

Main responsibility for implementation of policy: NYCC, CYC, NYMNPA and Minerals Industry

Key links to other relevant policies and objectives

M01, M02, M04, M07, M08, S01, S04, S05, D01 *Objectives 5, 6, 7*

Monitoring: Monitoring indicator 3 (see Appendix 3)

Policy Justification

- 5.18 Evidence in the Local Aggregates Assessment suggests that demand for sand and gravel from the Plan area will be significant and that there will be a continuing requirement for exports of concreting sand and gravel into adjacent areas, particularly Tees Valley and West and South Yorkshire, where there are substantial limitations on the availability of similar resources. Since adoption of the North Yorkshire Minerals Plan in 1997 separate provision has been made for maintenance of supply in northwards and southwards distribution areas for concreting sand and gravel, reflecting the distribution of key markets for sand and gravel as well as the distribution of sources of supply and this approach has been successful in maintaining supply and in helping to ensure a distribution of mineral workings which reflects proximity to markets, therefore helping to reduce overall transportation distances.. In determining which area a proposed site or reserve falls, regard will be had to its geographical location and the likely markets for the mineral. The division

Comment [MS10]: 0713 (Kirkby Fleetham PC) 1484- provision of secondary and recycled / marine aggregates should be used to help maintain a 7 year land bank.

Note - Assumptions about the potential future contribution from these sources of supply have been taken into account in deriving a demand forecast (as set out in the LAA). Other policies in the Plan support the increased use of these materials.

0120 (Historic England) 0111- this approach reduced the distance travelled but would put pressure on the development of sites within environmentally-sensitive parts of the Plan area.

Note - This concern is noted. It is considered that, in common with other types of minerals resources present in the Plan area, sand and gravel resources partly overlap with a range of sensitive locations and designations, including important natural environment designations and heritage assets, some of which are of large geographical extent. Later policies in the Plan seek to ensure that, so far as practicable, future requirements for sand and gravel is met through the identification of particular sites or area and this, along with the development management policies in the Plan, provides a mechanism to help ensure that the impacts of any future sand and gravel working, wherever it is proposed, would not lead to unacceptable impacts. The supporting text should be revised to clarify this.

<p>between the concreting sand and gravel northwards and southwards distribution areas is shown indicatively on the key diagram.</p>	
5.19	<p>Although there are some indications that there could be a small relative increase in future demand from markets to the South in response to future supply constraints and growth pressures, an allowance for this has been made in the overall forecast of demand for the Joint Plan area and there are a number of uncertainties about the actual scale of future demand for concreting sand and gravel in the various markets served by the Joint Plan area. It is therefore considered that provision should be made in general accordance with the recent historic shares of total provision for each distribution area, with separate provision for building sand reflecting the different end uses for this product.</p> <p>In common with other types of minerals resources present in the Plan area, sand and gravel resources partly overlap with a range of sensitive locations and designations, including important natural environment designations and heritage assets, some of which are of large geographical extent. Later policies in the Plan seek to ensure that, so far as practicable, future requirements for sand and gravel is met through the identification of particular sites or area and this, along with the development management policies in the Plan, provides a mechanism to help ensure that the impacts of any future sand and gravel working, wherever it is proposed, would not lead to unacceptable impacts.</p>
SA/SEA	
<p>Summary of assessment This policy's effects are, in effect the cumulative effects of the plan as it relates to the distribution of sand and gravel extraction, so many effects are either cumulatively negative, or cumulatively mixed negative and positive. Some objectives also benefit from the cumulative effect of sand and gravel restoration schemes in the longer term (e.g. flooding, recreation, health). Some objectives report neutral effects, as effects are more lined to the amount of material removed from the ground rather than locational factors (e.g. the material resources and waste objectives).</p>	
<p>Recommendations No further mitigation is proposed. However, sites should implement recommendations made through the site assessment process.</p>	
Overall Summary of Reasons for Change	
<p>Minor edits to Policy and supporting text for clarity</p>	

Development of Policy M04: Landbanks for sand and gravel.

Part 1 - Issues and Options to Preferred Options

Policy id05: Landbanks for sand and gravel	
<i>Options presented at Issues and options stage</i>	Option 1: Provide for separate 7 year landbanks for concreting sand and gravel for both the southwards and northwards distribution areas and for building sand.
	Option 2: Provide for a 7 year landbank for concreting sand and gravel over the whole Joint Plan area and a separate 7 year landbank for building sand.
	Option 3: This option would support the principle of time extensions at existing sand and gravel quarries where necessary to allow full extraction of permitted reserves.
What the SA told us	

<p>Options 1 and 2 have relatively similar effects, although Option 2 allows more flexibility, which may result in lesser environmental effects. However Option 2 is assessed as having worse effects in relation to transport, air quality and climate change. Both options have major negative effects on soils in the long term as the potential for increased activity could impact on best and most versatile agricultural land.</p> <p>Option 3, which would act in combination with Option 1 or 2, displays a number of sustainability benefits as site extensions have a number of inherent sustainability benefits due to their reduced land take and lesser resource consumption requirements.</p>		
Number of consultation responses		
Total Number of comments against id:	15	
Question 15: Do you have a preference for any of the options presented above?	Option 1: 2 (SC/MWI/ Local Authorities)	Combination: 7 (SC/3 MWI/ 1 Local Authorities)
	Option 2: 1 (SC/MWI/ 1 Local Authorities)	Did not Specify: 0
	Option 3: 3 (SC/MWI/ 1 Local Authorities)	None: 1 (1 SC/MWI/ Local Authorities)
Question 16: Are there any alternative options that the Authorities should consider relating to the maintenance of landbanks for sand and gravel within the Joint Plan area?	Number of respondents: 1 (SC/MWI/ Local Authorities)	
Brief overview of consultation responses		
<p>Key messages Q15: The majority of respondents expressed a preference for a combination of the options put forward. 5 respondents considered a combination of Option 1 and 3 would provide the most appropriate Option whilst a further 2 respondents considered a combination of Option 2 and 3 would be the most appropriate.</p> <p>Key Messages Q16: Two alternative options were suggested in the responses, these are detailed in the 'Suggested new options Chapter 5 – Minerals table' along with justification as to why they have or have not been taken forward. In this case both of the suggested options were dealt with under other options in the Plan.</p>		
SA of options including alternatives		
N/A		
Joint Authorities response to consultation responses		
The preference of the majority of consultees for a combination of Options 1 and 3 is noted. This approach (in relation to maintenance of a landbank) would also be more in line with other proposed policies relating to the provision of sand and gravel.		
Evidence base update		
Local Aggregates Assessment December 2014 and Aggregates Demand Forecasting Paper July 2014 is the most up to date evidence relating to sand and gravel landbanks. The evidence used was accurate as of January 2015.		
Duty to Cooperate		
Is this is a DtC matter: yes		
At a general level the issue of maintaining supply of aggregate, including to locations outside the Joint Plan area, have been addressed through preparation of, and consultation on, the Local Aggregates assessment and Demand Forecasting Paper and through direct		

consultation with relevant MPAs.

Discussion around development of preferred policy approach

Consideration of the issues and options dealt with under id04 has led to the conclusion that provision for concreting sand and gravel should be made on the basis of northwards and southwards supply areas, with separate provision for building sand because of the differing markets it serves. If this approach is adopted it follows that, for monitoring purposes, corresponding separate landbanks should be maintained. This will help ensure that adequacy of supply within each of the subdivisions can be kept under review. No respondents suggested that an alternative to maintaining a minimum 7 year landbank for sand and gravel should be considered and such an approach would be in line with national policy.

An additional option was also put forward relating to the provision of support for time extensions to existing sand and gravel quarries where necessary to allow full extraction of reserves to help maintain landbanks. Whilst it is considered that such an approach should be supported in the Plan this matter may more appropriately be dealt with along with other policy areas in the Plan.

Preferred policy approach – title changed to M04: Landbanks for sand and gravel

A minimum 7 year landbank of concreting sand and gravel will be maintained throughout the plan period for each of the northwards and southwards distribution areas identified on the key diagram.

A separate minimum 7 year landbank will be maintained throughout the plan period for building sand.

Supporting text

National planning policy for aggregate minerals requires the maintenance of landbanks (a stock of reserves with planning permission for extraction) to help ensure continuity in supply. The landbank is a key means of monitoring adequacy of supply, with a shortfall in the landbank indicating that more reserves need to be released. For sand and gravel a minimum landbank sufficient for 7 years at the anticipated rate of supply (at the manual rate as set out in the Plan) is required. The spatial approach for sand and gravel is to make provision for supply of concreting sand and gravel from separate northwards and southwards distribution areas, along with a separate landbank for building sand, which serves different end uses. To assist with monitoring the effectiveness of this approach it will be necessary to monitor, and maintain, separate landbanks for the southwards and northwards distribution areas and for building sand.

As concreting sand and gravel resources are only present in potentially workable configurations in the NYCC area and City of York Council areas it follows that, subject to other policies in the Plan, the provision needed to maintain sand and gravel landbank requirements will be met within those parts of the Plan area outside the North York Moors National Park. National planning policy confirms that National Park Authorities are not required to maintain landbanks owing to other policy constraints.

Links to Objectives and Policies

Links to Objectives
Objective 5

<p><i>Links to other relevant policies in the Plan:</i> <i>Id01: Broad geographical approach to supply of aggregate</i> <i>Id03: Calculating sand and gravel provision</i> <i>Id04: Overall distribution for sand and gravel</i> <i>Id10: Concreting sand and gravel delivery</i> <i>Id11: Building sand delivery</i> <i>Id13: Unallocated extensions to existing aggregates quarries</i> <i>Id41: Borrow pits</i></p>
<p>SA/SEA</p>
<p>Summary of assessment Impacts in relation to this policy are largely neutral in the short term with minor negative impacts occurring in the medium to long term. This is because in the longer term separate northwards and southwards distribution area landbanks could mean that there is increased pressure to maintain the landbank in defined (and therefore finite) areas, which may put additional pressure to approve sites in areas where cumulative effects on are already starting to build. Major negative impacts have been recorded in relation to minimising resource use and prioritising management of waste as high up the waste hierarchy as practicable as maintaining a landbank is likely to reduce incentive to work towards these objectives. Positive impacts have been identified in relation to the economy and meeting the needs of a changing population as this policy would ensure that adequate resources are available to support growth.</p>
<p>Recommendations No mitigation is proposed.</p>

Part 2 - Preferred options to Publication

<p>Consultation Responses to Preferred Options</p>	
<p>Landbanks for sand and gravel</p>	
<p>5.20 Landbanks are an important aspect of government policy to help ensure continuity of supply of minerals to help support economic growth and provision of infrastructure. The NPPF requires mineral planning authorities to make provision for landbanks for sand and gravel of at least 7 years supply (i.e. sufficient reserves with planning permission to last for at least 7 years at the anticipated annual rate of extraction identified in the Local Plan).</p>	
<p>Policy M04: Landbanks for sand and gravel</p>	
<p>A minimum 7 year landbank for concreting sand and gravel will be maintained throughout the plan period for each of the northwards and southwards distribution areas identified on the key diagram.</p>	
<p>A separate minimum 7 year landbank will be maintained throughout the plan period for building sand.</p>	
<p>Main responsibility for implementation of policy: NYCC, CYC, NYMNPA and Minerals Industry</p>	
<p>Key links to other relevant policies and objectives</p>	
<p><i>M01, M02, M03, M07, M08, M10, S01, D01</i></p>	<p><i>Objective 5</i></p>
<p>Monitoring: Monitoring indicator 4 (see Appendix 3)</p>	
<p>Policy Justification</p>	

Comment [MS11]: 3384/0493, 3392/0500-Concerned that some discounted sites will be developed in the longer term given changes in requirements. Noted. This would be a matter to address if necessary in future review of the Plan.

5.21	The landbank is a key means of monitoring adequacy of supply, with a shortfall in the landbank indicating that more reserves need to be released. The spatial approach for sand and gravel is to make provision for supply of concreting sand and gravel from separate northwards and southwards distribution areas, along with a separate landbank for building sand, which serves different end uses. To assist with monitoring the effectiveness of this approach it will be necessary to monitor, and maintain, separate landbanks for the southwards and northwards distribution areas and for building sand.
5.22	As concreting sand and gravel resources are only present in potentially workable configurations in the NYCC area and City of York Council areas it follows that, subject to other policies in the Plan, the provision needed to maintain sand and gravel landbank requirements will be met within those parts of the Plan area outside the North York Moors National Park. National planning policy confirms that National Park Authorities are not required to maintain landbanks owing to other policy constraints.
5.23	Taking account of the distribution of sand and gravel resources within the Joint Plan area and the existence of a significant number of individual production sites and operator companies, it is not considered there is likely to be a case for setting a minimum sand and gravel landbank period of more than 7 years.

SA/SEA	
Summary of assessment Impacts in relation to this policy are largely neutral in the short term with minor negative impacts occurring in the medium to long term. This is because in the longer term separate northwards and southwards distribution area landbanks could mean that there is increased pressure to maintain the landbank in defined (and therefore finite) areas, which may put additional pressure to approve sites in areas where cumulative effects on are already starting to build. Higher negative impacts have been recorded in relation to minimising resource use and prioritising management of waste as high up the waste hierarchy as practicable as maintaining a landbank is likely to reduce incentive to work towards these objectives. Positive impacts have been identified in relation to the economy and meeting the needs of a changing population as this policy would ensure that adequate resources are available to support growth.	
Recommendations No further mitigation is proposed.	
Overall Summary of Reasons for Change	
Minor edits to Policy and supporting text for clarity	

Development of Policy M05: Provision for crushed rock.

Part 1 - Issues and Options to Preferred Options

Policy id07: Provision of crushed rock	
<i>Options presented at Issues and options stage</i>	<p>Option 1: This option could identify future provision for crushed rock utilising the most recent 10 year average sales figures available at the time of production of the Joint Plan (i.e. total provision of 66.5mt). This option would not result in any requirement to release further reserves of crushed rock.</p> <p>Option 2: This option could identify future provision for crushed rock utilising the most recent 10 year average sales figures available at the time of</p>

	production of the Joint Plan, but with the identification of separate provision for Magnesian limestone at a level equivalent to 50% of the theoretical shortfall of Magnesian limestone (i.e. provision of an additional 8mt).
	Option 3: This option would operate in parallel with options promoting the increased use of secondary and recycled materials as alternatives to primary aggregate (see subsequent section on Secondary and Recycled Aggregates id14) by assuming a reduced overall requirement for crushed rock (equivalent to a reduction of 0.1mtpa over the period 2015-2030), such that the overall crushed rock requirement for the plan is reduced by 1.5mt to a total of 65mt.
What the SA told us	
The assessment has revealed that Option 2 is likely to result in negative effects on the environment, including biodiversity / geodiversity, water and air quality, the historic environment and landscape, but would act particularly positively in relation to ensuring sufficient minerals are available. Under Option 3 there are likely to be positive effects on environmental objectives, although overall these may be slight as the option represents only a small decrease in crushed rock provision. Option 1 has limited effects as further provision of crushed rock would not be required.	
Number of consultation responses	
Total Number of comments against id:	20
Question 19: Do you have a preference for any of the options presented above?	Option 1: 4 (SC/MWI/ 1 Local Authorities)
	Option 2: 7 (SC/5 MWI/ 1Local Authorities)
	Option 3: 5 (1 SC/MWI/ 1 Local Authorities)
Question 20: Are there any alternative options the Authorities should be considering in order to determine the level of provision of crushed rock over the plan period?	Number of respondents: 2
Question 21: Do you agree that there should be a 'zero' requirement for crushed rock from the North York Moors National Park?	Number of respondents: 2 (2 MWI)
Brief overview of consultation responses	
<p>Key Messages Q19: Mixed views were received across the options presented. The majority of respondents favoured Option 2, one respondent expressed concerns about the impact this option may have on the assets and designations of the Southern Magnesian Limestone Ridge. Mixed views were received in relation to Option 3, with 5 respondents expressing support. However a number of respondents expressed concerns that an approach based on Option 3 may result in the requirement to import high quality resources for use as low grade products if there is insufficient secondary and recycled material available.</p> <p>Key Messages Q20: A range of alternative options were suggested in the responses, these are detailed in the 'Suggested new options Chapter 5 – Minerals table' along with justification as to why they have or have not been taken forward. Any realistic alternatives were worked up and are detailed below.</p> <p>Proposed Option 4</p> <ul style="list-style-type: none"> Support increase in importation of crushed rock to reduce demand on crushed rock from the Joint Plan area. <p><i>Suggested approach</i> <i>Consideration would be given to possibilities to increase imports into the Plan area which would mean a reduced requirement would be needed from within the Plan area.</i></p>	

Proposed Option 5

- To work alongside options 1 or 2 and would factor in likely future growth over the plan period.

Suggested approach

Calculate future provision by projecting forward 10 year average sales and considering any likely changes to building rates over the Plan period compared to building rates over the past 10 years.

Proposed Option 6

- Should identify Areas of Search for crushed rock to be taken up towards the end of the Plan period.

Suggested approach

Identify Areas of Search for crushed rock to be taken up towards the end of the Plan period.

SA of options including alternatives**Summary of assessment**

The assessment has revealed that Option 2 is likely to result in negative effects on the environment, including biodiversity / geodiversity, water and air quality, the historic environment and landscape, but would act particularly positively in relation to ensuring sufficient minerals are available. Under Option 3 there are likely to be positive effects on environmental objectives, although overall these may be slight as the option represents only a small decrease in crushed rock provision. Option 1 has limited effects as further provision of crushed rock would not be required.

Under Option 4, relying more on imports produces more negative effects in terms of environmental impacts from increased traffic and less support for jobs and the economy but positive effects in terms of less direct impact on habitats and landscape.

Option 5 has more negative effects arising from the potential for greater extraction requirements.

The effects of Option 6 are mostly the same as other options in the short and most of the medium term (as the option is additional to other options). In the longer term effects are mostly negative as the option allows the opportunity for further extraction over and above the extraction rates in other options. However, there would be positive economic effects as this option creates greater certainty that demand for crushed rock can be met.

Recommendations

It is recommended that Option 3 be pursued as this would enable sufficient provision of Magnesian limestone whilst limiting negative effects and encouraging of use of secondary and recycled aggregates

Joint Authorities response to consultation responses

Discussion on the identification of future requirements for crushed rock is contained in the Local Aggregates Assessment for the NY Sub-region. The range of responses to consultation at Issues and Options stage is noted, including the lack of any clear consensus on the way forward in relation to overall identification of future requirements. Consultation during preparation of the Local Aggregates Assessment 2015 update indicated that industry did not necessarily favour an approach based on a more objective forecasting of demand, as was advocated for sand and gravel, particularly taking into account the substantial reserves of crushed rock with planning permission. Accordingly, in preparing the LAA, a range of potential methods were looked at and the conclusion reached that an indicative level of 4mt per annum would be appropriate, representing a mid-point between the various methods considered.

A number of consultation responses supported the identification of provision for Magnesian Limestone separate from other crushed rock and this issue was also considered in preparing the LAA. It is agreed that, taking into account specific circumstances relating to Magnesian Limestone, that it would be appropriate to make separate provision.

Evidence base update
An updated Local Aggregates Assessment for the Yorkshire and Humber area was produced in February 2015 for submission to the Y&H AWP.
Duty to Cooperate
<p>Is this is a DtC matter: Yes</p> <p>Supply of crushed rock gives rise to strategic cross boundary issues as a result of the important role of the Plan area in the export of crushed rock to adjacent areas where shortfalls in supply exist. Consultation with relevant MPAs has taken place during preparation of the Plan and in the preparation of the Local Aggregates Assessment. Discussion with adjacent MPAs has also taken place via the Y&H AWP and through input into LAAs prepared by adjacent areas.</p>
Discussion around development of preferred policy approach
<p>The updated (2015) Local Aggregates Assessment is the key source of evidence for identification of the scale of future provision to be made for crushed rock. This contains detailed information and discussion on a local approach to identifying future demand over the plan period and has been developed through consultation with relevant organisations including the minerals industry. For crushed rock, aggregates industry representatives have expressed the view that there is more uncertainty about the future level of demand. In general terms it is likely that there will be growth in demand for crushed rock in response to general growth in the economy and, to some extent, the influence of other factors such as predicted higher rates of house building. However, the market for crushed rock is wider than for sand and gravel, with a wider range of opportunities for delivering supply to key markets also served by the NY Sub-region. The current high level of reserves of crushed rock in the NY Sub-region also suggests that the precise level of any forecast demand is of less significance, in terms of the implications for delivery of future supply, than is the case for sand and gravel. The LAA assumes an annual demand of 3.75mt for current forward planning purposes.</p> <p>The SA supported an approach which could operate in parallel with support for increased supply of secondary and recycled aggregate and this is addressed separately through specific policy dealing with supply of these types of materials.</p> <p>It is acknowledged that Magnesian Limestone is an important component of overall supply of crushed rock and is in relatively short supply. It is therefore considered that it would be appropriate to make separate provision for this rock type, in order to help ensure its ongoing availability. Such an approach would be consistent with national policy which indicates that separate landbanks can be maintained. Data available in the LAA indicates that, averaged over the 5 year period 2009 to 2013, sales of Magnesian Limestone accounted for 37% of total crushed rock sales from the Plan area. It is therefore considered appropriate that an equivalent percentage should be allocated to future provision specifically for Magnesian Limestone.</p> <p>It will also be necessary to ensure maintenance of an adequate landbank for crushed at the end of the Plan period, in line with national policy. As the actual level of sales of crushed rock will be subject to ongoing monitoring over the plan period, and there will be a need to review the LAA annually in line with national policy, it is not considered appropriate at this stage to identify the projected level of supply at the end of 2030 which would form the basis for maintenance of a 10 year landbank at that date. This is a matter which will need to be kept under review through monitoring and updates to the LAA in line with national policy and guidance.</p>

The preferred option therefore represents an alternative option not specifically considered at Issues and Options stage.

Preferred policy approach – title changed to M05: Provision of crushed rock

Total provision for crushed rock over the 16 year period 1st January 2015 to 31st December 2030 shall be 60mt, at an equivalent annual rate of 3.75mt, within which specific provision for a total of 22.2mt, at an equivalent annual rate of 1.39mt per annum, shall be for Magnesian Limestone.

Additional provision shall be made if necessary, through a mid term review of provision in the Plan, in order to maintain a 10 year landbank of crushed rock, including a separate 10 year landbank for Magnesian Limestone, at 31 December 2030 based on an annual rate of provision to be determined through the review.

Supporting justification

Evidence indicates that demand for crushed rock worked in the Plan area is likely to continue, although the scale of future requirements is difficult to assess. Pressure for growth and development generates demand for aggregate minerals, including crushed rock. The Plan area has traditionally been an important supplier of crushed rock in the Yorkshire and Humber and Tees Valley areas, as well as within North Yorkshire, and growth and development in all these areas is expected to take place over the plan period. Information about relevant future supply and demand factors for crushed rock has been included in the Local Aggregates Assessment for the North Yorkshire Sub-region, which will be updated regularly.

Substantial permitted reserves of crushed rock already exist in the Plan area and there is no near term prospect of an overall shortfall in supply. However, evidence in the LAA suggests that in order to reflect supply imbalances across the range of crushed rock types present in the area, it may be necessary to make available further resources of Magnesian Limestone. This would help ensure that an adequate supply of this particular rock type can be maintained. It is therefore appropriate to identify specific provision for this type of rock separately from other crushed rock sources.

In order to ensure availability of an adequate supply (ie a 10 year landbank) at the end of 2030, it may also be necessary to identify some additional resources of crushed rock towards the end of the Plan period, depending on the actual scale of demand that occurs. As it is intended that the Local Aggregates Assessment will be updated regularly, and that it may be expected that changes to the approach to demand forecasting may occur over the plan period, it is not considered appropriate to specify, at this stage, the level of further provision that may be needed in order to maintain a 10 year landbank at 2030. This is a matter which can be addressed in monitoring of the plan and via a mid-term review, at which time the level of additional provision which may be needed can be subject of updated assessment, and additional provision made if necessary.

Links to Objectives and Policies

Links to Objectives
Objective 5

Links to other relevant policies in the Plan:
Id01: Broad geographical approach to supply of aggregate
Id08: Maintenance of landbank for crushed rock
Id09: Safeguarding crushed rock

Id12: Magnesian limestone delivery
 Id13: Unallocated extensions to existing aggregates quarries
 Id14: Supply of alternatives to land won primary aggregates

SA/SEA

Summary of assessment

This preferred policy's effects are in the main uncertain as no indication of where provision would be obtained from is presented. However, clearly extracting a substantial volume of crushed rock will have at least some environmental effects, though the magnitude of these effects is dependent on location. There are a small number of exceptions to this. For instance, it requires energy to extract and to transport minerals which, assuming continued reliance on fossil energy, would generate significant CO2 and other greenhouse gases, which strongly works against the climate change objective. Similarly, the 'minimising resource use' use objective displays strong negative effects, as this policy will allow for the consumption of up to 60 Mt of primary minerals. There are also some positive effects noted, for instance the recreation objective receives indirect positive support, as further extraction would ultimately lead to further restoration in line with other policies in the plan, while the economic development, flooding and changing population objectives would also be supported.

Recommendations

While much is uncertain in relation to this objective, it is recognised that this is the nature of policies such as this. No recommendations are made.

Comment [MS12]: 2841/0029- this policy conflicts with objective 11 on climate change.
 1134 (Fenstone) 0482- include agricultural lime products.
 Note - National policy requires Plans to address future supply requirements for aggregate. Production of crushed rock for use as agricultural lime already takes place within the plan area and this is expected to continue, but it is not considered necessary to state this in the Policy.

Comment [MS13]: 0317 (Tarmac)0065- suggested additional text '**at least**'
 Note - the policy provides an indication of the total scale of future requirements expected over the plan period, based on the approach to demand forecasting set out in the LAA. It is not considered necessary or appropriate to indicate that this is a minimum figure. The demand forecast will be kept under review via future updates to the LAA and, if necessary, review of the MWJP.

Comment [MS14]: 0120 (Historic England) 0112- maintenance of a separate landbank would put pressure on an area of known archaeological importance.
 Note - This concern is noted. It is considered that, in common with other types of minerals resources present in the Plan area, crushed rock resources including Magnesial Limestone partly overlap with a range of sensitive locations and designations, including important natural environment designations and heritage assets, some of which are of large geographical extent. This includes the Southern Magnesial Limestone ridge which is important for the historic landscapes and designated and undesignated heritage assets it contains. Later policies in the Plan seek to ensure that, so far as practicable, future requirements for Magnesial Limestone is met through the identification of particular sites or area and this, along with the development management policies in the Plan, provides a mechanism to help ensure that the impacts of any future working, wherever it is proposed, would not lead to unacceptable impacts. The supporting text should be revised to clarify this.

Comment [MS15]: 0115 (MPA) 0631- include reference to a 5 year review.
 Note - There are a range of uncertainties about the actual future extent of demand that may arise and it is considered appropriate to retain a degree of flexibility to respond to this

Part 2 - Preferred options to Publication

Consultation Responses to Preferred Options

Scale of provision of crushed rock over the plan period

- 5.24 The Joint Plan area is a major producer of crushed rock in the Yorkshire and Humber Region and a significant exporter to other areas, including West and South Yorkshire and the East Riding and to areas within the North East Region.
- 5.25 National planning policy requires planning authorities to consider and plan for a steady and adequate supply of aggregate for their area, taking account of any significant cross boundary movements, by preparing an annual Local Aggregate Assessment (LAA). A North Yorkshire sub-regional LAA has been produced in partnership with North Yorkshire County Council, City of York Council and the North York Moors and Yorkshire Dales National Park Authorities.

Policy M05: Provision of crushed rock

Total provision for crushed rock over the 15 year period 1st January 2016 to 31st December 2030 shall be 56.3 million tonnes, at an equivalent annual rate of 3.75 million tonnes, within which specific provision for a total of 22.5 million tonnes at an equivalent annual rate of 1.50 million tonnes per annum shall be for Magnesial Limestone.

Additional provision shall be made, through a mid-term review of provision in the Plan, if necessary in order to maintain a minimum 10 year landbank of crushed rock, including a separate minimum 10 year landbank for Magnesial Limestone, at 31 December 2030 based on an annual rate of provision to be determined through

the review.	
Main responsibility for implementation of policy: NYCC, CYC, NYMNP and Minerals Industry	
Key links to other relevant policies and objectives	
<i>M01, M06, M09, M10, M11, S01, D01</i>	<i>Objective 5</i>
Monitoring: Monitoring indicator 5 (see Appendix 3)	

Comment [JJ16]: 0128(Yorkshire Wildlife trust) 1156.Suggested additional text 'Allocations will be supported where restoration has the potential to create large connected areas of priority habitat.'
Note - this policy is concerned with the overall scale of provision of crushed rock that should be made. Other policies in the Plan deal with minerals site restoration and habitat creation.

Policy Justification

5.26 Evidence indicates that demand for crushed rock worked in the Joint Plan area is likely to continue, although the precise scale of future requirements is difficult to assess. Pressure for growth and development generates demand for aggregate minerals, including crushed rock. The area has traditionally been an important supplier of crushed rock into other parts of Yorkshire and Humber and the Tees Valley areas, as well as within North Yorkshire, and growth and development in all these areas is expected to take place over the plan period. Information about relevant future supply and demand factors for crushed rock has been included in the Local Aggregates Assessment for the North Yorkshire Sub-region, which will be updated regularly.

5.27 Substantial permitted reserves of crushed rock already exist in the Plan area and there is no near term prospect of an overall shortfall in supply. However, evidence in the LAA suggests that in order to reflect supply imbalances across the range of crushed rock types present in the area, it would be beneficial to make available further resources of Magnesian Limestone. This would help ensure that an adequate supply of this particular rock type can be maintained, as well as helping to maintain local sources of aggregates supply in the southern and central part of the Plan area. It is therefore appropriate to identify specific provision for this type of rock separately from other crushed rock sources.

Magnesian Limestone resources in the Plan area form part of an extensive but distinctive topographical feature known as the Southern Magnesian Limestone Ridge. The Ridge is of importance as a result of the historic landscapes and designated and undesignated heritage assets it contains. Whilst Magnesian Limestone working on the Ridge has been taken taking place for many years, the provision of policy support in the Plan for the continued maintenance of supply of this rock type could give rise to the potential for adverse impacts on heritage assets. However, the overall scale of additional development expected to be required is relatively small when considered in the context of the geographical extent of the Ridge. Locations for further working are addressed through specific site allocations in the Plan, which have been subject to assessment, including in relation to their potential for impact on historic landscapes and heritage assets. The development management policies in the Plan provide further protection and make specific reference to the significance of the Southern Magnesian Limestone Ridge. Policy support for the continued availability of Magnesian Limestone, which is a well established element of the overall supply of crushed rock in the Plan area, is important in that it could help maintain an appropriate distribution of supply of crushed rock as well as availability of aggregates suitable for a range of end uses to complement supply from other sources.

5.28 In order to ensure availability of an adequate supply of crushed rock (i.e. a minimum 10 year landbank) at the end of 2030, it may also be necessary to identify some additional resources towards the end of the Plan period, depending on the actual scale of demand that occurs and the extent to which any reserves are permitted as a

result of implementation of the Plan. As it is intended that the Local Aggregates Assessment will be updated regularly, and that it may be expected that changes to the demand forecast may occur over the plan period, it is not considered appropriate to specify, at this stage, the level of further provision that may be needed in order to maintain a minimum 10 year landbank at 2030. This is a matter which can be addressed in monitoring of the Plan and via a mid-term review, at which time the level of additional provision which may be needed can be subject of updated assessment, and additional provision made if necessary. A commitment to maintaining a minimum 10 year landbank of crushed rock throughout the plan period, including a separate minimum 10 year landbank for Magnesian Limestone, is set out in the following policy.

SA/SEA

Summary of assessment This policy's effects are, in effect the cumulative effects of the plan as it relates to crushed rock extraction, so many effects are either cumulatively negative, or cumulatively mixed negative and positive. Some objectives also benefit from the cumulative effect of site restoration schemes in the longer term (e.g. flooding, recreation, health). Some objectives report highly negative effects, as quarrying for sand and gravel will inevitably involve the significance utilisation of material resources and have a large carbon footprint. Uncertainty is also noted later in the plan period there may be increased pressure from additional sites, particularly in the Magnesian limestone area, which would affect the biodiversity, landscape and historic environment objectives.

Recommendations The policy is already well mitigated by development management policies and to some extent this policy is partly mitigated by policy M11 which encourages alternatives to land won primary aggregate, though it is acknowledged that many secondary and recycled aggregates are not direct substitutes for crushed rock. Further consideration of the potential contribution made by recycled and secondary aggregate is recommended when this policy is considered at the mid-term review, depending on the availability of reliable data.

Overall Summary of Reasons for Change

Minor edits to Policy and supporting text for clarity

Development of Policy M06: Landbanks for crushed rock.

Part 1 - Issues and Options to Preferred Options

Policy id08: Maintenance of landbanks for crushed rock	
<i>Options presented at Issues and options stage</i>	Option 1: Provide for maintenance of a single 10 year landbank of crushed rock over the plan period and support the principle of time extensions at individual sites where necessary to allow full extraction of permitted reserves.
	Option 2: Provide for the maintenance of a separate 10 year landbank for Magnesian limestone and other crushed rock reserves over the plan period and support the principle of time extensions at individual sites where necessary to allow full extraction of permitted reserves.
	Option 3: This option could operate in association with either Option 1 or 2 above and would seek to ensure that landbanks of crushed rock are maintained within those parts of the plan area outside the National Park and AONBs.
	Option 4: This option could operate in association with either Option 1 or 2 above and would rely on national policy and development management

	policies in the Joint Plan to ensure that landbanks of crushed rock are maintained within those parts of the plan area outside the National Park and AONBs. The NPPF requires landbanks for non-energy minerals to be maintained outside of National Parks, AONBs, World Heritage Sites, Scheduled Monuments and Conservation Areas as far as is practical.	
What the SA told us		
<p>The assessment has revealed that both Options 1 and 2 could have negative effects on the environment, including biodiversity / geodiversity, air and water quality, landscape and the historic environment, and communities of the Plan area should these result in the need to release more land for extraction than is currently permitted. They would however, enable a level of minerals supply to meet demand for development.</p> <p>Option 3 would provide protection for the National Park and the AONBs to a greater extent than Option 4 where there would be a level of uncertainty over potential protection for these areas, particularly in the longer term.</p>		
Number of consultation responses		
Total Number of comments against id:	20	
Question 22: Do you have a preference for any of the options presented above?	Option 1: 2 (SC/MWI/ Local Authorities)	Combination: 5 (1 SC/1 MWI/ 1 Local Authorities)
	Option 2: 5 (SC/2 MWI/ Local Authorities)	Did Not Specify: 0
	Option 3: 4 (1 SC/MWI/ Local Authorities)	None: 0
	Option 4: 0	
Question 23: Are there any alternative options that the Authorities should be considering relating to the maintenance of landbanks for crushed rock?	Number of respondents: 4 (SC/3 MWI/ Local Authorities)	
Brief overview of consultation responses		
<p>Key Messages Q22: Several respondents suggested approaches which involved a combination of the Options presented. 3 respondents suggested an approach based on a combination of Options 2 and 3 and 1 respondent suggested an approach based on combining Options 1, 2 and 4.</p> <p>Some respondents suggest that an approach based on option 3 would not be the most sustainable as there are some important operations with the AONBs and continuation of these may be the most appropriate to ensure continuation of supply. The MPA would need to consider what alternatives are available if operations in these areas were to cease.</p> <p>Key Messages Q23: A range of alternative options were suggested in the responses, these are detailed in the 'Suggested new options Chapter 5 – Minerals table' along with justification as to why they have or have not been taken forward. There were no realistic alternatives which were able to be taken forward under this option, but some were transferred to other options.</p>		
SA of options including alternatives		
N/A		
Joint Authorities response to consultation responses		
<p>The support of the majority of consultees to the identification of a separate landbank of Magnesian Limestone is noted.</p> <p>In overall terms, a balance needs to be struck between the need to maintain an adequate landbank and the need to reflect the national policy approach which seeks to ensure that, so far as practicable, landbanks of aggregate are maintained outside NPs and AONBs. Whilst</p>		

<p>other policy in the Plan seeks to provide a degree of flexibility in relation to further working of crushed rock at existing quarries in the AONBs, in order to help sustain local economic benefits, it is not considered that, as a matter of policy, support should be provided for working in these areas solely for the purpose of maintaining an adequate landbank.</p>
<p>Evidence base update</p>
<p>Local Aggregates Assessment December 2014 and Aggregates Demand Forecasting Paper July 2014 is the most up to date evidence relating to crushed rock landbanks. The evidence used was accurate as of January 2015.</p>
<p>Duty to Cooperate</p>
<p>Is this is a DtC matter: yes</p> <p>At a general level this issue requires cooperation between the three mineral planning authorities preparing the Joint Plan, particularly NYCC and NYMNPA, and is being addressed through joint preparation of the Plan.</p>
<p>Discussion around development of preferred policy approach</p>
<p>National planning policy supports the maintenance of a minimum 10 year landbank for crushed rock and indicates that separate landbanks should be maintained for any aggregate materials of a specific type or quality which have a distinct and separate market. It also requires that, as far as practical, provision of landbanks should be from outside national parks and AONBs. Although the LAA has identified generally substantial reserves of crushed rock across the Plan area, it also identifies a potential specific shortfall in Magnesian Limestone as reserves of this material, relative to sales, are lower than for other crushed rock types in the area. There has been support from respondents for the maintenance of a separate landbank for Magnesian Limestone, and such an approach would enable monitoring availability of this type of aggregate, which tends to serve lower grade end uses than the harder Carboniferous Limestones which make up the majority of current crushed rock reserves. Ongoing availability of Magnesian Limestone may help prevent better quality materials being used and therefore could be more sustainable. Magnesian Limestone also occurs in parts of the County, particularly the south, where other crushed rock resources do not occur and therefore can help contribute to local sources of supply in this area which may otherwise be more dependent on imports.</p> <p>National policy seeks to ensure that landbanks are maintained outside national parks and AONBs and such an approach was also supported by the SA. However, it remains the case that there are permitted reserves of crushed rock in AONBs in the plan area which make a contribution to the overall landbank. Whilst the locational approach to aggregates supply does not support new working in the National Park, it does indicate support, in certain circumstances, for limited development at existing sites in the AONBs. In practical terms therefore it is expected that reserves of crushed rock in AONBs will continue to make some contribution to the overall landbank during the Plan period. However, the emphasis of support for further limited working at existing sites in the AONBs is to support the contribution they make to the local economy and employment rather than to ensure the maintenance of landbanks.</p>
<p>Preferred policy approach – title changed to M06: Maintenance of landbanks for crushed rock</p>
<p>A minimum overall landbank of 10 years will be maintained for crushed rock throughout the plan period. A separate 10 year landbank will be monitored and provided for Magnesian Limestone crushed rock.</p>

Where new reserves of crushed rock are required in order to maintain the overall landbank above the 10 year minimum period these will be sourced from outside the National Park and Areas of Outstanding Natural Beauty.

Supporting text

National planning policy for aggregate minerals requires the maintenance of landbanks (a stock of reserves with planning permission for extraction) to help ensure continuity in supply. The landbank is a key means of monitoring adequacy of supply, with a shortfall in the landbank indicating that more reserves need to be released. For crushed rock a minimum landbank sufficient for a minimum of 10 years at the anticipated rate of supply (at the annual rate as set out in the Plan) is required. The approach for crushed rock is to identify an overall landbank for crushed rock, along with a separate landbank for Magnesian Limestone, which mainly serves different end uses and which is currently more constrained in supply than Carboniferous Limestone (the other main source of crushed rock in the plan area). This will assist with monitoring availability of supply across the main rock types worked in the area.

Crushed rock resources occur within highly protected parts of the plan area, including the National Park and in both the Howardian Hills and Nidderdale AONBs. There are no current crushed rock workings in the National Park and release of crushed rock in the Park where necessary in order to maintain the landbank would not be justified by national policy. Both AONBs currently contribute to the supply of crushed rock and therefore the overall landbank of reserves. The minerals supply policies in the Plan support the limited working of additional resources at these sites. However, such support is provided in order to maintain the benefits that such sites bring to the local employment and economy rather than the contribution they may make to the landbank. It therefore follows that the release of additional reserves in the AONBs specifically in order to maintain the landbank over the 10 year minimum period will not be supported under this policy.

Links to Objectives and Policies

Link to Objectives
Objective 5

Links to other relevant policies in the Plan:
Id07: Provision of crushed rock
Id09: Safeguarding crushed rock
Id12: Magnesian limestone delivery
Id14: Supply of alternatives to land won primary aggregates

SA/SEA

Summary of assessment

This policy could have negative effects on the environment, including biodiversity / geodiversity, air and water quality, landscape and the historic environment, and communities of the Plan area should these result in the need to release more land for extraction than is currently permitted. The policy would however, enable a level of minerals supply to meet demand for development and therefore would result in major positive impacts in relation to the economy and meeting the needs of a changing population. By requiring new reserves of crushed rock to be sourced from outside the National Park and AONBs, this policy would result in some positive effects for these designated areas particularly relating to landscape, recreation and tourism, cultural heritage and amenity. Some negative impacts may occur in these designated landscapes as there would be a decrease in local job opportunities.

Recommendations

No mitigation is proposed.

Part 2 - Preferred options to Publication

Consultation Responses to Preferred Options	
Landbanks for Crushed Rock	
5.29	National planning policy for aggregate minerals requires the maintenance of landbanks (a stock of reserves with planning permission for extraction) to help ensure continuity in supply. The landbank is a key means of monitoring adequacy of supply, with a shortfall in the landbank indicating that more reserves need to be released.
Policy M06: Landbanks for crushed rock	
A minimum overall landbank of 10 years will be maintained for crushed rock throughout the plan period. A separate minimum 10 year landbank will be identified and maintained for <u>Magnesian Limestone</u> crushed rock.	
Where new reserves of crushed rock are required in order to maintain the overall landbank above the 10 year minimum period these will be sourced from outside the National Park and Areas of Outstanding Natural Beauty.	
Main responsibility for implementation of policy: NYCC, CYC, NYMNPA and Minerals Industry	
Key links to other relevant policies and objectives	
<i>M01, M05, M09, S01, D01</i>	<i>Objective 5</i>
Monitoring: Monitoring indicator 6 (see Appendix 3)	
Policy Justification	
5.30	National Planning Policy requires a landbank of crushed rock sufficient for a minimum of 10 years based on the anticipated rate of supply. The approach for crushed rock is to identify an overall landbank for crushed rock, along with a separate landbank for Magnesian Limestone, which mainly serves different end uses and which is currently more constrained in supply than Carboniferous Limestone (the other main source of crushed rock in the plan area). This will assist with monitoring availability of supply across the main rock types worked in the area and ensuring that appropriate provision is maintained, consistent with the approach in Policy M05.
5.31	Crushed rock resources occur within highly protected parts of the plan area, including the National Park and in both the Howardian Hills and Nidderdale AONBs. There are no current crushed rock workings in the National Park and release of crushed rock in the Park where necessary in order to maintain the landbank would not be justified by national policy. Both AONBs currently contribute to the supply of crushed rock and therefore the overall landbank of reserves. The minerals supply policies in the Plan support the limited working of additional resources at these sites. However, such support is provided in order to maintain the benefits that these established sites bring to the local employment and economy rather than the contribution they may make to the landbank. It therefore follows that the release of additional reserves in the AONBs specifically in order to maintain the landbank over the 10 year minimum period will not be supported under this policy.
SA/SEA	
Summary of assessment This policy could have longer term negative effects on the environment, including biodiversity / geodiversity, air and water quality, landscape, resource	

Comment [MS17]: 0120 (Historic England) 0113- maintenance of a separate landbank would put pressure on an area of known archaeological importance. Note - This concern is noted. It is considered that, in common with other types of minerals resources present in the Plan area, crushed rock resources including Magnesian Limestone partly overlap with a range of sensitive locations and designations, including important natural environment designations and heritage assets, some of which are of large geographical extent. This includes the Southern Magnesian Limestone ridge which is important for the historic landscapes and designated and undesignated heritage assets it contains. Later policies in the Plan seek to ensure that, so far as practicable, future requirements for Magnesian Limestone is met through the identification of particular sites or area and this, along with the development management policies in the Plan, should provide for an appropriate degree of protection. Clarification of this matter has been provided in the supporting justification for Policy M05.

Comment [JJ18]: 0128(Yorkshire Wildlife trust) 1157. Suggested additional text '**Allocations will be supported where restoration has the potential to create large connected areas of priority habitat.**' Note - minerals site reclamation and habitat creation are addressed elsewhere in the Plan and it is not considered appropriate to identify them here as the policy is concerned with the scale of future requirements, not how they may be delivered.

use, minimising waste and the historic environment, and communities of the Plan area should these landbanks result in the need to release more land for extraction than is currently permitted. The policy would however, enable a level of minerals supply to meet demand for development and therefore would result in major positive impacts in relation to the economy and meeting the needs of a changing population. By requiring new reserves of crushed rock to be sourced from outside the National Park and AONBs, this policy would result in some positive effects for these designated areas particularly relating to landscape, recreation and tourism, cultural heritage and amenity. Some negative impacts may occur in these designated landscapes as there would be a decrease in local job opportunities.

Recommendations No mitigation is proposed.

Overall Summary of Reasons for Change

Minor edits made to the policy and supporting text for clarity.

Development of Policy M07: Meeting concreting sand and gravel requirements.

Part 1 - Issues and Options to Preferred Options

Policy id10: Concreting sand and gravel delivery		
<i>Options presented at Issues and options stage</i>	<p>Option 1: This option could seek to deliver Joint Plan requirements for concreting sand and gravel through the identification of specific site allocations where possible, with preferred areas and areas of search identified as alternatives only if necessary.</p> <p>Option 2: This option could seek to deliver Joint Plan requirements for concreting sand and gravel through the identification of specific site allocations only for large scale sites (e.g. sites with greater than 5mt total reserve and planned output of 0.25mtpa or greater), with remaining provision being provided through preferred areas or areas of search.</p> <p>Option 3: This option could rely on identification of areas of search to meet Joint Plan requirements. Areas could be selected from within the overall sand and gravel resource blocks identified in the BGS sand and gravel assessment report 2011.</p>	
What the SA told us		
<p>Options 1 and 2 both perform well against most sustainability appraisal objectives (other than in relation to minimising the use of resources). This is because allocating sites helps to plan for constraints and opportunities in advance so the most sustainable sites are utilised. Of the two options, however, Option 1 performs the best as this seeks to alleviate uncertainty through allocating the most sites.</p> <p>Option 3 performs more negatively as only areas of search are utilised, and these have only considered the most major environmental constraints in their definition, leaving localised effects to be addressed through mitigation at the planning application stage. However, there are economic benefits with this approach through allowing flexibility in site selection for developers.</p>		
Number of consultation responses		
Total Number of comments against id:	18	
Question 26: Do you have a preference for any of the options presented above?	Option 1: 8 (2 SC/2 MW// 1 Local Authorities)	Combination: 0
	Option 2: 3 (SC/1 MW// 1 Local Authorities)	Did not specify: 0

	Option 3: 1 (SC/MWI/ Local Authorities)	None: 0
Question 27: Are there any alternative options that the Authorities should consider relating to safeguarding of crushed rock resources?	Number of respondents: 5 (2 MWI/ 1 Local Authority)	
Question 28: Are there any other options that the Authorities should consider relating to delivery of concreting sand and gravel requirements?	Number of respondents: 1 (1 Local Authority)	
Brief overview of consultation responses		
<p>Key messages Q26: The majority of respondents expressed support for option 1 as it is considered that this Option provides the greatest degree of certainty and conforms with national policy. Two respondents expressed support for either option 1 or option 2 identifying no preference between the two. One responded considered Option 2 provided greater flexibility for smaller scale sites, and one respondent preferred option 3 as it was considered this provided the greatest flexibility.</p> <p>Key Message Q27: A range of alternative options were suggested in the responses, these are detailed in the 'Suggested new options Chapter 5 – Minerals table' along with justification as to why they have or have not been taken forward. Only one alternative approach was realistic and it has been worked up and is detailed below</p> <p>Proposed Option 4</p> <ul style="list-style-type: none"> • A variation of Option 2 with total reserve changed to 3mt and planned output changed to 0.1mtpa. <p><i>Suggested approach</i> Seek to deliver Joint Plan requirements for concreting sand and gravel through the identification of specific site allocations only for large scale sites (e.g. sites with greater than 3mt total reserve and planned output of 0.1 mtpa or greater), with remaining provision being provided through preferred areas or areas of search.</p>		
SA of options including alternatives		
<p>Summary of assessment Options 1, 2 and 4 all perform well against most sustainability appraisal objectives (other than in relation to minimising the use of resources and managing waste higher up the waste hierarchy). This is because allocating sites helps to plan for constraints and opportunities in advance so the most sustainable sites are utilised. Of these options, however, Option 1 performs the best as this seeks to alleviate uncertainty through allocating the most sites. Option 3 performs more negatively as only areas of search are utilised, and these have only considered the most major environmental constraints in their definition, leaving localised effects to be addressed through mitigation at the planning application stage. However, there are economic benefits with this approach through allowing flexibility in site selection for developers.</p> <p>Revised recommendations Option 1 is considered the most sustainable option.</p>		
Joint Authorities response to consultation responses		
The support of the majority of respondents to the inclusion of site allocations where possible is noted and such an approach would be most consistent with national guidance. It is therefore considered that where practicable provision in the plan should be made through		

specific allocations, with use of preferred areas or areas of search as an alternative only if necessary.

Evidence base update

Since the Issues and Options the National Planning Guidance was published online in March 2014 and it indicates a priority order for identification of site allocations, followed by preferred areas then areas of search. Reference to concreting aggregate is also made in the Local Aggregates Assessment December 2014 and Aggregates Demand Forecasting Paper July 2014. This evidence is accurate as of January 2015.

Duty to Cooperate

Is this is a DtC matter: no

Discussion around development of preferred policy approach

Option 1 was generally supported by respondents and was favoured by the SA. Since publication of the Issues and Options consultation new national planning guidelines have been published which indicate a priority preference for identification of specific allocations where practicable. A number of sites for concreting sand and gravel delivery have been put forward by industry in response to calls for sites, suggesting that there may be the potential for identification of specific sites in the Plan.

Preferred policy approach – title changed to M07: Meeting concreting sand and gravel requirements

Requirements for concreting sand and gravel will be met through existing permissions and the grant of permission on sites allocated in the Plan for working.

Sand and gravel (northwards distribution) allocations:

1) Allocations required in order to meet requirements during the plan period:

**Land at Killerby (MJP21)
Land at Home Farm, Kirkby Fleetham (MJP33)**

2) Allocations potentially required to contribute to maintenance of an adequate landbank at 2030. Permission will not be granted for development of these allocations prior to 2025, unless there is a shortfall in the sand and gravel landbank in the northwards distribution area:

**Land South of Catterick (MJP17)
Land West of Scruton (MJP43)**

Sand and gravel (southwards distribution) allocations:

1) Allocations required in order to meet requirements during the plan period:

**Land at Langwith Hall Farm (MJP06)
Land at Oaklands (MJP07)
Land at Pennycrofts and Thorneyfields and Manor Farm, Ripon (MJP14)
Land at Great Givendale, Ripon (MJP51)**

2) Allocations potentially required to contribute to maintenance of an adequate landbank at 2030. Permission will not be granted for development of these allocations prior to 2025, unless there is a shortfall in the sand and gravel landbank in the southwards distribution area:

**Land at Aram Grange, Asenby (MJP04)
Land at Ruddings Farm, Walshford (MJP35)**

Supporting text

National planning guidance encourages the delivery of future requirements for aggregate through the identification and allocation, where practicable, of specific sites for development. Such an approach has the benefit of providing greatest certainty to industry and other interested parties on locations where future development will be acceptable in principle, thus helping to encourage investment as well as providing more clarity to local communities. A range of specific locations have been put forward by industry for consideration during preparation of the Plan and these have been assessed. Requirements for concreting sand and gravel over the plan period can be met through the release of reserves on specific sites put forward for consideration and these are identified in the policy text.

Additional requirements will be addressed through a mid-term review of the Plan.

Links to Objectives and Policies

Link to Objectives
Objective 5
Objective 6

Links to other relevant policies in the Plan:
Id03: Calculating sand and gravel provision
Id04: Overall distribution of sand and gravel
Id05: Landbanks for sand and gravel
Id06: Safeguarding sand and gravel
Id14: Supply of alternatives to land won primary aggregates

SA/SEA

Summary of assessment

A wide range of impacts will result from extraction of sand and gravel at the sites specified in this policy. These are outlined in the Site Sustainability Appraisal Report. As many of the site allocations lie in close proximity to other existing or allocated sites, cumulative impacts will be of particular importance.

Recommendations

Appropriate mitigation should be incorporated at each allocation site in line with recommendations in the Site Sustainability Appraisal findings for each site and with other policies in the Plan. Cumulative impacts should be given particular regard through the planning application process.

Part 2 - Preferred options to Publication

Consultation Responses to Preferred Options

Maintenance of primary aggregates supply

5.32 National planning guidance encourages future requirements for aggregate to be provided through the identification and allocation, where practicable, of specific sites for development. Such an approach has the benefit of providing greatest certainty to industry and other interested parties on locations where future development will be acceptable in principle, thus helping to encourage investment as well as providing more clarity to local communities. Where this is not practicable, preferred areas or areas of search should be identified, to indicate where resources potentially suitable

Comment [MS19]: 2760 (White Quarry Farm) 1299- take account of District and Borough housing figures.
Note - Expected housing growth is reflected in the forecast of demand for aggregate as set out in the Local Aggregates Assessment

for working may be located.

- 5.33 The assessment of future requirements for aggregate, carried out during preparation of the Plan, has indicated that provision for further working needs to be made in order to help ensure continuity of supply of concreting sand and gravel, building sand and Magnesian Limestone.

Policy M07: Meeting concreting sand and gravel requirements

Requirements for concreting sand and gravel will be met through existing permissions and the grant of permission on sites and Areas identified in the Plan for working.

Part 1 Sand and gravel (northwards distribution) site allocations:

- i) **Allocations required in order to meet requirements during the plan period:**

Land at Killerby (MJP21)

- ii) **Allocations potentially required to contribute to maintenance of an adequate landbank at 31 December 2030. Permission will not be granted for development of these allocations prior to 2025, unless there is a shortfall in the sand and gravel landbank in the northwards distribution area or there is a shortfall in production capacity in the northwards distribution area requiring the release of additional sites for working:**

Land at Home Farm, Kirkby Fleetham (MJP33)

Land South of Catterick (MJP17)

Land West of Scruton (MJP43)

Proposals for development of these sites will be required to take account of the key sensitivities and incorporate the necessary mitigation measures that are set out in Appendix 1.

Part 2) Sand and gravel (southwards distribution) site allocations and Areas of Search:

- i) **Allocations required in order to meet requirements during the plan period:**

Land at Langwith Hall Farm (MJP06)

Land at Oaklands (MJP07)

Land at Pennycroft and Thorneyfields, Ripon (MJP14)

Proposals for development of these sites will be required to take account of the key sensitivities and incorporate the necessary mitigation measures that are set out in Appendix 1.

- ii) **Areas of Search for concreting sand and gravel are identified as shown on the key diagram. Planning permission will be granted for development of sites within an Area of Search where necessary in order to maintain an adequate landbank at 31 December 2030 and the need cannot be met through development of allocated sites. Permission will not be granted for development within these Areas prior to 2025, unless there is a need for the earlier release of further reserves in order to maintain an adequate landbank.**

Main responsibility for implementation of policy: NYCC, CYC, NYMNPA and District and Borough Councils

Comment [MS20]: 0130 (Leeds city Council) include provision from marine won sand and gravel.

Note - This is addressed in the evidence base for the Plan (LAA). A significant increase in supply of marine aggregate directly into the Plan area is not expected in the short to medium term, although support in principle for use of marine aggregate as an alternative to primary aggregate is provided in Policy M11.

3023 (Chas long) 1043- the approach doesn't take account of the contributions made by smaller sites and is predicated on larger sites which cannot provide adequate flexibility

Note – the sites have all come forward through the site assessment process where all assessed against the same criteria

Comment [MS21]: A range of view on the different allocations were submitted- see full report for details .Note: MJP43 to be removed from allocations

Comment [JJ22]: 0120 (Historic England) 0114- see full comment for further details. Suggested text 'Proposals for development of these sites will be required to take account of the key sensitivities and incorporate the necessary mitigation measures that are set out in Appendix 1'

Note - it is agreed this should be referred to in the text

Key links to other relevant policies and objectives

M02, M03, M04, S01 | *Objectives 5, 6*

Monitoring: Monitoring indicator 7 (see Appendix 3)

Policy Justification

5.34 Evidence indicates that, taking into account the level of permitted reserves at the end of 2015, additional provision of the order of 10.3mt are required for the sand and gravel northwards distribution area over the period to 31 December 2030. The equivalent figure for the southwards distribution area is 5.9mt. Sites with existing reserves expected to make a contribution to supply are listed in Table 1 below. Additional reserves would be needed in both areas in order to help maintain a landbank of at least 7 years at the end of the plan period, in line with Policy M04. The scale of additional reserves required would be 7.7mt (northwards distribution area) and 8.5mt (southwards distribution area).

5.35 A range of specific locations have been put forward by industry for consideration during preparation of the Plan and these have been assessed. Requirements for concreting sand and gravel in the northwards distribution area can be met through the release of reserves on specific sites to be allocated in the Plan. Some sites proposed to be allocated are expected to be required in order to meet needs during the period to 2030. A proposed allocation is identified in Part 1i) of the Policy to meet this requirement in the northern distribution area, containing an estimated 11.4mt of reserves. Further sites are identified in part 1ii) of the Policy to help ensure that an adequate landbank can be maintained in the latter part of the Plan period and that adequate productive capacity can be maintained where necessary. Proposals for release of reserves on sites identified in Part 1ii) of the Policy should be accompanied by information to demonstrate why there is a need to release the reserves.

Proposed allocations in the southwards distribution area contain an indicative 6.6mt. Any 'surplus' reserves in these sites above specific requirements to 2030 would be expected to contribute towards maintenance of a 7 year landbank at the end of the Plan period. It has not been practicable to identify other suitable specific sites in the Policy in order to help demonstrate how a further contribution to longer term (post 2030) landbank requirements could be made., In order to address this, and to provide an element of flexibility in overall provision, Areas of Search have been identified Based on available information, these Areas contain substantial resources of concreting sand and gravel and are relatively free of major environmental or other constraints. These areas could provide suitable locations for the identification of further reserves for the southwards distribution area.. In order to help ensure a planned approach to provision, it would not be appropriate to release reserves in sites within these Areas, unless a shortfall in the landbank indicates that additional reserves are required. Proposals for development of sites within Areas of Search will also need to demonstrate full compliance with relevant development management policies in the Plan. The following table summarises requirements and proposed site allocations for concreting sand and gravel.

Comment [RS23]: Excludes any allocation at Oaklands at this stage, and MJP43 still included/

Summary of concreting sand and gravel requirements and proposed allocations

	Total estimated requirement over the period 1 January 2016 to 31	Estimated shortfall (balance between permitted reserves at 1 January 2016	Total estimated reserves available in sites proposed for allocation in Part 1(i) of Policy M07 (million tonnes)	Total estimated reserves available in sites proposed for allocation in Part 1(ii) of Policy M07 in order to contribute to longer term landbank

	December 2030 (million tonnes)	and total requirement to 31 December 2030 (million tonnes)		requirements (million tonnes)
Northwards distribution area	16.5	10.3	11.4 Comprising: 11.4mt (Killerby site MJP21)	7.6 Comprising: 3.5mt (Home Farm site MJP33) 3.2mt (land south of Catterick site MJP17) 0.9mt (Land West of Scruton site MJP43)
Southwards distribution area	18.3	5.9	6.6 Comprising: 2.3mt (Langwith Hall Farm site MJP06) 1.5mt (Oaklands site MJP07) 4.3mt (Land at Pennycroft and Thorneyfields, Ripon site MJP14)	Areas of Search at:
	Northwards distribution area		Southwards distribution area	
Sites with permitted reserves of concreting sand and gravel as at 30 June 2016 (excludes dormant sites)	Scorton Quarry, Bridge Farm (Pallett Hill) Quarry, Ellerton Quarry		Marfield Quarry, Ripon Quarry, Ripon City Quarry, Nosterfield Quarry, Wykeham Quarry, Ings Farm	

Table 1: Summary of requirements allocations and sites with existing permitted reserves for concreting sand and gravel northwards and southwards distribution areas

- 5.36 Additional provision, if required in order to meet longer term concreting sand and gravel landbank requirements, will be addressed through a mid-term review of the Plan in line with Policy M02.
- 5.37 Planning permission will be granted for development of sites allocated in the Plan subject to compliance with other relevant policies. Proposals will also be expected to demonstrate that any relevant development requirements for the allocation, as identified in Appendix 1, have been addressed, and incorporate appropriate provision for mitigation where necessary.

SA/SEA

Summary of assessment A wide range of impacts will result from extraction of sand and gravel at the sites and Areas specified in this policy. These are outlined in the Site Sustainability Appraisal Appendix and Areas Assessment Appendix. As many of the site

allocations lie in close proximity to other existing or allocated sites, cumulative impacts will be of particular importance.

Recommendations Appropriate mitigation should be incorporated at each allocation site in line with recommendations in the Site / Area Sustainability Appraisal findings for each site and with other policies in the Plan. Cumulative impacts should be given particular regard through the planning application process.

Overall Summary of Reasons for Change

Minor edits to Policy and supporting text for clarity

Development of Policy M08: Meeting building sand requirements.

Part 1 - Issues and Options to Preferred Options

Policy id11: Building sand delivery	
<i>Options presented at Issues and options stage</i>	<p>Option 1: This option could seek to deliver Joint Plan requirements for building sand through the identification of specific site allocations, should any suitable sites come forward, and via criteria supporting new sites and extensions to existing sites where necessary, in line with environmental and amenity objectives of the Joint Plan.</p> <p>Option 2: This option could seek to deliver Joint Plan requirements for building sand through the identification of Areas of Search.</p>
What the SA told us	
<p>Option 1, when compared to the sustainability appraisal objectives, performs very well. It includes strong positive effects for all or part of the short to long term time period considered for biodiversity and geodiversity, water quality and supply, air quality, climate change, climate adaptation, heritage, landscapes and town and cityscapes, community vitality, recreation and leisure, health and wellbeing and flooding. This is because, through allocating sites and considering criteria, the most sustainable locations can be chosen.</p> <p>Option 2 also reports a number of (albeit less strong) positive effects as strategic sustainability issues can be considered when deciding upon areas of search and preferred areas. However, there is greater uncertainty as specific locations are unknown.</p> <p>Both options report negative effects for the resource efficiency objective as these options will inevitably, if applications are approved under them, lead to significant non-renewable resource consumption.</p>	
Number of consultation responses	
Total Number of comments against id:	17
Question 29: Do you have a preference for any of the options presented above?	Option 1: 12 (3 SC/4 MWI/ 1 Local Authorities)
	Option 2: 0 (SC/MWI/ Local Authorities)
	Combination: 2 (SC/MWI/ Local Authorities)
	Did not Specify: 1 (SC/MWI/ Local Authorities)
Question 30: Are there any other options that the Authorities should consider relating to delivery of building sand requirements?	Number of respondents: 2 (2 MWI)
Brief overview of consultation responses	
<p>Key messages Q29: The majority of respondents expressed a preference for Option 1. Two respondents suggested following an approach which combined Option 1 and 2. One respondent raised concern about the interpretation of 'strategic': although the amount of sand</p>	

required may be small it could still be considered strategically important.

Key messages Q30:

A range of alternative options were suggested in the responses, these are detailed in the 'Suggested new options Chapter 5 – Minerals table' along with justification as to why they have or have not been taken forward. Only one suggested alternative was realistic and it has been worked up and is detailed below

Proposed Option 3

- Combine options 1 and 2 would identify sites by use of site allocations along with criteria in the first instance and then followed by Areas of Search where sites have not been identified.

Suggested approach

Seek to deliver Joint Plan requirements for building sand through specific allocations and via criteria supporting new sites, and would also support the identification of Areas of Search if specific sites are not identified.

SA of options including alternatives

Summary of assessment

Option 1, when compared to the sustainability appraisal objectives, performs very well. It includes strong positive effects for all or part of the short to long term time period considered for biodiversity and geo-diversity, water quality and supply, air quality, climate change, climate adaptation, heritage, landscapes and town and cityscapes, community vitality, recreation and leisure, health and wellbeing and flooding. This is because, through allocating sites and considering criteria, the most sustainable locations can be chosen.

Option 2 also reports a number of (albeit less strong) positive effects as strategic sustainability issues can be considered when deciding upon areas of search and preferred areas. However, there is greater uncertainty as specific locations are unknown.

Option 3 retains many of the positive benefits of option 1, though where it is not possible to allocate specific sites those benefits would be lessened in the same way as option 2.

All options report negative effects for the resource efficiency objective as these options will inevitably, if applications are approved under them, lead to significant non-renewable resource consumption.

Revised recommendations

Option 1 performs significantly more strongly against the sustainability appraisal objectives.

Joint Authorities response to consultation responses

The general preference of respondents for an approach based on site allocations, supported by criteria to facilitate development of building sand resources on unallocated sites if necessary, is noted. The suggestion of utilising Areas of Search where allocations cannot be identified is noted but is not considered preferable to Option 1 at this stage in production of the Plan. It is agreed that scale alone is not a reliable indicator of strategic significance.

Evidence base update

Evidence updates as at January 2015.

Since the Issues and Options consultation the National Planning Guidance was published online in March 2014 and this indicates a priority order for identification of site allocations, followed by preferred areas then areas of search. Provision of building sand is also discussed in the updated version of the Local Aggregate Assessment December 2014 which as of January 2015 is out for consultation.

Duty to Cooperate

Is this is a DtC matter: no

Discussion around development of preferred policy approach
<p>Consultees and the SA generally favoured option 1 and this is more in line with the most recent national planning guidance, which indicates a priority for the identification of specific sites and preferred areas over areas of search. Whilst some sites for building sand extraction have been submitted by industry for consideration in response to calls for sites, it is not yet clear whether all additional requirements for building sand can be met through site allocations, although for the purpose of this current preferred options consultation it is assumed that this is likely to be the case. Other policy in the Plan will support the principle of delivery of additional building sand resources within the City of York area</p>
Preferred policy approach – title changed to M08: Meeting building sand requirements
<p>Requirements for building sand will be met through existing permissions and the grant of permission on sites allocated in the Plan for working.</p> <p>Building sand allocations:</p> <p>Land at Hensall Quarry (MJP22) Land at West Heslerton Quarry (MJP30) Land adjacent to Plasmor blockworks, great Heck (MJP44) Land at Mill Balk Quarry, Great Heck (MJP54)</p> <p>Supporting text</p> <p>National planning guidance encourages the delivery of future requirements for aggregate through the identification and allocation, where practicable, of specific sites for development. Such an approach has the benefit of providing greatest certainty to industry and other interested parties on locations where future development will be acceptable in principle, thus helping to encourage investment as well as providing more clarity to local communities. A range of specific locations have been put forward by industry for consideration during preparation of the Plan and these have been assessed. Requirements for building sand over the plan period can be met through the release of reserves on specific sites put forward for consideration and these are identified in the policy text.</p>
Links to Objectives and Policies
<p><i>Link to Objectives</i> <i>Objective 5</i> <i>Objective 6</i></p> <p><i>Links to other relevant policies in the Plan:</i> <i>Id03: Calculating sand and gravel provision</i> <i>Id04: Overall distribution of sand and gravel provision</i> <i>Id05: Landbanks for sand and gravel</i> <i>Id06: Safeguarding sand and gravel</i></p>
SA/SEA
<p>Summary of assessment</p> <p>A wide range of impacts will result from extraction of sand at the sites specified in this policy. These are outlined in the Site Sustainability Appraisal Report. As many of the site allocations lie in close proximity to other existing or allocated sites, cumulative impacts will be of particular importance.</p> <p>Recommendations</p> <p>Appropriate mitigation should be incorporated at each allocation site in line with</p>

recommendations in the Site Sustainability Appraisal findings for each site and with other policies in the Plan. Cumulative impacts should be given particular regard through the planning application process.

Part 2 - Preferred options to Publication

Consultation Responses to Preferred Options

Building Sand

Policy M08: Meeting building sand requirements

Requirements for building sand will be met through existing permissions and the grant of permission on sites allocated in the Plan for working.

Building sand allocations:

- Land at Hensall Quarry (MJP22)
- Land at West Heslerton Quarry (MJP30)
- Land adjacent to Plasmor blockworks, Great Heck (MJP44)
- Land at Mill Balk Quarry, Great Heck (MJP54)

Proposals for the development of these sites will be required to take account of the key sensitivities and incorporate the necessary mitigation measures that are set out in Appendix 1

Main responsibility for implementation of policy: NYCC, CYC, NYMNPA and Minerals Industry

Key links to other relevant policies and objectives

M02, M03, M04, S01

Objectives 5, 6

Monitoring: Monitoring indicator 8 (see Appendix 3)

Comment [MS24]: A range of comments were made on the different allocations- see full report for details

Comment [JJ25]: 0120 (Historic England) 0115 Suggested additional text 'Proposals for the development of these sites will be required to take account of the key sensitivities and incorporate the necessary mitigation measures that are set out in Appendix 1.'
Note - it is agreed this should be included in the text

Policy Justification

5.38 Evidence suggests that the scale of additional provision for building sand needed to meet requirements over the plan period is relatively small (amounting to around 0.9 million tonnes (mt) over the period to 31 December 2030). A further 0.8mt would be required in order to provide a minimum 7 year landbank at 31 December 2031. Although there is only very limited evidence available on the distribution of potentially suitable building sand resources, a range of specific locations have been put forward by industry for consideration during preparation of the Plan and these have been assessed. Requirements for building sand during the plan period can be met through the release of reserves on specific sites put forward for consideration, which contain an estimated 2.5mt of reserves and therefore would also be sufficient to maintain a 7 year landbank of building sand at 31 December 2030. The following table summarises requirements and proposed site allocations for building sand, as well as sites existing permitted reserves expected to be able to contribute to supply..

Summary of building sand requirements and proposed allocations

	Total estimated requirement over the period 1 January 2016 to 31 December	Estimated shortfall (balance between permitted reserves at 1 January 2016 and total	Total estimated reserves available in sites proposed for allocation in Policy M08 (million tonnes)

	2030 (million tonnes)	requirement to 31 December 2030 (million tonnes)	
Building sand	1.8	0.9	1.7 Comprising: 01.5mt (Hensall Quarry site MJP22) 0.03-0.05mt (West Heselton Quarry site MJP30) 0.9mt (Land adjacent to Plasmor Blockworks, Great Heck site MJP44) 0.07mt (Mill Balk Quarry, Great Heck site MJP54)
Sites with permitted reserves of building sand as at 30 June 2016 (excludes dormant sites)		Hensall Quarry, Mill Balk Quarry, West Heselton Quarry	

Table 2: Summary of requirements and allocations building sand

5.39 Planning permission will be granted for development of sites allocated in the Plan subject to compliance with other relevant policies. Proposals will also be expected to demonstrate that any relevant development requirements for the allocation, as identified in Appendix 1, have been addressed, and incorporate appropriate provision for mitigation where necessary.

SA/SEA

Summary of assessment A wide range of impacts will result from extraction of crushed rock at the sites specified in this policy. These are outlined in the Site Sustainability Appraisal Appendix. As many of the site allocations lie in close proximity to other existing or allocated sites, cumulative impacts will be of particular importance.

Recommendations Appropriate mitigation should be incorporated at each allocation site in line with recommendations in the Site Sustainability Appraisal findings for each site and with other policies in the Plan. Cumulative impacts should be given particular regard through the planning application process.

Overall Summary of Reasons for Change

Changes have been made to the Policy to reflect more up to date information on future requirements and in response to comments received during consultation.

Development of Policy M09: Meeting crushed rock requirements.

Part 1 - Issues and Options to Preferred Options

Policy id12: Magnesian limestone delivery	
<i>Options presented at Issues and options stage</i>	<p>Option 1: This option could seek to deliver any Joint Plan requirements for Magnesian limestone through the identification of specific site allocations, and via criteria supporting new sites and extensions to existing sites where necessary, in line with environmental and amenity objectives of the Plan.</p> <p>Option 2: This option could seek to deliver Joint Plan requirements for Magnesian limestone through the identification of preferred areas or areas of search.</p>
What the SA told us	

<p>Option 1 is likely to result in positive effects for biodiversity and geodiversity, water quality and supply, air quality, climate change, climate adaptation, heritage, landscapes and town and cityscapes, community vitality, recreation and leisure, health and wellbeing and flooding. This is because, through allocating sites and considering criteria, the most sustainable locations can be chosen.</p> <p>Option 2 also reports a number of (albeit less strong) positive effects as strategic sustainability issues can be considered when deciding upon areas of search and preferred areas. However, there is greater uncertainty as specific locations are unknown.</p> <p>Both options report negative effects for the resource efficiency objective as these options will inevitably, if applications are approved under them, lead to significant non-renewable resource consumption.</p>	
Number of consultation responses	
Total Number of comments against id:	15
Question 31: Do you have a preference for any of the options presented above?	Option 1: 10 (3 SC/3 MWI/ 2 Local Authorities)
	Option 2: 1 (SC/MWI/ Local Authorities)
	Did not specify: 3 (SC/1 MWI/ Local Authorities)
Question 32: Are there any other options that the Authorities should consider relating to delivery of building sand requirements?	Number of respondents: 1 (Local Authority)
Brief overview of consultation responses	
<p>Key Messages Q31: The majority of respondents expressed support for Option 1.</p> <p>Key Message Q32: One alternative option was suggested under ID12 in the responses, and another one relating to Magnesian Limestone was submitted under another option. These are detailed in the 'Suggested new options Chapter 5 – Minerals table' along with justification as to why they have or have not been taken forward. No realistic alternative options were put forward.</p>	
SA of options including alternatives	
N/A	
Joint Authorities response to consultation responses	
The support of the majority of respondents for the identification of specific allocations where possible is noted. It is agreed that, if deliverable, such an approach would be more in line with national policy.	
Evidence base update	
Evidence updates as at January 2015	
<p>During the Issues and Options Consultation period the online National Planning Guidance was published in March 2014, this indicates a priority order for identification of site allocations, followed by preferred areas then areas of search. The provision of magnesian limestone is also in the updated version of the Sub-regional Local Aggregate Assessment December 2014 which is currently out for consultation.</p>	
Duty to Cooperate	
Is this is a DtC matter: No	
Discussion around development of preferred policy approach	
Option 1 was generally supported by respondents and was favoured by the SA. Since publication of the Issues and Options consultation new national planning guidelines have	

been published which indicate a priority preference for identification of specific allocations where practicable. A number of proposed site allocations for Magnesian limestone working have been put forward by industry in response to calls for sites, suggesting that there may be the potential for identification of specific sites in the Plan.

Preferred policy approach – title changed to M09: Meeting crushed rock requirements

Requirements for Magnesian Limestone over the plan period will be met through existing permissions and the grant of permission on sites allocated in the Plan for working.

Magnesian Limestone allocations:

1) Allocations required in order to meet requirements during the plan period:

Land at Jackdaw Crag South, Stutton (MJP23)
Land at Barnsdale Bar Quarry (MJP28)
Land at Went Edge Quarry, Kirk Smeaton (MJP29)

2) Allocations potentially required to contribute to maintaining an adequate landbank at 2030:

Land at Gebdykes Quarry (MJP11)

Maintenance of supply of crushed rock is also supported through the identification of allocated sites at:

Land at Scarborough Field, Forcett (MJP03) (Carboniferous Limestone)
Land at Settrington Quarry (MJP08) (Jurassic Limestone)
Land at Whitewall Quarry (MJP12) (Jurassic Limestone)
Land at Darrington Quarry (MJP24) (retention of processing plant site and haul road)

Supporting text

National planning guidance encourages the delivery of future requirements for aggregate through the identification and allocation, where practicable, of specific sites for development. Such an approach has the benefit of providing greatest certainty to industry and other interested parties on locations where future development will be acceptable in principle, thus helping to encourage investment as well as providing more clarity to local communities. A range of specific locations have been put forward by industry for consideration during preparation of the Plan and these have been assessed. Requirements for Magnesian Limestone and crushed rock over the plan period can be met through the release of reserves on specific sites put forward for consideration and these are identified in the policy text.

Links to Objectives and Policies

Link to Objectives

Objective 5

Objective 6

Links to other relevant policies in the Plan:

Id07: Provision of crushed rock

Id08: Maintenance of landbanks for crushed rock

Id09: Safeguarding of crushed rock

SA/SEA
<p>Summary of assessment</p> <p>A wide range of impacts will result from extraction of crushed rock at the sites specified in this policy. These are outlined in the Site Sustainability Appraisal Report. As many of the site allocations lie in close proximity to other existing or allocated sites, cumulative impacts will be of particular importance.</p> <p>Recommendations</p> <p>Appropriate mitigation should be incorporated at each allocation site in line with recommendations in the Site Sustainability Appraisal findings for each site and with other policies in the Plan. Cumulative impacts should be given particular regard through the planning application process.</p>

Part 2 - Preferred options to Publication

Consultation Responses to Preferred Options								
<p>Crushed rock</p> <table border="1" style="width: 100%;"> <thead> <tr> <th style="background-color: #004a99; color: white;">Policy M09: Meeting crushed rock requirements</th> </tr> </thead> <tbody> <tr> <td> <p>Requirements for Magnesian Limestone over the plan period will be met through existing permissions and the grant of permission on sites allocated in the Plan for working.</p> <p>Magnesian Limestone allocations:</p> <p style="padding-left: 40px;">Part 1) Allocations required in order to meet requirements during the plan period:</p> <p style="padding-left: 80px;">Land at Jackdaw Crag South, Stutton (MJP23) Land at Barnsdale Bar Quarry (MJP28) Land at Went Edge Quarry, Kirk Smeaton (MJP29)</p> <p style="padding-left: 40px;">Part 2) Allocations required to contribute to maintaining an adequate landbank at 31 December 2030:</p> <p style="padding-left: 80px;">Land at Gebdykes Quarry (MJP11) Land at Potgate Quarry (MJP10)</p> <p>Maintenance of supply of crushed rock is also supported through the identification of allocated sites at:</p> <p style="padding-left: 80px;">Land at Settrington Quarry (MJP08) (Jurassic Limestone) Land at Darrington Quarry (MJP24) (retention of processing plant site and haul road)</p> <p>Proposals for the development of sites identified in this Policy will be required to take account of the key sensitivities and incorporate the necessary mitigation measures that are set out in Appendix 1.</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">Key links to other relevant policies and objectives</td> <td></td> </tr> <tr> <td><i>M05, M06, S01</i></td> <td><i>Objectives 5, 6</i></td> </tr> <tr> <td colspan="2">Monitoring: Monitoring indicator 9 (see Appendix 3)</td> </tr> </table> </td> </tr> </tbody> </table> <p>Policy Justification</p>	Policy M09: Meeting crushed rock requirements	<p>Requirements for Magnesian Limestone over the plan period will be met through existing permissions and the grant of permission on sites allocated in the Plan for working.</p> <p>Magnesian Limestone allocations:</p> <p style="padding-left: 40px;">Part 1) Allocations required in order to meet requirements during the plan period:</p> <p style="padding-left: 80px;">Land at Jackdaw Crag South, Stutton (MJP23) Land at Barnsdale Bar Quarry (MJP28) Land at Went Edge Quarry, Kirk Smeaton (MJP29)</p> <p style="padding-left: 40px;">Part 2) Allocations required to contribute to maintaining an adequate landbank at 31 December 2030:</p> <p style="padding-left: 80px;">Land at Gebdykes Quarry (MJP11) Land at Potgate Quarry (MJP10)</p> <p>Maintenance of supply of crushed rock is also supported through the identification of allocated sites at:</p> <p style="padding-left: 80px;">Land at Settrington Quarry (MJP08) (Jurassic Limestone) Land at Darrington Quarry (MJP24) (retention of processing plant site and haul road)</p> <p>Proposals for the development of sites identified in this Policy will be required to take account of the key sensitivities and incorporate the necessary mitigation measures that are set out in Appendix 1.</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">Key links to other relevant policies and objectives</td> <td></td> </tr> <tr> <td><i>M05, M06, S01</i></td> <td><i>Objectives 5, 6</i></td> </tr> <tr> <td colspan="2">Monitoring: Monitoring indicator 9 (see Appendix 3)</td> </tr> </table>	Key links to other relevant policies and objectives		<i>M05, M06, S01</i>	<i>Objectives 5, 6</i>	Monitoring: Monitoring indicator 9 (see Appendix 3)	
Policy M09: Meeting crushed rock requirements								
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<i>M05, M06, S01</i>	<i>Objectives 5, 6</i>							
Monitoring: Monitoring indicator 9 (see Appendix 3)								

Comment [MS26]: Mixed views on the allocations in this policy were received- see report for full details

Comment [JJ27]: 0120 (Historic England) 0116. Suggested additional text 'Proposals for the development of these sites will be required to take account of the key sensitivities and incorporate the necessary mitigation measures that are set out in Appendix 1.'
Note - it is agreed this should be included in the text

- 5.40 Evidence indicates that a further 8.1 million tonnes (mt) of reserves of Magnesian Limestone are needed in order to meet requirements over the period 1 January 2016 to 31 December 2030, based on permitted reserves at the end of 2015. Permission was granted in early 2016 for working of 0.7mt of Magnesian Limestone within an area submitted for allocation at Barnsdale Bar (North area), reducing the remaining requirement to 7.4mt. Sites expected to be able to contribute to supply of Magnesian Limestone during the period are identified in Table 3 below. A further 15mt of reserves would be required in order to maintain a minimum 10 year landbank of Magnesian Limestone at 31 December 2030.
- 5.41 A range of specific locations have been put forward by industry for consideration during preparation of the Plan and these have been assessed. Requirements for Magnesian Limestone during the plan period can be met through the release of reserves on specific sites put forward for consideration. Sites considered suitable for allocation contain an estimated total of 14.5mt and therefore would also help make a significant contribution towards maintaining an adequate landbank of Magnesian Limestone beyond 31 December 2030. Two of these sites (comprising extensions to Gebdykes Quarry and Potgate Quarry) are not expected to make a contribution to supply until around 2020, taking into account the extent of existing permitted reserves, although the additional reserves in these sites are expected to be of importance in maintaining supply in the latter part of the plan period and in contributing to an adequate landbank at 31 December 2030. These two sites also facilitate the supply of Magnesian Limestone from a part of the Joint Plan area where other sources of Magnesian Limestone are not available, thus helping to sustain flexibility and an appropriate pattern of supply. The following table summarises requirements and proposed site allocations for Magnesian Limestone.

Summary of Magnesian Limestone requirements and proposed allocations

	Total estimated requirement over the period 1 January 2016 to 31 December 2030 (million tonnes)	Estimated shortfall (balance between permitted reserves at 1 January 2016 and total requirement to 31 December 2030 (million tonnes)	Total estimated reserves available in sites proposed for allocation in Part 1 of Policy M09 (million tonnes)	Total estimated reserves available in sites proposed for allocation in Part 2 of Policy M09 in order to contribute to longer term landbank requirements (million tonnes)
Magnesian Limestone	22.5	7.4	7.0 Comprising: 3.0mt (Jackdaw Crag Quarry (south) site MJP23) 2.0mt (Barnsdale Bar Quarry site MJP28 North west area)) 2.0mt (Went Edge Quarry site MJP29)	7.5 Comprising: 3.8mt (Gebdykes Quarry site MJP11) 3.7mt (Potgate Quarry site MJP10)

Sites with permitted reserves of Magnesian Limestone as at 30 June 2016 (excludes dormant sites)	Gebdykes Quarry, Potgate Quarry, Jackdaw Crag Limestone, Brotherton Quarry, Newthorpe Quarry, Went Edge Quarry, Barnsdale Bar Quarry
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Table 3: Summary of Magnesian Limestone requirements, proposed allocations and sites with existing permitted reserves

- 5.42 Supply of Magnesian Limestone in the Plan area and adjacent areas is also facilitated by the presence of existing processing plant and related infrastructure within the former Darrington Quarry site, near Cridding Stubbs. Although mineral extraction at Darrington Quarry in North Yorkshire ceased a number of years ago, permission has been granted to retain the processing plant to serve more recently permitted Magnesian Limestone extraction within Wakefield, to which the plant site is linked by a private haul road. An application to retain the plant site and haul road for a further period in order to serve the remaining expected quarry working life in Wakefield is currently awaiting determination. Both permitted reserves and annual output at the site are substantial and make an important contribution to overall supply of Magnesian Limestone. A proposed site allocation for retention of the processing plant site and related infrastructure has been submitted and is considered suitable for allocation.
- 5.43 During preparation of the Joint Plan sites for working other crushed rock resources (Carboniferous Limestone and Jurassic Limestone) were put forward for consideration¹. No specific requirement has been identified for the release of further reserves of these types of crushed rock in order to meet requirements over the period to 31 December 2031, and it is not considered that identifying allocations for these is a priority for the Plan. However, a small volume of further reserves of Jurassic Limestone (estimated at 1.8mt) could be needed to maintain a 10 year landbank at 31 December 2031. Of the four sites put forward, only one is considered suitable for allocation. The reserves in this site (1.7mt) could help sustain security of supply of Jurassic Limestone in this part of the plan area. Should proposals come forward for extensions to other existing Carboniferous or Jurassic Limestone sites these will be assessed under the requirements of Policy M10 Unallocated extensions to existing quarries, and, if the site is located in an AONB, Policy M10.
- 5.44 Planning permission will be granted for development of sites allocated in the Plan subject to compliance with other relevant policies. Proposals will also be expected to demonstrate that any relevant development requirements for the allocation, as identified in Appendix 1, have been addressed, and incorporate appropriate provision for mitigation where necessary.

SA/SEA
<p>Summary of assessment A wide range of impacts will result from extraction of crushed rock at the sites specified in this policy. These are outlined in the Site Sustainability Appraisal Appendix. As many of the site allocations lie in close proximity to other existing or allocated sites, cumulative impacts will be of particular importance.</p>
<p>Recommendations Appropriate mitigation should be incorporated at each allocation site in line with recommendations in the Site Sustainability Appraisal findings for each site and with other policies in the Plan. Cumulative impacts should be given particular regard through the planning application process.</p>

¹ Site MJP03 for working Carboniferous Limestone from land at Scarborough Field, Forcett, was subsequently withdrawn.

Overall Summary of Reasons for Change
Changes have been made to the Policy to reflect more up to date information on future requirements and in response to comments received during consultation.

Development of Policy M10: Unallocated extensions to existing quarries.

Part 1 - Issues and Options to Preferred Options

Policy id13: Unallocated extensions to existing aggregates quarries		
<i>Options presented at Issues and options stage</i>	Option 1: This option would support the principle of extensions to existing quarries, where the proposed extension area has not been allocated in the Joint Plan, subject to it being demonstrated that the development would be consistent with the overall aggregates supply strategy in the Plan, or meet another demonstrable need for aggregate consistent with Joint Plan objectives, would not significantly undermine the potential for a greater total proportion of supply to come from alternatives to primary aggregate, and that the site to be extended is not located within the National Park or an AONB.	
	Option 2: option would only support the principle of extensions, where the proposed extension area has not been allocated in the Plan, where the reserves are necessary in order to maintain the landbank of permitted reserves above the minimum required by national and local policy and the site to be extended is not located within the National Park or an AONB.	
	Option 3: This option would not support the principle of development on unallocated sites, including proposals for the extension of existing sites.	
What the SA told us		
The assessment revealed that Option 3 would provide greater protection for the environment and communities than Options 1 or 2 yet would raise questions over the deliverability of minerals, although this would depend on whether or not there was a sufficient landbank maintained at other permitted sites throughout the plan period.		
Number of consultation responses		
Total Number of comments against id:	20	
Question 33: Do you have a preference for any of the options presented above?	Option 1: 4 (SC/3 MWI/ Local Authorities)	Combination: 1
	Option 2: 2 (1 SC/MWI/ 1 Local Authorities)	Did not specify: 1
	Option 3: 6 (1 SC/MWI/ 1 Local Authorities)	None: 4 (1 SC/2 MWI/ Local Authorities)
Question 34: Are there any other options that the Authorities should consider relating to consideration of applications on unallocated sites?	6 (1 SC/ 3 MWI/ 1 Local Authorities)	
Question 35: Do you consider that there is a need for the Joint Plan to contain a policy relating to applications for aggregates working on unallocated sites?	Yes: 2	
	No: 0	
Brief overview of consultation responses		
Key messages Q33: Mixed views were received with the majority of respondents preferring		

Option 3. Three respondents did not express any support for any of the options put forward. Instead these respondents considered that if the plan were updated regularly, as required by national guidance, there would not be a need for this policy. One respondent considered that each proposal should be determined on its own merits and that there should not be any presumption in favour of expansion. Respondent also suggested that appropriate extensions should be included in the plan. One respondent expressed a preference for option 2 as this would support the release of unallocated extensions to existing quarries where reserves are not necessary to maintain a landbank of reserves above the minimum requirement.

Key Messages Q34: A range of alternative options were suggested in the responses, these are detailed in the 'Suggested new options Chapter 5 – Minerals table' along with justification as to why they have or have not been taken forward for further consideration. Any realistic alternatives have been worked up and are detailed below

Proposed Option 4

- Prioritise extensions to existing sites over extraction at new locations.

Suggested approach

Prioritise extensions to existing sites over extraction at new locations.

Proposed Option 5

- Extensions would only be supported if there are to be major gains for biodiversity.

Suggested approach

Unallocated extensions would only be supported where there would be major gains for biodiversity.

Proposed Option 6

- Unallocated extensions would be permitted where they meet the broad sustainability criteria of the NPPF.

Suggested approach

Unallocated extensions would be permitted where they meet the broad sustainability criteria of the NPPF.

Proposed Option 7

- Allow unallocated extensions across the whole of the Joint Plan area, including the National Park and AONBs

Suggested approach

In combination with either Option 1 or Option 2 this alternative option would remove the requirement in these options for the site to be located outside of the National Park or an AONB.

Proposed Option 8

- If Option 3 selected add an option where small scale extensions to existing quarries would be allowed.

Suggested approach

In combination with Option 3, this option would allow small scale extensions to existing quarries.

Key messages Q35: Those who responded to this question considered it appropriate for the MWJP to contain a policy relating to applications for aggregates working on unallocated sites.

SA of options including alternatives

Summary of assessment

The assessment revealed that Option 3 would provide greater protection for the environment and communities than Options 1 or 2 yet would raise questions over the deliverability of minerals, although this would depend on whether or not there was a sufficient landbank

maintained at other permitted sites throughout the plan period. It is possible that an indirect result of the option would be to encourage other sites to come forward, with associated sustainability effects

Option 4 has some benefits that largely arise from the fact that less supporting infrastructure, such as access routes, would be required at existing sites. However, there are concerns that prolonged negative effects could occur around existing sites. Option 5 performs well for biodiversity in the longer term, though more than most other options (and to a degree all options that restrict extensions do this) may have the indirect effect of encouraging new allocated or unallocated and potentially less sustainable sites to come forward to meet demand,

Option 6 scored well, but generally minor positive effects were at the lower end of the positive scale as the NPPF tends to encourage local issues to be dealt with through the local plan. When considered in combination with other relevant options, Option 7 had a broad range of effects, though negative impacts were recorded where objectives correlate with the special qualities of local AONBs. Option 8 had a range of effects that mostly were either insignificant or minor negative, though recorded some low level economic benefits.

Revised recommendations

It is recommended that either Option 2 or 3 would be the most sustainable to follow, although Option 3 is possibly a little inflexible and could lead to negative effects should insufficient landbanks be maintained and /or new unallocated sites come forward. The chosen option should be combined with the element of Option 1 which requires consideration to be given to implications for increasing the contribution that secondary and recycled aggregates make to aggregates supply. There may also be some merit in considering the preference for extending existing sites rather than developing new sites, though it is as yet unclear how this could work outside of the allocations process, and the issues of prolonged local effects resulting from extensions to permission for working at a site would need strong mitigation.

Joint Authorities response to consultation responses

A wide range of views were expressed in response to consultation on this issue and no clear consensus emerged. Whilst it is recognised that updating of the Plan, potentially including the bringing forward of more allocations where necessary, could suggest that there is no need for a policy relating to unallocated extensions, it is considered that including a policy would help ensure that the Plan contains an degree of ongoing flexibility which could help ensure that proposals which are generally consistent with Plan objectives can be considered within a supportive policy context. This would generally be in line with the presumption in favour of sustainable development. It is also not considered practicable to identify and potentially allocate every suitable future extension in the Plan at the outset and such an approach could again lack a degree of flexibility.

Evidence base update

During the Issues and Options Consultation period the online National Planning Guidance was published in March 2014, this indicates a priority order for identification of site allocations, followed by preferred areas then areas of search.

Duty to Cooperate

Is this is a DtC matter: no

Discussion around development of preferred policy approach

Whilst there was support through consultation for an approach which sought to preclude grant of permission for unallocated extensions to existing sites, some other respondents sought a more flexible approach. A range of alternative approaches were suggested and there was no obvious consensus on a way forward. Similarly, no very clear position emerged through the SA. In coming to a view on this matter it is also necessary to bear in mind national planning policy including the presumption in favour of sustainable development.

The NPPF states that, in plan-making, planning authorities should seek opportunities to meet the development needs of their areas and one of the core planning principles identified in the NPPF is the need to: *proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.* With specific regard to minerals, the NPPF also states that LPAs should identify and include policies for extraction of minerals resources of local and national importance in their area. Clearly, in order to meet the requirements for sustainable development it is also necessary to balance these objectives with a range of environmental and other social objectives.

Taking into account the requirements of national policy, it is considered necessary to include a policy on the Plan which provides support in principle for appropriate proposals for minerals extraction on land not allocated in the Plan. This is a particular issue for aggregates minerals as a result of the large number of existing sites in the area, the relatively high volume of total sales and fluctuations in level of sales depending on the strength of other economic activities which drive demand for aggregate although it is considered it would be appropriate to follow the same policy principle for extensions to other forms of mineral working to help reflect the national policy presumption. A positive approach to suitable extensions to existing sites could also help maintain productive capacity and availability of a mix of material types and qualities. These factors suggest a need for some flexibility in the Plan. Provision of support for further development on unallocated land, where compatible with other policies in the Plan, particularly those protecting environment and amenity, could be a means of increasing flexibility. Such an approach would also be consistent with the flexibility included within policy dealing with the overall locational approach to aggregates supply, which gives support in principle for limited extensions to existing sites in AONBs subject to certain criteria.

Preferred policy approach – title changed to M10: Unallocated extensions to existing quarries

Proposals for extensions to minerals extraction sites on land not allocated for working in the Plan will be supported subject to the following criteria;

- i) Where necessary in the National Park and AONBs, a satisfactory outcome in respect of the requirements for major development as set out in Policy D04;**
- ii) Where the development would not compromise overall delivery of the strategy for the sustainable supply and use of minerals, including encouragement of the use of alternatives to primary minerals;**
- iii) Where the development would be consistent with the development management policies in the Plan.**

Supporting text

The presumption in favour of sustainable development means that development should not be prevented solely because it is not identified and supported specifically in the Plan. Such an approach could unnecessarily prevent development which might otherwise be acceptable and could impact adversely on the local and wider economy and other social objectives. However, it will be particularly important to ensure that, where development proposals do come forward on land not identified specifically for working, that they do not compromise other important strategic objectives of the Plan and that environmental and amenity considerations are given careful consideration through application of relevant development management policies in the Plan. In all cases any reserves granted on unallocated sites would, where relevant, contribute towards the landbank of the mineral.

The NPPF does not preclude major development from taking place in protected areas however proposals need to be considered against the requirements for major development which say that exceptional circumstances need to be shown and it can be demonstrated that they are in the public interest. Although the term 'major development' is not defined in the context of the national policy test, it is likely that most proposals for extensions to aggregates quarries in the National Park and AONBs will be subject to the test.

Links to Objectives and Policies

Link to Objectives
Objective 5

Links to other relevant policies in the Plan:
Id03: Calculating sand and gravel provision
Id04: Overall distribution of sand and gravel provision
Id07: Provision of crushed rock
Id14: Supply of alternatives to land won primary aggregates
Id61: North York Moors National Park and AONBs

SA/SEA

Summary of assessment

For most SA objectives this preferred policy results in mixed positive and negative effects when compared to the SA objective. This is because the option allows unallocated extensions to sites, which would ordinarily result in a range of negative environmental and social effects (largely because it will either extend or increase issues that affected areas surrounding quarries during the lifetime of the quarry). However, the preferred policy does include a number of safeguards against this that should lessen effects and make sites more sustainable, not least the major development test and the reference to consistency with development control policies. The policy would also offset the need for some new sites to be developed.

Some objectives vary from this pattern slightly. For instance, for climate change the extended negative traffic impacts at sites are seen as outweighing the benefits of making use of existing infrastructure at site (though there is considerable uncertainty here), while the soils objective notes the loss of land / soils that is potentially allowed by this policy. Similarly, although this option might reduce the need for new sites elsewhere to some degree, there will be jobs and revenue / viability benefits from allowing site extensions, as well as benefits to tourism that will result from the protections afforded to protected landscapes in the policy. This leads to strongly positive effects on the economy objective. Other objectives where positives outweigh the negative, or are positive in their own right are the landscape and changing population needs objectives.

Recommendations

This policy is largely already mitigated for by the Development Management Policies. No further mitigation is proposed.

Part 2 - Preferred options to Publication

Consultation Responses to Preferred Options

Extensions to existing quarries on unallocated sites

5.45 It is recognised that proposals for extensions to existing aggregate quarries are likely to continue to come forward as planning applications during the life of the new Joint Plan and that, in some cases, such applications may not be on land allocated

specifically in the Plan as being suitable in principle for further working. It is possible that proposals will also come forward for extensions to other types of mineral workings. Such applications are most likely to come forward in order to maintain continuity of production at an established site where current permitted reserves are near to exhaustion but further suitable resources have been identified on immediately adjacent land.

5.46 It is therefore appropriate to include a policy in the Plan which sets out the main criteria that would be applied to any such proposals.

Policy M10: Unallocated extensions to existing quarries	
Proposals for extensions to minerals extraction sites on land not allocated for working in the Plan will be supported subject to the following criteria;	
<ul style="list-style-type: none"> i) Where necessary in the National Park and AONBs, a satisfactory outcome in respect of the requirements for major development as set out in Policy D04; ii) Where the development would not compromise overall delivery of the strategy for the sustainable supply and use of minerals, including encouragement of the use of alternatives to primary minerals; iii) Where the development would be consistent with the development management policies in the Plan. 	
Main responsibility for implementation of policy: NYCC, CYC, NYMNPA and Minerals Industry	
Key links to other relevant policies and objectives	
<i>M02, M03, M05, M11, D01, D02, D04, D05, D06, D07, D08, D09, D10, D11, D12</i>	<i>Objective 5</i>
Monitoring: Monitoring indicator 10 (see Appendix 3)	

Comment [MS28]: 3023 (Chas Long) 1044- the policy doesn't account for smaller businesses. Include a new site threshold of 1mt to provide maximum flexibility
 Note - The policy already provides a high degree of flexibility by supporting the principle of extensions to sites regardless of scale, where relevant criteria can be met.

Comment [MS29]: 2173 (CPRE) 0739- Include the wording of para 116 of NPPF Note - it is not considered necessary to refer to this specifically in the policy. The supporting justification provides further guidance on the approach to be followed in these protected areas, cross referencing the MDT.

Comment [JJ30]: 0128 (Yorkshire Wildlife Trust) Suggested additional text 'Where restoration has the potential to create larger connected areas of priority habitat.'
 Note - it is considered that such an approach may unreasonably restrict the potential for otherwise suitable proposals to come forward. Support for creation of priority habitat, including at a strategic scale where opportunities arise, is provided elsewhere in the Plan

Policy Justification

5.47 The presumption in favour of sustainable development means that development should not be prevented solely because it is not identified and supported specifically in the Plan. Such an approach could unnecessarily prevent development which might otherwise be acceptable and could impact adversely on the local and wider economy and other social objectives. However, it will be particularly important to ensure that, where development proposals do come forward on land not identified specifically for working, that they do not compromise other important strategic objectives of the Plan and that environmental and amenity considerations are given careful consideration through application of relevant development management policies in the Plan. In all cases any reserves granted on unallocated sites would, where relevant, contribute towards the landbank of the mineral.

5.48 National policy does not preclude major development from taking place in protected area. However, proposals need to be considered against the requirements for major development, which state that exceptional circumstances need to be shown and it can be demonstrated that they are in the public interest, as set out in more detail in Policy D04 of the Plan. Although the term 'major development' is not defined in the context of the national policy test, it is likely that most proposals for extensions to aggregates quarries in the National Park and AONBs will be subject to the test.

SA/SEA

Summary of assessment. For most SA objectives this preferred policy results in mixed positive and negative effects when compared to the SA objective. This is because the option

allows unallocated extensions to sites, which would ordinarily result in a range of negative environmental and social effects (largely because it will either extend or increase issues that affected areas surrounding quarries during the lifetime of the quarry). However, the preferred policy does include a number of safeguards against this that should lessen effects and make sites more sustainable, not least the major development test and the reference to consistency with development control policies. The policy would also offset the need for some new sites to be developed.

Some objectives vary from this pattern slightly. For instance, for climate change the extended negative traffic impacts at sites are seen as outweighing the benefits of making use of existing infrastructure at site (though there is considerable uncertainty here), while the soils objective notes the loss of land / soils that is potentially allowed by this policy. Similarly, although this option might reduce the need for new sites elsewhere to some degree, there will be jobs and revenue / viability benefits from allowing site extensions, as well as benefits to tourism that will result from the protections afforded to protected landscapes in the policy. This leads to strongly positive effects on the economy objective. Other objectives where positives outweigh the negative, or are positive in their own right are the landscape and changing population needs objectives.

Recommendations. This policy is largely already mitigated for by the Development Management Policies. No further mitigation is proposed.

Overall Summary of Reasons for Change

Changes have been made to the Policy to reflect more up to date information on future requirements and in response to comments received during consultation.

Development of Policy: M11 Supply of alternatives to land won primary minerals.

Part 1 - Issues and Options to Preferred Options

Policy id14: Supply of alternative to land won primary aggregates	
<i>Options presented at Issues and options stage</i>	<p>Option 1: This option would seek to encourage the maximum use of secondary materials through one or more supporting measures which could include:</p> <ul style="list-style-type: none"> • Supporting the principle of development of new infrastructure, such as ancillary manufacturing facilities of appropriate scale utilising secondary aggregate as the primary raw material, at sites where secondary aggregates are produced. • Supporting the principal of limited re-working of secondary aggregate materials already deposited in current or former disposal facilities, where consistent with environmental and amenity objectives of the Joint Plan. These would principally include ash disposal sites and current and former colliery spoil disposal facilities. This could also include supporting the principle of an upward revision to the current annual tonnage export limit for secondary aggregate from the Gale Common ash disposal facility. • Supporting the use of secondary aggregate materials as part of a broader policy approach to the sustainable use of materials in the design and construction of development. <p>Option 2: This approach could promote the use (including the potential for increased use) of recycled aggregate through a range of measures including:</p> <ul style="list-style-type: none"> • Supporting the use of recycled aggregate materials as part of a broader policy approach to the sustainable use of materials in the design and

	<p>construction of development.</p> <ul style="list-style-type: none"> • Encouraging the maximum recovery of recycled aggregate during demolition activity. • Encouraging the separation of materials with potential for use as recycled aggregate during waste management processes. • Encouraging the use of existing minerals extraction sites as locations for the reception, processing and onward sale of recycled aggregate during their period of operation. • Making adequate provision for any new facilities needed for the management of construction and demolition waste identified through any waste needs assessment undertaken during preparation of the Joint Plan. 	
What the SA told us		
<p>Both of these options will result in largely positive effects, with particularly strong positive effects associated with sustainability objectives relating to biodiversity, soil / land, climate change, resource use and minimising waste generation.</p> <p>Minor areas of uncertainty occur for a number of SA objectives, and minor negative effects occur under the health and wellbeing SA objective under both options due to the potential for local transport or amenity impacts around secondary or recycled aggregates facilities.</p>		
Number of consultation responses		
Total Number of comments against id:	18	
Question 36: Do you have a preference for any of the options presented above?	Option 1: 4	Combination: 5
	Option 2: 4	Did Not Specify: 2
Question 37: Are there any other options that the Authorities should consider relating to the supply of alternatives to land won primary aggregates?	Number of respondents: 3 (3 MWI)	
Question 38: Do you have any views on the potential scale of change in the supply of secondary and recycled aggregates that may be expected over the plan period to 2030?	Number of respondents: 3	
Question 39: Do you have any views on the range of measures that should be supported in the Joint Plan area in order to increase supply of secondary and recycled aggregate?	Number of respondents:3	
Brief overview of consultation responses		
<p>Key messages Q36: Overall a combination of the two options was preferred by respondents. Several respondents supported option 2 as this provides greater use of secondary aggregates.</p> <p>Key messages Q37: A range of alternative options were suggested in the responses, these are detailed in the ‘Suggested new options Chapter 5 – Minerals table’ along with justification as to why they have or have not been taken forward. The realistic alternatives are summarised and worked up and are detailed below</p> <p>Proposed Option 3</p> <ul style="list-style-type: none"> • Support the use of colliery spoil as secondary aggregate in principle, provided it is not obtained from restored colliery spoil tips. <p><i>Suggested approach</i> <i>Support the use of colliery spoil as secondary aggregate in principle, provided it is not obtained from restored colliery spoil tips.</i></p>		

Proposed Option 4

- Give preference to using secondary aggregate direct from source rather than from tip sites.

Suggested approach

Give preference to using secondary aggregate direct from source rather than extracting from tip sites.

Key messages Q38: One respondent identified the possibility that Ferrybridge Power station could close by 2023 without government direction on energy policy. Two respondents could not envisage any major changes in supply unless the regulations on quality of products and specifications change or technical innovations occur.

Key messages Q39: One respondent considered a stable energy policy which generates investment for the existing power plants. One respondent offered no additional measures but expressed a lack of support for the reworking of previously disposed colliery spoil.

General: The use of colliery spoil as a secondary aggregate is supported but the working of previously tipped material is not. One respondent expressed concern about the use of aggregates quarries as locations for the reception, processing and onward sale of aggregate, indicating that countryside locations, particularly Green Belt, would not be appropriate for this kind of activity.

SA of options including alternatives**Summary of assessment**

All of these options will result in largely positive effects, with particularly strong positive effects associated with sustainability objectives relating to biodiversity, soil / land, climate change, resource use and minimising waste generation.

Minor areas of negative effects or uncertainty occur for a number of SA objectives and minor negative effects occur under the health and wellbeing SA objective under options 1, 2 and 3, and under the community vitality objective under options 1 and 3 due to the potential for local transport or amenity impacts around secondary or recycled aggregates facilities. Many of the positive effects associated with option 3 are amplified for option 4, which effectively reduces the steps in the secondary aggregate supply chain.

Revised recommendations

The SA recommends that all options have merits and elements of each could be pursued. The SA Team felt that as these options take account of the potential for other alternative sources of aggregates to primary aggregates, final consideration of ID03 (particularly option 6) should also consider this option when calculating sand and gravel provision.

Joint Authorities response to consultation responses

The general support for the range of measures proposed is acknowledged, as is the concern expressed about use of previously tipped material as a potential source of secondary aggregate. It is agreed that reworking of restored and landscaped features would not be appropriate, and that it will often be preferable to source secondary aggregates direct from the point of origin rather than sites where it is disposed of. However, in some cases it may be acceptable and in the interests of the sustainable use of materials to supply secondary materials from disposal sites provided that they are not taken from restored and landscaped areas. With regard to use of aggregates quarries for the reception, processing and onward sale of aggregate, it is considered that these can represent suitable locations. It is increasingly common for recycled materials to be blended with primary aggregates as part of a more sustainable overall mix of materials, which is sometimes needed to meet market specifications. Blending of recycled aggregate materials within a quarry is a form of activity very similar in nature to the types of activity already likely to be taking place and in many cases would be unlikely to add significantly to impacts on environment and amenity.

Provided that any such activity is ancillary to the scale and nature of activity already taking place then is likely to be an acceptable form of development. It is further considered that, where it is ancillary to the main quarry development it is unlikely in many cases to represent inappropriate development in the Green Belt. However, the potential for increased traffic movements may be a particular consideration and any sites used for such purposes should be well located to the main road network so that additional impacts are not caused.

Evidence base update

Since undertaking Issues and Options consultation in 2014 the expected closure of Kellingley Colliery has been announced. The Colliery represents one of the main sources of secondary aggregate in the Plan area.

Reference to the supply secondary aggregate is made in the Local Aggregates Assessment December 2014 update which is currently out for consultation as of January 2015.

National Planning Practice Guidance, published after preparation of the Issues and Options consultation, now indicates that, in some circumstances, sites for minerals transport could appropriately be combined with sites for the processing and redistribution of secondary and recycled aggregate.

Duty to Cooperate

Is this is a DtC matter: no

Discussion around development of preferred policy approach

There was general support for the range of measures proposed under both options to support the use of secondary and recycled aggregate respectively. An exception was that some respondents were not in favour of the limited re-working of materials already deposited in disposal sites. The SA was broadly supportive of all options. It is recognised that re-working of previously deposited spoil can have impacts, particularly where it would involve disturbance to established landscape features. It may therefore be preferable to limit support under this option to removal of previously deposited spoil at disposal sites only where the removal would take place prior to restoration and landscaping of the relevant part of the site.

It is considered that a criterion relating to use of sustainable construction materials (secondary and recycled aggregate) would be more appropriately included in policy dealing with sustainable design, construction and operation of development.

A further consideration that has arisen is that National Planning Practice Guidance now indicates that, in some circumstances, sites for minerals transport could appropriately be combined with sites for the processing and redistribution of secondary and recycled aggregate. It is agreed that in some circumstances such sites could form suitable locations for this type of activity and that reference to this should be included in the policy.

Preferred policy approach – title changed to M11: Supply of alternatives to land won primary aggregates

Proposals which would facilitate the use of secondary and recycled aggregate as an alternative to primary aggregate will be supported including:

- 1) The development of appropriately scaled new ancillary infrastructure, including ancillary manufacturing facilities, utilising secondary aggregate as the primary raw material, at sites where secondary aggregates are produced;**
- 2) The supply of secondary aggregate from waste disposal sites provided it would not involve disturbance to restored ground or landscaped features;**

- 3) **The separation of materials with potential for use as aggregate during waste management activity and the maximum recovery of recycled aggregate during demolition activity;**
- 4) **The use of appropriately located aggregates mineral extraction sites as locations for the ancillary reception, processing and onward sale of recycled aggregate during the associated period of minerals extraction at the site;**
- 5) **The use of appropriately located sites for the transport of minerals as locations for the ancillary reception, processing and onward sale of recycled aggregate during the associated period of minerals transport activity at the site.**

Supporting text

National planning policy provides strong support for the use of secondary and recycled aggregate as alternatives to 'primary' aggregate, in order to minimise the consumption of finite natural resources. Such an approach is also consistent with objectives to minimise waste and deal with waste further up the waste hierarchy. A range of measures, capable of being implemented or supported through planning processes, can help contribute to these objectives and are supported in the Plan. Support for facilities for the management of construction and demolition waste is also provided under the waste-specific policies and can also help with supply of materials which can substitute for primary aggregate.

Although use of secondary and recycled aggregate gives rise to benefits in terms of replacement of natural materials and in generating economic activity in its own right, it can also have impacts on the environment and amenity. Proposals for new facilities and infrastructure for the supply of secondary and recycled aggregate will therefore need to comply with other relevant policies in the Plan, particularly the development management policies in Chapter 9.

A particular consideration is the role that quarries and sites for the transport of minerals can play in providing locations for the reception, processing and supply of aggregate. Many aggregates quarries now supply a wide range of products, including a proportion of recycled materials, sometimes as a blend of primary and recycled materials. This can help minimise overall use of primary aggregate and help sustain economic activity at minerals extraction sites. However, aggregates quarries are generally located in open countryside locations and are sometimes subject to a range of environmental constraints in the vicinity. In some cases they are located in the Green Belt and may have been permitted because of the particular circumstances which allow flexibility for minerals extraction in the Green Belt, subject to particular tests. It is considered that small scale recycling activity at operational minerals extraction sites in the Green Belt can be supported in principle under this policy, provided that it would preserve the openness of the Green Belt. Construction of buildings for the purposes of recycling activity at quarries in the Green Belt would be unlikely to be supported under this policy. In all cases quarries and sites for the transport of minerals proposed to be used for the reception and supply of recycled aggregate as part of an overall mix of supply should be well located in relation to the major road network in order to help minimise any adverse impacts on environment or amenity.

Links to Objectives and Policies

Link to Objectives

Objective 4

Objective 6

Links to other relevant policies in the Plan:

Id03: Calculating sand and gravel provision

Id07: Provision of crushed rock

Id10: Concreting sand and gravel

Id46: Meeting waste management capacity requirements – Construction, demolition and excavation waste
Id50: Managing power station ash
Id57: Locations for ancillary minerals infrastructure

SA/SEA

Summary of assessment

For most of the SA objectives positive effects arise because supporting the use of secondary and recycled aggregates would offset the need to extract primary aggregates (and the negative effects associated with this). Some SA objectives report neutral effects as impacts associated with extraction elsewhere are simply shifted to new locations. However, the health and wellbeing and community vitality objectives note some additional negative effects associated with the dusty nature of some secondary aggregates, while the water objective recognises the potential for water pollution from the storage and processing of some secondary aggregates (which would be dealt with via the environmental permitting regime). There are also uncertainties associated with the supply of secondary aggregates such as colliery spoil.

Recommendations

This policy is largely mitigated by other policies in the plan (particularly D02 Local Amenity and Cumulative Impacts) as well as the environmental permitting / pollution control regime. However, monitoring of the supply of secondary and recycled aggregates is recommended due to uncertainties over supply.

Part 2 - Preferred options to Publication

Consultation Responses to Preferred Options

Secondary, Recycled and Marine Aggregates

- 5.49 National policy requires mineral planning authorities, so far as practicable, to take account of the contribution that secondary and recycled material and minerals waste would make to supply of aggregate, before considering extraction of primary materials. Secondary aggregates are by products of other processes which can be used to substitute for primary aggregate minerals such as sand and gravel and crushed rock. The main form of secondary aggregate occurring in the Joint Plan area is power station ash, comprising furnace bottom ash (FBA) and pulverised fuel ash (PFA). Recycled aggregates, arising from construction, demolition and excavation activities, can also be used to substitute for primary minerals, often as low quality aggregate for construction uses such as bulk fill, although some secondary and recycled materials may be capable of acting as a substitute or partial substitute for primary aggregates in higher specification end uses such as concrete manufacture.
- 5.50 The southern part of the Joint Plan area contains two major coal-fired power stations (Drax and Eggborough). A third (Ferrybridge) located just outside the boundary of the area and utilising ash disposal facilities located within it² has recently ceased coal-fired power generation. Until recently Kellingley Colliery in Selby district has been a major source of secondary aggregate in the form of colliery spoil. The Colliery closed at the end of 2015. These closures are likely to have some adverse impact on the capability of the area to supply secondary aggregate. However, there is also the potential for the generation of ash from recently permitted waste to energy capacity in

Comment [MS31]: 0342 (Mone Bros) 1292- the use of recycled aggregates is not restricted to low quality aggregates for bulk fill.
 Note - it is agreed that the test should make reference to the potential for some SRA to be used for higher grade end uses

the area, including the Allerton Waste Recovery Park facility which is currently under construction. This also has the potential to be recycled and/or used as secondary aggregate.

- 5.51 National planning policy requires planning authorities to consider and plan for a steady and adequate supply of aggregate for their area, taking account of any significant cross boundary movements, by preparing an annual Local Aggregate Assessment (LAA). A North Yorkshire sub-regional LAA has been published which concludes that, in terms of secondary and recycled aggregates, it would be reasonable to assume capability to maintain supply at levels similar to those prevailing over recent years, although there may be potential for a small increase in utilisation of some secondary and recycled materials.
- 5.52 There has been growing interest recently in the potential for an increased supply of sand and gravel from marine sources to replace an element of land won supply, particularly into markets in the major urban areas in West and South Yorkshire, and this is supported in principle in national policy. A study undertaken jointly on behalf of mineral planning authorities in Yorkshire and Humber was published in 2014 (see paragraph 2.50). This indicates potential in the medium to longer term for a significant increase in supply into such market areas (with the potential therefore to offset an element of supply of land won sand and gravel from North Yorkshire). However, at this stage it is not considered appropriate to assume that such sources will have a substantial impact on supply during the timeframe of the current Plan. This is an issue which will need to be kept under review and addressed where necessary in future updates of the Local Aggregates Assessment and in review of the Plan where necessary, including as referred to in Policy M02.

Policy M1: Supply of alternatives to land won primary aggregates

Proposals which would facilitate the supply and use of secondary, recycled and marine aggregate as an alternative to primary land won aggregate will be supported including:

- 1) **The development of appropriately scaled new ancillary infrastructure, including ancillary manufacturing facilities, utilising secondary aggregate as the primary raw material, at sites where secondary aggregates are produced, or marine aggregates imported;**
- 2) **The supply of secondary aggregate from waste disposal sites provided it would not involve disturbance to restored ground or landscaped features which has become assimilated into, or is characteristic of, the local landscape, or is of archaeological value ;**
- 3) **The separation of materials with potential for re-use or recycling as aggregate during waste management activity and the maximum recovery of recycled aggregate during demolition activity;**
- 4) **The use of appropriately located aggregates mineral extraction sites , and sites for the transport of minerals, as locations for the ancillary reception, processing and onward sale of recycled aggregate during the associated period of minerals extraction at the site;**

Proposals will need to demonstrate consistency with relevant development management policies in the Plan.

Main responsibility for implementation of policy: NYCC, CYC, NYMNPA and Minerals Industry

Key links to other relevant policies and objectives

M02, M05, M20, W05, W09, I02, S05, D03, D05, D07, D09 *Objectives 4, 6*

Comment [MS32]: 0713 (Kirkby Fleetham PC) 1485/ 2215 (CPRE) 0517, 0130 (Leeds CC) 1204, 2173 (CPRE NY)0740, 1174/1680- include Marine Aggregates in this policy.

Note - although it is not expected that there will be a significant increase in importation if marine aggregate into the Plan area over the plan period, it is agreed that the policy should acknowledge the potential for this and support the principle of development of ancillary infrastructure if needed to facilitate their use, with corresponding reference also made in the supporting text

Comment [JJ33]: 0120 (historic England) 0117. Suggested additional text 'which has become assimilated into, or is characteristic of, the local landscape, or is of archaeological value'

Note - It is agreed that this would provide helpful clarification of the proposed approach.

Comment [MS34]: 3748 (Meldgaard) include reference to waste site which recycle aggregates.- see full comment Note - policy support for production of recycled aggregate at waste management sites is provided through policy W05

Comment [MS35]: 2841/0030 Include link to water policy and biodiversity policy Note - these links are already included

Monitoring: Monitoring indicator 11 (see Appendix 3)

Policy Justification

- 5.53 A range of measures, capable of being implemented or supported through planning processes, can help contribute to objectives to increase the use of secondary and recycled aggregates and are supported in the Plan. Support for facilities for the management of construction and demolition waste is also provided under the waste-policies in Chapter 6 and can also help with supply of materials which can substitute for primary aggregate.
- 5.54 Although use of secondary and recycled aggregate gives rise to benefits in terms of replacement of natural materials and in generating economic activity in its own right, it can also have impacts on the environment and amenity. Proposals for new facilities and infrastructure for the supply of secondary and recycled aggregate will therefore need to comply with other relevant policies in the Plan, particularly the development management policies in Chapter 9. Whilst marine aggregates are not expected to make a major direct contribution to supply in the area over the plan period, it is appropriate to provide policy support for this in the Plan, to help encourage a sustainable mix of supply sources.
- 5.55 A particular consideration is the role that quarries and sites for the transport of minerals can play in providing locations for the reception, processing and supply of aggregate. Many aggregates quarries now supply a wide range of products, including a proportion of recycled materials, sometimes as a blend of primary and recycled materials. This can help minimise overall use of primary aggregate and help sustain economic activity at minerals extraction sites. However, aggregates quarries are generally located in open countryside locations and are sometimes subject to a range of environmental constraints in the vicinity. In some cases they are located in the Green Belt and may have been permitted because of the particular circumstances which allow flexibility for minerals extraction in the Green Belt, subject to particular tests. It is considered that appropriately scaled recycling activity at operational minerals extraction sites in the Green Belt can be supported in principle under this policy, provided that it would preserve the openness of the Green Belt. Construction of buildings for the purposes of recycling activity at quarries in the Green Belt would be unlikely to be supported under this policy.
- 5.56 In all cases quarries and sites for the transport of minerals proposed to be used for the reception and supply of recycled aggregate, as part of an overall mix of supply, should be well located in relation to transport networks including the major road network, in line with Policy D03, in order to help minimise any adverse impacts on environment or amenity.

SA/SEA

Summary of assessment For most of the SA objectives positive effects arise because supporting the use of secondary and recycled aggregates would offset the need to extract primary aggregates (and the negative effects associated with this). Some SA objectives report neutral effects as impacts associated with primary extraction are simply shifted to new locations. However, the health and wellbeing and community vitality objectives note some additional negative effects associated with the dusty nature of some secondary aggregates, while the water objective recognises the potential for water pollution from the storage and processing of some secondary aggregates (which would be dealt with via the environmental permitting regime). There are also uncertainties associated with the supply of secondary aggregates such as colliery spoil (particularly if sources of colliery spoil close down).

Recommendations
This policy is largely mitigated by other policies in the plan (particularly D02 Local Amenity and Cumulative Impacts) as well as the environmental permitting / pollution control regime. However, monitoring of the supply of secondary and recycled aggregates is recommended due to uncertainties over supply.
Overall Summary of Reasons for Change
Changes have been made to the Policy to reflect more up to date information on future requirements and in response to comments received during consultation.

Development of Policy M12: Continuity of supply of silica sand.

Part 1 - Issues and Options to Preferred Options

Policy id15: Continuity of Supply of Silica Sand	
<i>Options presented at Issues and options stage</i>	Option 1: This option would support the principle of continued production at the Blubberhouses and Burythorpe sites, including the principle of lateral extensions and/or deepening of those sites where necessary, if needed to help provide a 10 year landbank at the Burythorpe site and 15 years at the Blubberhouses site.
	Option 2: This option would support the principle of continued production at the Burythorpe site only, including the principle of lateral extensions and or deepening where necessary in order to help provide a 10 year landbank.
	Option 3: This option would not express support in principle for continued supply of silica sand but would identify a range of criteria to be applied to any proposals which come forward for development of silica sand resources. Criteria could include a need for adequate demonstration of the quantity and quality of the resource, and, in the case of any proposals for the working of silica sand within the Nidderdale AONB, a requirement to demonstrate that the proposals are in the public interest and, where international nature conservation designations may be affected, the satisfactory outcome of an Appropriate Assessment under the Habitats Regulations.
What the SA told us	
<p>These three options exhibit contrasting sustainability effects. Option 1 is associated with the most negative effects. This is largely because there are some key environmental receptors (such as an internationally important nature conservation site) around the Blubberhouses site in particular. The Burythorpe site was considered to have fewer constraints affecting it. Option 2 reports similar sustainability effects to Option 1, though these are less significant as Option 2 considers only the possibility of extensions at Burythorpe, where environmental receptors which may be affected tend to be of a lower order. Option 3 is considered the most sustainable as no assumptions are made on which of these sites will be developed, and criteria allow the opportunity to consider environmental effects prior to any approval. However, there are negative effects on the economic growth objective under this option.</p> <p>There is considerable uncertainty in the assessment of all three options and further tests, through the site allocations and Habitats Regulations assessment processes may be necessary to give a more certain assessment of sustainability.</p>	
Number of consultation responses	
Total Number of comments against id:	14
Question 40: Do you have a preference for any of the options presented above?	Option 1: 4 (SC/2 MWI/ 1 Local Authorities)
	Option 2: 5 (1 SC/MWI/ 1 Local Authorities)

	Option 3: 4 (SC/MWI/ Local Authorities)
Question 41: Are there any alternative options we should consider in relation to the continuity of silica sand supply?	Number of respondents: 1
Brief overview of consultation responses	
<p>Key Messages Q40: Views were mixed in relation to which option would be preferred. There was concern about the potential working of Blubberhouses and the impact on the environmental designations. It was considered that further understanding of the national silica sand supply is needed in order to properly assess if the reopening of Blubberhouses is necessary, or achieved within the principles of sustainable development. Further comments included the need for the plan to acknowledge that minerals can only be worked where they occur.</p> <p>Key Messages Q41: One alternative was suggested which was site specific and not strategic and therefore not taken forward as an alternative option. The details are in the 'Suggested new options Chapter 5 – Minerals table' along with justification as to why it has not been taken forward.</p>	
SA of options including alternatives	
N/A	
Joint Authorities response to consultation responses	
<p>The very limited distribution of silica sand in the plan area means there are substantial limitations on the options available for future supply. Silica sand is a scarce resource nationally and a positive approach to its future extraction is appropriate in principle, where constraints allow. However, in the case of those resources located in the Nidderdale AONB, there will be need to balance the potential benefits of development of the minerals resource with other important considerations including landscape and tourism/recreation. Proposals would need to demonstrate compliance with the major development test set out in national planning policy. Because of the proximity of the resource to internationally important nature conservation designations it is also likely that Appropriate Assessment under the Habitats Regulations would be needed. As these tests, which are fundamental to development of the resource, can only be meaningfully addressed via specific, detailed, proposals through a planning application, the suitability in principle cannot be established with any certainty at this stage.</p>	
Evidence base update	
No new evidence since Issues and Options consultation as of January 2015	
Duty to Cooperate	
<p>Is this is a DtC matter: yes</p> <p>The evidence base indicates that a major glass manufacturing operation in the Plan area relies on import of silica sand of appropriate quality from a site in Norfolk. Correspondence with Norfolk County Council has confirmed that provision for continued extraction of silica sand in Norfolk is being made in the relevant minerals plan for Norfolk. This should help ensure continued availability of supply over the Plan period.</p>	
Discussion around development of preferred policy approach	
<p>It is considered that it would be appropriate to provide support in principle for the continued development of resources in the Burythorpe area as these are important resources providing supply at a national level. The resources are also substantially less constrained than those located in the Blubberhouses area. As substantial new investment at this site is not expected to be required it would also be appropriate to seek to maintain a 10 year landbank in line with national policy. No specific proposals have been submitted for this site in response to calls</p>	

for sites' during production of the Plan. It is therefore not considered practical to make a specific site allocation at this stage.

With regard to resources in the Blubberhouses area, the substantial environmental constraints that exist, when considered in the context of national policy and European legislation relating to major development in AONBs and impact on international nature conservation sites respectively, mean that testing of suitability for future development can only be properly carried out in the context of specific proposals. A planning application is currently under consideration for an extension of the time period to complete development at Blubberhouses Quarry. If granted this would provide sufficient resources to meet a 15 year landbank requirement for the site (taking into account the fact that major investment in new processing plant would be needed). Notwithstanding this position, it will be important to safeguard resources of silica sand in this location (as well as in the Burythorpe area) to ensure they are protected for the longer term. This issue is addressed under subsequent options.

It is considered that this approach would reflect the range of views expressed in consultation responses as well as the uncertain outcome of the SA. The preferred approach therefore represents a combination of options 2 and 3.

Preferred policy approach – title changed to M12: Continuity of supply of silica sand

1) Proposals for the continuing extraction of silica sand at Burythorpe Quarry, including proposals for lateral extensions or deepening, will be supported in principle where necessary in order to maintain reserves during the period to 2030 and a minimum 10 year landbank for the site.

Compliance with relevant Development Management policies in the Plan will need to be demonstrated.

2) Proposals for development of silica sand resources at Blubberhouses Quarry, including proposals for the extension of time to complete existing permitted development, lateral extensions or deepening, will only be supported subject to the satisfactory outcome of assessment in relation to the major development test set out in national policy, the satisfactory outcome of Appropriate Assessment under the Habitats Regulations and where it can be demonstrated that compliance with other relevant Development Management policies in the Plan can be achieved.

Supporting text

Silica sand is a scarce and nationally important mineral which occurs in two localised areas in North Yorkshire. National policy supports the maintenance or permitted reserves of silica sand, in order to provide a minimum 10 year supply at individual sites, or a 15 year supply where significant new investment is required.

Burythorpe Quarry, near Malton, provides a large proportion of the UK market share of resin coated sand. Substantial reserves are understood to remain although a specific figure is not available. The current planning permission is valid until 2042 but there may be a requirement for proposals to be brought forward during the Plan period for the development of further reserves, although no specific proposals for this have been submitted.

Blubberhouses Quarry is located within a small area of silica sand resource in the Nidderdale AONB. The resource overlaps with internationally important nature conservation designations. The site has been dormant since 1991 and the original permission has now expired, although prior to expiry an application for an extension of time was submitted, which

is currently undetermined. The location of the site within the AONB means that any proposals for further development involving minerals extraction will need to satisfy the major development test set out in the National Planning Policy Framework. The proximity of designated internationally important nature conservation sites also means that Appropriate Assessment under the Habitats Regulations will be needed. As a result of these major constraints, testing of the acceptability of future development in this location can only be properly resolved through the submission and determination of specific proposals in the form of a planning application.

In all cases proposals for further working of silica sand will need to demonstrate compliance with other relevant development management policies in the Plan.

Links to Objectives and Policies

Link to Objectives:
Objective 5
Objective 6

Links to other relevant policies in the Plan:
Id16: Silica sand safeguarding
Id61: North York Moor National Park and the AONBs
Id63: Landscape
Id64: Biodiversity and geodiversity
Id67: Strategic approach to reclamation and afteruse

SA/SEA

Summary of assessment

A wide range of impacts will result from extraction of sand at the sites specified in this policy. These are outlined in the Site Sustainability Appraisal Report. As many of the site allocations lie in close proximity to other existing or allocated sites, cumulative impacts will be of particular importance.

Recommendations

Appropriate mitigation should be incorporated at each allocation site in line with recommendations in the Site Sustainability Appraisal findings for each site and with other policies in the Plan. Cumulative impacts should be given particular regard through the planning application process.

Part 2 - Preferred options to Publication

Consultation Responses to Preferred Options

Silica Sand

5.57 Silica sand is a scarce industrial mineral which is of local and national importance and which can, depending on its particular properties, serve a variety of end uses in manufacturing and industry. The overall geographical extent of potential resources of silica sand within the Plan area is very small, with occurrences in two separate locations: at Burythorpe, near Malton to the east and Blubberhouses, in Harrogate Borough to the west. The different qualities of the silica sand at the two locations means that they are suitable for different end uses. Burythorpe Quarry produces foundry sand and Blubberhouses Quarry, Which has been mothballed for many years, contains sand suitable for high quality glass manufacture. There are no resources of silica sand in the City of York area or the North York Moors National Park. The significance of silica sand is such that in some cases proposals for

Comment [MS36]: 0115 (MPA)0638- the Plan underplays the importance of this resources, in particular the resources at Blubberhouses and its importance to the glass industry. Further evidence should be sought on this mineral - Note extra text added and short evidence paper produced results reflected in policy justification.

development may be dealt with via the National Strategic Infrastructure Project procedures.

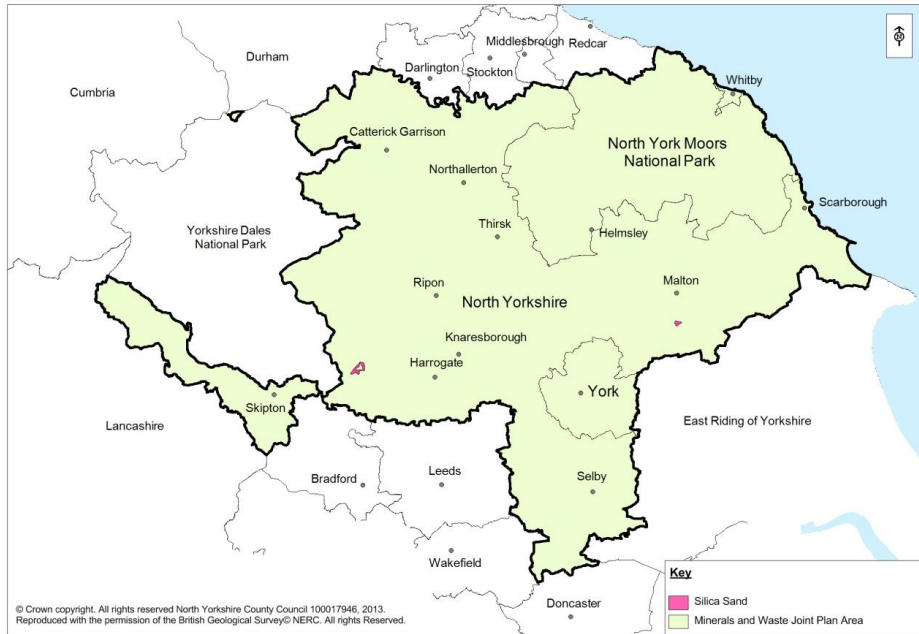


Figure 10: Silica sand resources in Joint Plan area

- 5.58 MPAs are required to plan for a steady and adequate supply of industrial minerals by co-operating with neighbouring and more distant authorities to co-ordinate the planning of industrial minerals, to ensure adequate provision is made to support their likely use in industrial and manufacturing processes, and encourage safeguarding or stockpiling so that important minerals remain available for use.

Policy M12: Continuity of supply of silica sand

1) Proposals for the continuing extraction of silica sand at Burythorpe Quarry, including proposals for lateral extensions or deepening, will be supported in principle where necessary in order to maintain reserves during the period to 31 December 2030 and a minimum 10 year landbank for the site.

Compliance with relevant development management policies in the Plan will need to be demonstrated.

2) Proposals for development of silica sand resources at Blubberhouses Quarry, including proposals for the extension of time to complete existing permitted development, lateral extensions or deepening, will be supported in principle subject where necessary to the satisfactory outcome of assessment in relation to the major development test, the satisfactory outcome of Appropriate Assessment under the Habitats Regulations and where it can be demonstrated that compliance with other relevant development management policies in the Plan can be achieved.

Any proposals will need to demonstrate a particularly high standard of mitigation of any environmental impacts and high quality restoration, including protection of peat resources.

Main responsibility for implementation of policy: NYCC and Minerals Industry

Key links to other relevant policies and objectives

Comment [MS37]: 0115 (MPA)0638 – the policy should be more positive

Comment [MS38]: 2841/0031- include protection of peat. - Reference included in policy justification.

2768 (Norfolk CC) 0683- Text changes suggested to the to the policy including 'Any proposals in these areas will need to demonstrate a particularly high standard of mitigation of any environmental impacts and high quality restoration.' – Note text added

0119 (Natural England) 0994- the inclusion of this site would require an appropriate assessment. Note – need for an AA already included.

*S01, D04, D06, D07, D08, D10**Objectives 5, 6***Monitoring:** Monitoring indicator 12 (see Appendix 3)**Policy Justification**

- 5.59 National policy supports the maintenance or permitted reserves of silica sand, in order to provide a minimum 10 year supply at individual sites or a 15 year supply where significant new investment is required.
- 5.60 Within the Plan area active production takes place at a site at Burythorpe Quarry and the current permission is valid until 2042. Burythorpe Quarry provides a large proportion of the UK market share of resin coated sand, as well as supplying markets outside the UK.
- 5.61 There are no published national or local forward projections of likely demand for silica sand. Based on known reserves at the end of 2014 and average annual output it is likely that there is capability to maintain sufficient supply from this site up to the end of the Plan period. . Nevertheless it is possible that factors including variability in the quality of the resource may lead to a need for release of further reserves for Burythorpe Quarry during the plan period, although specific proposals to achieve this have not yet been identified by the operator.
- 5.62 A number of constraints to future development may exist at Burythorpe Quarry, including the presence of a Roman villa in proximity to the site. These would need to be addressed if any specific proposals for extension are brought forward.
- 5.63 The resource of silica sand located at Blubberhouses Quarry overlaps with internationally important nature conservation designations and, along with a number of other existing or former mineral workings, falls within the Nidderdale AONB. It is also in an area important for the presence of peat. The site has been dormant since 1991 and the original permission has now expired, although prior to expiry an application for an extension of time was submitted, which is currently undetermined. The national policy requirement for availability of reserves at the Blubberhouses site would be met in the event that planning permission for the current application for an extension of time is granted. The location of the site within the Nidderdale AONB means that any proposals for major further development involving minerals extraction will need to satisfy the major development test set out in the National Planning Policy Framework, as well as Policy D04 of the Joint Plan

The proximity of designated internationally important nature conservation sites also means that Appropriate Assessment under the Habitats Regulations will be needed. As a result of these major constraints, testing of the acceptability of future development at Blubberhouses Quarry can only be fully resolved through detailed assessment via the submission and determination of specific proposals in the form of a planning application.

Evidence indicates that currently there are only three Mineral Planning Authorities in England who produce silica sand suitable for high quality glass manufacture; Norfolk and Surrey County Councils and Cheshire East Council. Supply from Cheshire East is due to cease in 2016 with no new supply sources available. Neither of the other two MPAs currently has a 10 year landbank as required by the NPPF, although both are seeking to make future provision through their emerging land use plans which, if achieved, would help enable supply to continue over a longer period should the market require. In both areas resources are constrained by a range of important environmental designations.

Comment [MS39]: 1140 (Sibelco) 1061- Silica sand applications can be subject to NSIPs – reference to this added into introductory text.

It is understood that silica sand is currently imported from a site in Norfolk to a glass manufacturer located in Selby district and to other glass manufacturers in the Yorkshire and Humber region. Due to the specific properties of the silica sand needed to produce the quality of glass required, it is not considered that suitable resources are available elsewhere within the Joint Plan area, apart from in the vicinity of Blubberhouses.

Other important considerations include; the absence of alternative sources of potential supply outside the AONB; the economic benefits both locally and nationally in securing raw materials to industry and the potential impacts of a reduction of supply if supplies from outside the Joint Plan area were not available.

Overall the evidence suggests that there is significant uncertainty, beyond the short term, over the future supply situation nationally as well as an expectation that, in the near future, supply from England will be concentrated in the southern part of the country. There is potential for a shortage of supply in the medium to long term and as a result the longer term significance of the high quality silica sand resource at Blubberhouses is likely to increase. It is therefore appropriate to provide support in principle for the development of resources within Blubberhouses site subject to satisfactory resolution of the important constraints that exist in this location.

A further consideration relevant to consideration of Blubberhouses Quarry is that the Local Transport Plan for North Yorkshire has identified the need for realignment of the A59 road at Kex Gill, near Blubberhouses Quarry, in order to avoid recurring issues of land instability. A definitive proposed realignment is not yet available and there is no safeguarded route. However, there is potential for this project to overlap with the Blubberhouses quarry site. In this scenario there will be a need to ensure that the potential for conflict between the road alignment and the quarry is reflected in the design of either scheme.

Comment [MS40]: 1140 (Silebco) 1062-the suggestion that there is adequate supply elsewhere to meet demand is unfounded- see full comment – Note – research carried out and additional text added to reflect the research.

2768 (Norfolk CC) 0683 & 0685- see comment relating to availability of resources - Note – research carried out and additional text added to reflect the research.

SA/SEA

Summary of assessment Supporting these two sites and the deepening of or extension of them could lead to a range of negative effects. These are outlined in the site sustainability appendix in detail. Major positive effects are also identified for the economy objective, as silica sand is a nationally significant mineral resource.

While the development management policies should help moderate many of the effects noted, particular issues that would need satisfactory resolution include the Blubberhouses site’s potential impact on peat and possibly deep peat as well as any issues that might be identified through appropriate assessment of the effects of the Blubberhouses site on the blanket bog habitats and species associated with the North Pennine Moors SAC/SPA.

Recommendations: Appropriate mitigation should be incorporated at each allocation site in line with the Site Sustainability Appraisal findings (where relevant) and with other policies in the Plan. Cumulative impacts should be given particular regard through the planning application process.

Overall Summary of Reasons for Change

Minor amendments have been made to the policy wording as a result of comments provided during the PO consultation and additional text added to the policy justification.

MPA comments suggested increasing reference to the importance of silica sand, making the policy more positive and source further evidence. Extra text added in to the introduction and extra research has been carried out and finding incorporated in to policy justification.

One comment suggested that the policy mention that the peat around Blubberhouses should be protected, a reference to peat has been added into the policy justification.

Norfolk CC suggested additional text about mitigation, this has been added into the policy.

Natural England – their comment mentioned the need for an appropriate assessment for Blubberhouses, this is already mentioned in the policy text.

Sibelco commented that as silica sand is a nationally significant mineral any proposal may be viewed as a NSIP, and this should be mentioned. Reference to this has been included in the introductory text.

Norfolk CC suggested some rewording of the policy and provided additional text mainly dealing with material considerations which would need to be considered when determining a proposal. This text has been added into the policy and text where appropriate.

Both Sibelco and Norfolk CC have expressed concern about the future long term supply of silica sand. Research has been carried out and text added into the policy justification to reflect the findings.

Proposals are being brought forward for realignment of the A59 near Blubberhouses. There is the potential for this to have implications for the quarry area (and vice versa). Proposals are at a very early stage and there is no safeguarded route. However, reference to this issue in the supporting justification is appropriate to help ensure that any relevant issues are considered as part of the design of any respective proposals.

Development of Policy M13:Continuity of supply of clay.

Part 1 - Issues and Options to Preferred Options

Policy id17: Continuity of Supply of Clay	
<i>Options presented at Issues and options stage</i>	<p>Option 1: This option would support the principle of continued production at the Alne and Hemingbrough sites and seek to make specific provision, through allocation of sites or preferred areas, for the working of further reserves of clay as extensions to Hemingbrough and Alne clay pits, in order to help provide a 25 year landbank at each of these sites. It could also seek to identify resources at Escrick as being suitable in principle to meet longer term requirements for clay to serve the Plasmor blockworks. Alternatively, where suitable specific sites or areas could not be identified, this option would seek to identify Areas of Search for clay sites in proximity to existing locations where clay is utilised (at Alne brickworks and Great Heck).</p> <p>Option 2: This option would support the principle of development of new reserves of clay (either as extensions to existing sites or as new greenfield sites) where there is a demonstrable need to release further reserves in order to maintain continuity of supply to existing or any new manufacturing facilities in the Plan area.</p> <p>Option 3: In addition this option could support the principle of development of new sources of clay for other uses (i.e. uses which are not directly related to supporting existing or new manufacturing facilities in the Plan area) where it can be demonstrated that there is a need for the mineral and the requirement could not reasonably be met by secondary or recycled materials.</p>

What the SA told us	
<p>All of the options are likely to have environmental impacts in relation to biodiversity, land take and landscape given the nature of clay working, particularly where they work in combination. However, Option 1 is likely to have fewer significant impacts by predominantly locating additional capacity near to existing extraction or processing locations thus reducing transport implications (minimising the number and length of trips) as well as impacts on new locations elsewhere.</p> <p>The effects of Options 2 and 3 have a number of uncertainties. However, Option 2 offers more flexibility to maximise the use of clay in other locations where it could be viable and help to maximise economic benefits from extraction.</p> <p>Option 3 would support the wider economy given that the extraction of clay would be for other uses not currently identified within the Plan area. However, adverse effects in relation to exportation and transportation outside of the Plan area, as well as cumulative environmental impacts as result of further extraction, are identified.</p>	
Number of consultation responses	
Total Number of comments against id:	8
Question 44: Do you have a preference for any of the options presented above?	Option 1: 4 (1 SC)
	Combination: 2 (1 MWI)
	Option 2: 0
	Option 3: 0
Question 45: Are there any other options the Authorities should consider in relation to the continuity of clay supply?	Number of respondents: 2 (1 Local Authority)
Brief overview of consultation responses	
<p>Key messages Q44: The majority of respondents expressed a preference toward Option 1 as it was considered this provided the greatest certainty. Two respondents suggested a combination of Options should be taken forward, one suggesting a combination of Option 2 and 3 and the other preferring a combination of Option 1 and 2.</p> <p>Key Message Q45: One alternative option was put forward which has been worked up and is detailed below</p> <p>Proposed Option 4</p> <ul style="list-style-type: none"> Sites should be supported where restoration would contribute improving habitat connectivity. <p><i>Suggested approach</i> <i>Support the development of clay extraction sites where the restoration of the site would contribute to improving habitat connectivity.</i></p>	
SA of options including alternatives	
<p>Summary of assessment</p> <p>Options 1 to 3 are likely to have uncertain or negative environmental impacts in relation to biodiversity, land take and landscape, given the nature of clay working. However, Option 1 is likely to have fewer significant impacts by predominantly locating additional capacity near to existing extraction or processing locations thus reducing transport implications (minimising the number and length of trips) as well as impacts on new locations elsewhere. Although it is characterised by a number of uncertainties, Option 2 offers more flexibility to maximise the use of clay in other locations where it could be viable and help to maximise economic benefits from extraction.</p> <p>Option 3, when considered alongside the other options, would support the wider economy given that the extraction of clay would be for a broader range of uses not necessarily associated with current manufacturing facilities. However, adverse effects in relation to</p>	

exportation and transportation outside of the plan area as well as cumulative negative environmental impacts as result of further extraction are identified. These are, however moderated by the support the option offers for secondary and recycled uses. Option 4 offers the opportunity to support longer term benefits for biodiversity, water, climate adaptation, recreation and wellbeing. However, most other impacts are uncertain as they would be dependent on location.

Revised recommendations

Assuming that any proposals would also be subject to alternative policies within the plan, it is considered that Option 1 in relation to supporting existing production should be pursued. The long term restoration benefits of Option 4 could also be captured by incorporating it into other policies, particularly Option 1.

Joint Authorities response to consultation responses

It is acknowledged that any policy should provide clarity as to the circumstances where future development will be acceptable in principle and that it could be appropriate to take forward a combination of options. It is considered that the relationship between restoration and habitat connectivity is an issue which is best addressed in the development management policies in the plan as it may be relevant to other types of mineral besides clay.

Evidence base update

The online NPPG has been published since the Issues and Options consultation took place in spring 2014 but there are no changes regarding clay from when the NPPF was published in 2012

Since completion of Issues and Options consultation a proposed site allocation for an extension to clay workings at Alne brickworks has been submitted in order to provide a 25 year supply for the adjacent brickworks and will be assessed as part of the site assessment process.

This evidence update is accurate as of January 2015.

Duty to Cooperate

Is this is a DtC matter: no

Discussion around development of preferred policy approach

National policy seeks the maintenance of a stock of at least 25 years supply for brick clay for new or existing plant. There are two existing facilities in the Plan area manufacturing construction products from clay. Neither of these facilities currently has a 25 year supply of resources available. Since completion of Issues and Options consultation a site allocation for an extension of working at Alne Brickworks has been put forward. If ultimately developed this new area, combined with existing permitted reserves, would provide a 25 year stock of reserves in line with national policy. Existing reserves at the Hemingbrough clay pit supply an off-site manufacturing facility. Current reserves are not sufficient to provide a 25 year supply and a site allocation for an extension which would provide an additional 12 years reserves has been put forward. In combination with existing reserves this would still not result in a 25 year supply being available. However, a further proposed allocation for extraction of clay at the former Escrick clay pit has been put forward by the same operator, containing substantial further reserves which, in combination with reserves at Hemingbrough, would provide in excess of 25 years supply.

It is therefore considered that it may be practicable to make specific provision for further clay working in line with national policy, subject to the outcome of the site allocations process. Such an approach would be consistent with the findings of the initial SA. However, it is acknowledged that it may also be appropriate to provide a degree of flexibility in policy to

allow for other proposals, on unallocated sites, to come forward where they comply with development management policies in the Plan. This would allow flexibility to help maintain supply to existing facilities in circumstances where it is not possible to deliver sufficient additional reserves through specific proposals at any allocated sites.

Whilst it is acknowledge that restoration of clay sites may provide opportunities for increasing habitat connectivity it is considered that this principle may apply to arrange of other mineral types and is more appropriately addressed in development management policy.

The preferred approach is option 1 combined with elements of option 2 to provide flexibility.

Preferred policy approach – title changed to M13: Continuity of supply of clay

The provision of sufficient permitted reserves of clay in order to provide a 25 year supply for existing manufacturing operations at Alne Brickworks and Plasmor Blockworks, Great Heck, is supported.

Additional reserves to help meet this requirement are provided through site allocations for:

1) Allocations required in order to meet requirements during the plan period:

**Land to the South of Alne Brickworks (MJP61)
Land to north of Hemingbrough clay pit (MJP45)**

Proposals for development of these sites will be supported subject to compliance with the development management policies in the Plan.

2) Allocations potentially required to contribute to maintaining longer term supply for Plasmor Blockworks:

A Preferred Area on land adjacent to former Escrick brickworks (MJP55)

Proposals for development within this site will be supported only where it can be demonstrated that additional reserves are required in order to maintain an adequate supply of clay to the Plasmor blockworks site and subject to compliance with the development management policies in the Plan.

Maintenance of supply of clay is also supported through the identification of an allocated site for engineering clay at:

Land north of Duttons Farm, Upper Poppleton (MJP52)

Working of unallocated brick clay resources will be supported where it can be demonstrated that the mineral is needed in order to maintain an adequate supply to existing manufacturing facilities in line with national policy, where sufficient mineral cannot be provided from sites allocated in the Plan and subject to compliance with relevant development management policies in the Plan.

Supporting text

National policy requires that a stock of at least 25 years supply should be maintained for brick clay in order to provide adequate reserves to serve existing facilities manufacturing clay based products. Specific site allocations can be identified in the Plan in order to help meet this requirement for the two existing manufacturing facilities located in the Plan area.

Identification of these allocations provides a high level of certainty about the delivery of the necessary resources.

However, it is recognised that a degree of flexibility may also be appropriate in order to ensure that other resources can be developed if necessary in order to meet the national policy requirement. This could provide flexibility if it is not practicable to deliver the expected amount through the allocated areas, or to facilitate supply of clay of particular quality or technical specifications which may not be available in other permitted sources of supply.

In all cases any specific proposals will need to comply with relevant development management policies in order to protect the environment and local amenity. Where it is proposed to work unallocated resources at locations away from the manufacturing facility to be served it will be particularly important to ensure that road haulage impacts are minimised.

Links to Objectives and Policies

Link to Objectives:

Objective 5

Objective 6

Links to other relevant policies in the Plan:

Id19: Safeguarding of clay

Id58: Presumption in favour of sustainable minerals and waste development

Id59: Local amenity and cumulative impacts

Id63: Landscape

Id64: Biodiversity and geodiversity

Id66: Water environment

Id67: Strategic approach to reclamation and afteruse

SA/SEA

Summary of assessment

A wide range of impacts will result from extraction of sand at the sites specified in this policy. These are outlined in the Site Sustainability Appraisal Report. As many of the site allocations lie in close proximity to other existing or allocated sites, cumulative impacts will be of particular importance.

Recommendations

Appropriate mitigation should be incorporated at each allocation site in line with recommendations in the Site Sustainability Appraisal findings for each site and with other policies in the Plan. Cumulative impacts should be given particular regard through the planning application process.

Part 2 - Preferred options to Publication

Consultation Responses to Preferred Options

Clay

- 5.66 Potential resources of clay are widely distributed in the Joint Plan area, mainly in the lower lying central part of NYCC and within the City of York. The quality of clay resources is likely to be very variable and workable deposits may be much more limited in distribution. The principal clay resource in the Joint Plan area is brick clay, although small amounts of fireclay are also likely to be present, in association with shallow coal which has not itself been subject of any commercial interest, as well as clay suitable for engineering purposes. There are only a small number of active sites, all located in the NYCC area. The main uses of clay worked in the Joint Plan

area are for brick manufacture (at Alne Brickworks) and for the manufacture of lightweight aggregate blocks (at the Plasmor site at Great Heck in Selby District, which is currently served by clay from the nearby Hemingbrough Clay Pit).

- 5.67 Deposits of brick clays also occur in the Heworth, Layerthorpe, Dringhouses and Acomb areas in City of York. Historically, brick clay has also been extracted in the City of York area, although there have been no workings or brick making industry in York for over 50 years.

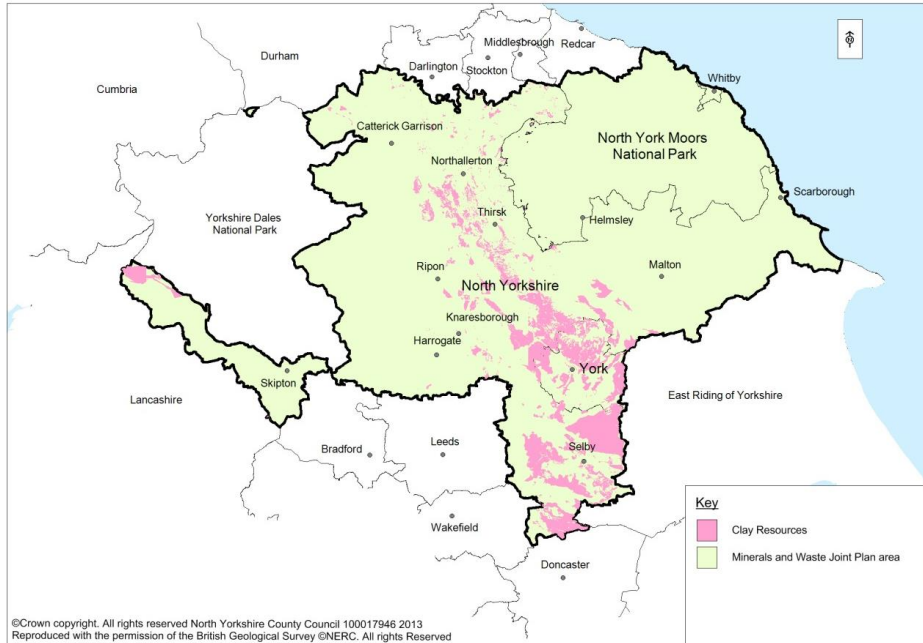


Figure 11: Clay resources in the Joint Plan area

Policy M13: Continuity of supply of clay

The provision of sufficient permitted reserves of clay in order to provide a 25 year supply for existing manufacturing operations at Alne Brickworks and Plasmor Blockworks, Great Heck, is supported.

Additional reserves to help meet this requirement are provided through

- 1) Allocations required in order to meet requirements during the plan period:

Land to north of Hemingbrough clay pit (MJP45)

Proposals for development of this site will be supported subject to compliance with the development management policies in the Plan.

- 2) Allocations potentially required to contribute to maintaining longer term supply for Plasmor Blockworks:

A Preferred Area on land adjacent to former Escrick Brickworks (MJP55)

Development of reserves within this Preferred Area will only be supported only where it would follow the extraction of reserves within allocation MJP45 or it can be demonstrated that additional reserves are required in order to maintain an

Comment [MS41]: 0128 (YWT) 1162/1179- there should be a presumption in favour of restoration to ponds. Note – Restoration is covered in policy D10 – Reclamation mentioned in M14 as clay not 1y mineral here and can be used for reclamation of site

2200/1662, 0128/1162- the policy should set out restoration of the sites at the outset. Note – Restoration is covered in policy D10 – Reclamation mentioned in M14 as clay not 1y mineral here and can be used for reclamation of site

1398 (CPRE) 1789- there are close resources to the processing facility than those included. Note - Sites are selected and submitted by operators then assessed through the site assessment process and distance will be one of the factors considered.

Comment [MS42]: 0120 (Historic England) 0118- The plan cannot demonstrate that this tonnage from this site can actually be extracted given the potential historic assets located in the area and the need to preserve these assets. Note – concerns also raised comments on the site itself so will be dealt with there to decide if site is feasible.

<p>adequate longer term supply of clay to the Plasmor Blockworks site and subject to compliance with the development management policies in the Plan.</p> <p>Maintenance of supply of clay is also supported through the identification of an allocated site for engineering clay at:</p> <p style="text-align: center;">Land north of Duttons Farm, Upper Poppleton (MJP52)</p> <p>Working of unallocated brick clay resources will be supported where it can be demonstrated that the mineral is needed in order to maintain an adequate supply to existing manufacturing facilities in line with national policy, where sufficient mineral cannot be provided from sites or preferred areas allocated in the Plan and subject to compliance with relevant development management policies in the Plan.</p> <p>Proposals for the development of these sites will be required to take account of the key sensitivities and incorporate the necessary mitigation measures that are set out in Appendix 1.</p>
<p>Main responsibility for implementation of policy: NYCC , CYC and minerals industry</p>
<p>Key links to other relevant policies and objectives</p>
<p><i>M14, S01, D01, D02, D06, D07, D09, D10 Objectives 5, 6</i></p>
<p>Monitoring: Monitoring indicator 13 (see Appendix 3)</p>

Comment [MS43]: 0057 (Plasmor) 1000- reference unallocated clay resources for use at Plasmor-Note - policy currently states 'existing manufacturing facilities' which will include Plasmor

Comment [MS44]: 2812 (TPT) 1259 – sites which impact on the TPT will need to provide upgrades to the network and provide for alternative routes and adequate screening. This point can be covered by the text below from comment 0118

Comment [JJ45]: 0120 (Historic England) 0118- new text suggested 'Proposals for the development of these sites will be required to take account of the key sensitivities and incorporate the necessary mitigation measures that are set out in Appendix 1' This text also covers comment 118 made by Historic England.

Policy Justification

- 5.68 Clay is identified in national planning policy as a mineral of national and local importance. National policy requires that a stock of at least 25 years supply should be maintained for brick clay in order to provide adequate reserves to serve existing facilities manufacturing clay based products. Policy also requires account to be taken of the need for provision of clay from a number of sources to enable appropriate blends to be made. There are two active brick clay extraction sites in the area, supplying associated manufacturing facilities. At one of these sites, Alne Brickworks, planning permission was granted in 2015 for an extension to the mineral extraction area, providing sufficient reserves to meet the national policy requirement.
- 5.69 Permission for an extension to Hemingbrough Quarry was granted in early 2016 but following discussions with the operator, it has been identified that further reserves of clay would be needed here in order to maintain continuity of supply to the associated manufacturing facility at Great Heck over the plan period. The operator has identified the potential for a future extension to Hemingbrough Quarry which considered suitable for allocation in the Plan. An area of land at Escrick, near York, adjacent to a former tileworks, has also been put forward in order to provide a longer term source of clay for the facility at Great Heck.
- 5.70 A specific site allocation at Hemingbrough can be identified in the Plan in order to help meet the 25 year supply requirement for the Plasmor blockworks. Identification of this allocation provides a high level of certainty about delivery of the necessary resources. Whilst it is considered that future supply over the plan period for the Plasmor Blockworks would most appropriately be provided via further extension to existing workings at Hemingbrough, resources are also identified in a Preferred Area at Escrick if it is not practicable to provide sufficient reserves at the Hemingbrough site in order to meet the full 25 year national policy requirement. There are a number of significant constraints to development at the Escrick site, including proximity to the Trans Pennine Trail, and any proposals needed in the longer term to maintain supply to the Plasmor Blockworks would need to be carefully located and designed within

the Preferred Area in order to ensure protection of the environment, including historic environment and local amenity. It is not expected that development of the whole of the Preferred Area would be acceptable under this policy.

- 5.71 An allocation for clay extraction is also identified at Duttons Farm, York in order to help provide a local supply of clay for engineering purposes in the City of York area.
- 5.72 It is recognised that some further flexibility may be appropriate in order to ensure that other resources can be developed if necessary in order to meet the national policy requirement for the supply of clay to existing manufacturing facilities. This could provide flexibility if it is not practicable to deliver the expected amount through the allocated areas, or to facilitate supply of clay of particular quality or technical specifications which may not be available in other permitted sources of supply.
- 5.73 In all cases any specific proposals will need to comply with relevant development management policies in order to protect the environment and local amenity and provide mitigation if required. Where it is proposed to work unallocated resources at locations away from the manufacturing facility to be served, it will be particularly important to ensure that road haulage impacts are minimised.

SA/SEA

Summary of assessment A wide range of impacts will result from extraction of clay at the sites specified in this policy. These are outlined in the Site Sustainability Appraisal Report. As many of the site allocations lie in close proximity to other existing or allocated sites, cumulative impacts will be of particular importance.

In terms of unallocated sites, a range of minor positive and negative effects are recorded for most SA objectives as such sites will need to comply with development management policies, which will either control effects or may leave some minor residual effects when they are applied to clay development (such as residual effects on soils / land, water and landscape) or may result in minor positive effects (e.g. through mitigation providing a net gain and a high level of protection – as is the case for biodiversity, or through gains made through restoration). Strong positive effects are observed in relation the economy, community vitality and population change as ultimately clay extraction supports the brick industry and the wider construction industry and the jobs associated with those industries.

Recommendations Appropriate mitigation should be incorporated at each allocation site in line with recommendations in the Site Sustainability Appraisal findings. Cumulative impacts should be given particular regard through the planning application process.

Planning applications, particularly those which require an EIA (which must consider alternatives), should consider the suitability of possible alternative locations to see if soils could be better conserved at those alternative locations.

Overall Summary of Reasons for Change

Changes to this policy are as a result of comments supplied during the Preferred Options consultation.

Several comments suggested including reference to restoration and the type of restoration in the policy as Policy M14 made reference to reclamation and aftercare. In Policy M14 clay is not the primary mineral, and so may be left on site and used for reclamation once the primary mineral has been extracted. In Policy M13 clay is the primary mineral and is removed from the extraction site. Reclamation and afteruse for all forms of mineral working is covered in policy D10 and a cross reference to development management policies is included in the Policy Justification for this policy.

CPRE comments that there are resources of clay closer than some of the sites identified and these should be considered for extraction. However, in this case the operators/landowners have identified specific locations where viable resources are considered to exist, thus helping ensure deliverability of resources. The clay resource in North Yorkshire is geologically very variable and may not all be suitable for particular purposes.

Historic England has raised the issue that the submitted site MJP55 – Escrick is likely to have historic assets in the site area so it will be unlikely that all of the declared tonnage of clay will be able to be extracted. This point has been repeated in a comment against the site specifically and so will be fully considered here, any changes to the preference or discounting of the site will be cross referenced back to this policy so currently no change to text relating to this. The site is identified as a preferred area and it is not intended that the whole area would be worked.

Plasmor would like the unallocated clay resource to be directly linked to Great Heck Blockworks. The current draft policy states that the unallocated clay resource will be for 'existing manufacturing facilities' includes the Great Heck Blockworks, so further text is not required.

Historic England have provided some suggested additional text to link the Policy to mitigation measures in Appendix 1 where the site information is located, this text has been included in the Policy.

The Trans Pennine Trail Office comment that any site near the TPT may have to provide mitigation to prevent damage or move the trail, this comment can be covered by the extra text provided by Historic England which has been included in the policy but it is nevertheless considered appropriate to make specific reference to the TPT in the supporting text.

Development of Policy M14: Incidental working of clay in association with other minerals.

Part 1 - Issues and Options to Preferred Options

Policy id18: Incidental working of clay in association with other minerals	
<i>Options presented at Issues and options stage</i>	<p>Option 1: This option would support the incidental working of clay in association with production of other minerals, where the incidental extraction of clay would help secure the most sustainable use of resources and would not prejudice the overall environmental or amenity impacts of the primary working or the subsequent reclamation and afteruse of the site.</p> <p>Option 2: This option would not expressly support the incidental working of clay in association with production of other minerals.</p>
What the SA told us	
<p>The effects arising from Option 1 are predominantly neutral to uncertain. The option would support incidental clay extraction where overall sustainability and environmental / amenity impacts from the extraction of the primary mineral are not prejudiced. However, there is some uncertainty as to the scope of impacts that will be considered.</p> <p>This option is likely to maximise opportunities for productivity from mineral extraction, minimising the generation of clay waste and providing positive benefits for the economy. In comparison to Option 1, Option 2 is likely to have predominantly neutral effects as it would be reliant on proposals coming forward to be assessed against other policies within the Plan. The impacts on the economy are considered to be mixed given that there is uncertainty in</p>	

<p>relation to missed opportunities and reliance on the market to determine incidental working of clay. Negative effects may be experienced in relation to effective management of site waste and the efficient use of resources.</p>	
<p>Recommendations Assuming that any proposals would also be subject to alternative policies within the plan, it is considered that Option 1 in relation to supporting existing production should be pursued and that Option 2 in relation to flexibility of future sites should be pursued.</p>	
<p>Number of consultation responses</p>	
<p>Total Number of comments against id:</p>	<p>2</p>
<p>Question 46: Do you have a preference for any of the options presented above?</p>	<p>Option 1: 1 Option 2: 1</p>
<p>Question 47: Are there any alternative options we should consider in relation to the safeguarding of clay resources?</p>	<p>Number of respondents: 0</p>
<p>Brief overview of consultation responses</p>	
<p>Key Messages Q46: 2 respondents made representations against Q46 but no comments were made. Key Messages Q47: No alternative options were submitted in response to this question.</p>	
<p>SA of options including alternatives</p>	
<p>N/A</p>	
<p>Joint Authorities response to consultation responses</p>	
<p>Although support was expressed for both options 1 and 2 no specific comments were made and therefore no clear view or consensus emerged from consultation on this issue.</p>	
<p>Evidence base update</p>	
<p>No new evidence as of January 2015.</p>	
<p>Duty to Cooperate</p>	
<p>Is this is a DtC matter: no</p>	
<p>Discussion around development of preferred policy approach</p>	
<p>There was support for each of the 2 options but no comments submitted, and no alternative options suggested.</p> <p>Although the SA favoured aspects of both options it is considered that the more specific guidance to developers provided by option 1 should be preferred.</p>	
<p>Preferred policy approach – title changed to M14: Incidental working of clay in association with other minerals</p>	
<p>Policy Text The incidental working of clay in association with production of other minerals will be supported, where the incidental extraction of clay would help secure the most sustainable use of resources and would not significantly increase any environmental or amenity impacts associated with the primary working, or the subsequent reclamation and afteruse of the site.</p> <p>Supporting text</p>	

In some mineral workings, particularly for sand and gravel and some crushed rock types, the primary mineral occurs in association with clay deposits which sometimes may need to be removed to access the primary target mineral. Such clay deposits can, in some cases, have commercial value and it may be justifiable for them to be extracted and used off site. However, in order for this to represent a sustainable form of mineral extraction, it will be important to ensure that removal off site of incidental clay would not lead to increased overall environmental impacts compared with extraction of the primary mineral or, particularly, that the quality of reclamation and afteruse of the site is not adversely affected. This latter consideration arises because clay materials are often retained on site and replaced in worked out areas to help provide a satisfactory final landform. Where it is proposed to remove such clay from the site, applicants will need to demonstrate that a satisfactory standard of reclamation and afteruse can still be achieved.

Links to Objectives and Policies

*Link to Objectives:
Objective 5*

*Links to other relevant policies in the Plan:
Id58: Presumption in favour of sustainable minerals and waste development
Id59: Local amenity and cumulative impacts
Id63: Landscape
Id64: Biodiversity and geodiversity
Id66: Water environment
Id67: Strategic approach to reclamation and afteruse*

SA/SEA

Summary of assessment

The impacts associated with this policy are predominantly neutral to uncertain. The policy would support incidental clay extraction where overall sustainability and environmental / amenity impacts would not be significantly increased. However, there is some uncertainty as to the scope of impacts that will be considered and also stringency in relation to environmental impacts resulting from the primary working is unknown. Some positive impacts would result from this policy as it would increase productivity from mineral extraction, minimising the generation of clay waste, providing a valuable building material and providing positive benefits for the economy.

Recommendations

No mitigation is proposed.

Part 2 - Preferred options to Publication

Consultation Responses to Preferred Options

Policy M14: Incidental working of clay in association with other minerals

The incidental working of clay in association with production of other minerals will be supported, where the incidental extraction of clay would help secure the most sustainable use of resources and would not significantly increase any adverse environmental or amenity impacts associated with the primary working, or the subsequent reclamation and afteruse of the site.

Main responsibility for implementation of policy: NYCC , CYC, NYMNPA and minerals industry

Key links to other relevant policies and objectives

M13, D01, D02, D06, D07, D09, D10 | *Objective 5*

Monitoring: Monitoring indicator 14 (see Appendix 3)

Policy Justification

5.74 In some mineral workings, particularly for sand and gravel and some crushed rock types, the primary mineral occurs in association with clay deposits which sometimes may need to be removed to access the primary target mineral. Such clay deposits can, in some cases, have commercial value and it may be justifiable for them to be extracted and used off site. However, in order for this to represent a sustainable form of mineral extraction, it will be important to ensure that removal off site of incidental clay would not lead to increased overall environmental impacts compared with extraction of the primary mineral or, particularly, that the quality of reclamation and afteruse of the site is not adversely affected. This latter consideration arises because clay materials are often retained on site and replaced in worked out areas to help provide a satisfactory final landform. Where it is proposed to remove such clay from the site, applicants will need to demonstrate that a satisfactory standard of reclamation and afteruse can still be achieved.

SA/SEA

Summary of assessment The impacts associated with this policy are predominantly neutral. The policy would support incidental clay extraction where overall sustainability and environmental / amenity impacts would not be significantly increased. However, there is some uncertainty as to the consideration of ‘significance’ in relation to these impacts. However, this is largely resolved by considering this policy alongside the development management policies in the plan.

Some positive impacts would result from this policy as it would increase productivity from mineral extraction, minimising the generation of clay waste, providing a valuable building material and providing positive benefits for the economy.

Recommendations While not a specific mitigation measure of this SA, an advisory recommendation would be to consider adding policy D03 to the ‘key links to other policies’ box in the policy table for policy D03.

Overall Summary of Reasons for Change

The only comment which suggested a change to the policy wording related to including a presumption of restoration to ponds. This policy covers incidental clay, so is not the primary mineral to be extracted hence ponds may not be the most suitable type of restoration. The policy already refers to environmental impacts of restoration and will be supported by policy D10 – reclamation and afteruse.

Development of Policy M15: Continuity of supply of building stone.

Part 1 - Issues and Options to Preferred Options

Policy id20: Continuity of supply of building stone	
<i>Options presented at Issues and options stage</i>	Option 1: Support the principle of continued production, including extensions to workings, at existing permitted building stone sites.
	Option 2: Support the principle of development of resources of building stone at new sites (including former building stone quarries without planning permission) as well as extensions to existing sites.
	Option 3: This option would not express support in principle for continued supply of building stone but would identify a range of criteria to be applied to any proposals which come forward for development of building stone

	resources. In addition to the general criteria included in the Development Management policies, indicative criteria for building stone development could include adequate demonstration of the nature, quality and quantity of resource, the market to be served and the availability of stone at alternative sites.	
What the SA told us		
The assessment has revealed that all options are likely to result in negative effects on the environment to some degree although Option 2 could in particular have significant negative effects on landscape, biodiversity, recreation, the historic environment, water, soil, air and amenity. Whilst Option 1 would have the least effects on the environment, it could also fail to deliver a sufficient supply of the right types of building stone to support development consistent with landscape / townscape character and the historic environment.		
Number of consultation responses		
Total Number of comments against id:	21	
Question 50: Do you have a preference for any of the options presented above?	Option 1: 3	Option 3: 2 (1 Local Authorities)
	Option 2: 10 (1 SC/2 MWI/ 2 Local Authorities)	Did Not Specify: 2 (1 SC/ 1 Local Authorities)
Question 51: Are there any other options the Authorities should consider in relation to the continuity of building stone supply?	Number of respondents: 2 (1 MWI/ 1 Local Authority)	
Question 52: Do you agree with the criteria used in Option 3 above? If not, what alternatives would you suggest?	Number of respondents: 2	
Brief overview of consultation responses		
<p>Key messages Q50: The majority of respondents expressed a preference for Option 2. It was considered that a better understanding of the likely demand for these materials is needed as there is currently a weakness in the evidence base. It was also considered that building stone should not just be reserved for the repair and restoration market and new build requirements should also be taken into account. One respondent considered that extraction of building stone should be done on a site by site basis as this acknowledges the need to source appropriate local building stone.</p> <p>Key Message Q51: A range of alternative options were suggested in the responses, these are detailed in the 'Suggested new options Chapter 5 – Minerals table' along with justification as to why they have or have not been taken forward. Any realistic alternatives are summarised below.</p> <p>Proposed Option 4</p> <ul style="list-style-type: none"> Support the provision of building stone from sites which primarily extract crushed rock. <p><i>Suggested approach</i> <i>This option would, where appropriate, support the sourcing and provision of building stone from sites which are primarily extracting crushed rock.</i></p> <p>Proposed Option 5</p> <ul style="list-style-type: none"> Same as Option 3 but exclude consideration of alternative sources. <p><i>Suggested approach</i> <i>This option would not express support in principle for continued supply of building stone but would identify a range of criteria to be applied to any proposals which come forward for development of building stone resources. In addition to the general criteria included in the Development Management policies, indicative criteria for building stone development could include adequate demonstration of the nature, quality and quantity of resource and the market</i></p>		

to be served.

Key Message Q52: 2 respondents agreed with the criteria. However one respondent considered that the availability of stone at alternative sites should not be a consideration.

SA of options including alternatives

Summary of assessment

The assessment has revealed that all options are likely to result in mostly minor negative effects on the environment to some degree although Option 2 could in particular have potentially more significant negative effects on landscape, biodiversity, recreation, the historic environment, water, soil, air and amenity. Whilst Option 1 would have some positive impact on the environment, particularly in relation to land use and minimising use of resources, it could also fail to deliver a sufficient supply of the right types of building stone to support development consistent with landscape / townscape character and the historic environment.

Although Option 3 does not provide specific support for the continuation of supply of building stone, it is considered that this criteria based approach would allow new sites to come forward where required. Option 3 is considered more favourable in terms of sustainability effects than Option 5 as it results in more positive effects in relation to minimising the use of resources.

The addition of Option 4 where appropriate is considered to result in a number of positive effects, particularly should it result in the need for less new building stone quarries and the associated impacts that these would have upon biodiversity, water, cultural heritage, landscape, air quality and amenity.

Recommendations

It is recommended that Option 3 would enable new sites to come forward where required whilst having minimal detrimental effects on the environment. As a number of positive effects were also recorded in relation to Option 4, it is considered that Option 3 should be adopted alongside Option 4 recognising that in most cases extracting building stone from an existing crushed rock quarry is likely to have a lower order impact than developing a new quarry.

Joint Authorities response to consultation responses

The Howardian Hills AONB has pointed out that the plan needs to ensure that building stone available in the National Park should be made available for work in the AONB as this is likely to be the closest match. Similarly English Heritage have said it is important to set a framework to support the delivery of matching stone needed for the repair of the areas heritage assets. It is considered that the preferred policy provides sufficient flexibility to maintain existing supplies and ensure their availability for the use in the repair of historic assets.

A number of consultees have raised concerns about the restriction of use in the policy to repair, however it is considered that the extraction of building stone for unlimited use outside of the plan area will conflict with National Park purposes and could limit the availability of future resources for the repair of historic assets.

Evidence base update

There is no new evidence as of January 2015.

Duty to Cooperate

Is this is a DtC matter: yes/no? Yes

This policy raises issues in relation to the Duty to Co-operate due stone being both imported and exported.

Discussion around development of preferred policy approach

Option 2 is the preferred approach which to “support the principle of development of resources of building stone at new sites (including former building stone quarries without planning permission) as well as extensions to existing sites. Although this option has a worse outcome in terms of the Sustainability Appraisal it option 1 will not deliver a sufficient supply of the right types of building stone. The risks set out in the Sustainability Appraisal are likely to be mitigated by reference to the Development Management Policies set out in the Plan. Option 2 provides the opportunity to open new building stone sites where the resources is required to contribute to the quality of the built environment of the Joint Plan Area and also provides for the extraction of stone where it is required for the repair of listed buildings both within and outside the plan area.

The preferred policy approach is option 2, which supports the principle of development of resources of building stone, including at former quarries. The preferred option also supports the use of temporary quarries for the repair of historic buildings in order to address the concerns of respondents.

The continuity of the supply of building stone is closely linked with the use of the building stone and therefore in drafting the preferred option policies it was concluded that the approach should be set out in one policy to provide more clarity. The preferred options policy takes forward option 2 which supports the principle of development of resources of building stone at new sites as well as extensions to existing sites.

In response to the comments received the preferred options policy not includes support for the incidental production of building stone in association with the working of crushed rock.

Preferred policy approach- title changed to M15: Continuity of supply of building stone

In order to secure an adequate supply of building stone, proposals will, where consistent with other policies in the Plan, be supported for:-

- 1) the extension of time for completion of extraction at permitted building stone extraction sites;**
- 2) the lateral extension and/or deepening of workings at permitted building stone extraction sites;**
- 3) the re-opening of former building stone quarries in appropriate locations;**
- 4) the opening of new sites for building stone extraction in appropriate locations, including the small scale extraction of building stone at new sites adjacent to existing historic buildings or structures where the use is specifically for their repair;**
- 5) the incidental production of building stone in association with the working of crushed rock;**
- 6) The grant of permission on sites allocated in the Plan for working of building stone**

Where development is proposed in the National Park and AONBs under criteria 1 to 4 above and where the development comprises major development due to its scale and the nature, proposals will need to meet the requirements for major development set out in Policy D04.

Proposals for the supply of building stone should be supported by evidence to demonstrate the contribution that the stone proposed to be worked would make to the quality of the built and/or historic environment in the Plan area and/or to the meeting of important requirements for building stone outside the area and the scale of the proposal should be consistent with the identified needs for the stone.

For proposals for supply of building stone from locations within the National Park or

AONBs, it will need to be demonstrated that the stone is required primarily to meet requirements arising from new build or repair work within the National Park and/or AONBs or is for the repair of important designated or undesignated buildings or structures which rely on the proposed source of stone as the original source of supply, or can provide a directly equivalent product which can no longer be provided from the original source quarry.

Additional reserves to help maintain supply of building stone are also provided through a site allocation for:

Land at Brows Quarry (MJP63).

Supporting text

Supply of building stone is important for maintaining the quality of the built and historic environment. Typically, building stone quarries are relatively small in scale but, as a result of the need to source stone of particular technical or aesthetic properties, may sometimes be proposed in relatively sensitive locations and can therefore give rise to impacts on the environment or local amenity. It is therefore particularly important that proposals can demonstrate compliance with other relevant policies in the Plan, particularly those providing protection to the environment and local amenity.

Stone with suitable technical and aesthetic properties to meet requirements for high quality new build and repair work is understood to be relatively scarce in the Plan area and is a finite resource. Substantial export of such stone out of the area, in order to meet a general market requirement for building stone, may over time reduce the availability of high quality indigenous sources of supply with the right technical and aesthetic properties to match the existing built or historic environment in the area. It is nevertheless recognised that in some instances it may be appropriate for high quality building stone worked in the Plan area to serve wider markets, including in cases where stone from the Plan area has been used in important buildings and structures elsewhere or can provide a similar match to stones which are no longer available elsewhere. It is therefore important that applications for working of high quality stone such as ashlar are accompanied by supporting information on requirements for the stone, including for example reference to the Strategic Stone Study (a national study led by English Heritage working with the British Geological Survey which identifies the most significant building stone resources as well as, in some cases, the original sources of stone for particular buildings or settlements).

It is recognised that the extraction of local building stone can have a positive impact in terms of enhancing the built environment of National Parks and AONBs, however the unrestricted extraction for exportation to other areas may have harmful effects both in terms of the scale of extraction in these highly protected areas and potential exhaustion of existing resources. The building stone used in the Howardian Hills and the National Park are often sourced from the same geological structures and therefore it is considered appropriate to allow building stone extracted from the Park to be used in the Howardian Hills and vice versa as this will help to retain the characteristics of both areas. In many cases, proposals for significant new working of building stone in the National Park and AONBs will also need to satisfy the Major Development Test set out in policy D04 of the Plan.

There may be occasions where stone resources are available adjacent to the site where they will be utilised and, as this can represent a sustainable option, in these cases limited extraction specifically to serve repair needs for adjacent existing historic structures or buildings will be supported in principle.

In some cases, building stone is worked as an ancillary product in association with extraction of crushed rock aggregate. Where suitable stone exists it is considered that this can be a sustainable form of development as it can help contribute to overall supply of building stone

without substantial additional adverse impacts. Where proposals are brought forward for the ancillary supply of building stone at crushed rock quarries, proposals should contain information about any specific or additional impacts associated with the proposed working of building stone in order that appropriate mitigation can be considered if necessary.

Links to Objectives and Policies

Link to Objectives:

Objective 5

Objective 6

Objective 9

Links to other relevant policies in the Plan:

Id21: Use of building stone

Id22: Safeguarding of building stone

Id61: North York Moors National Park and AONBs

Id65: Historic environment

SA/SEA

Summary of assessment

It is considered that this policy would provide an adequate supply and range of building stone to market and therefore positive impacts have been recorded in relation to the economy, community viability and vitality and meeting the needs of a changing population. The policy would enable building stone to be extracted in close proximity to historic assets or from former quarries where required in order that the correct type of stone can be sourced, conserving the historic environment of an area and the character of its heritage assets. This would result in minor to major positive impacts in relation to the historic environment and landscape objectives.

Although building stone extraction tends to be a relatively small scale operation, negative impacts have been identified in relation to a number of the environmental objectives as this policy is likely to result in an increase in active building stone sites with associated biodiversity, water, air quality, recreation, landscape and amenity impacts.

Recommendations

None

Part 2- Preferred options to Publication

Consultation Responses to Preferred Options

Building Stone

- 5.75 Building stone includes material used for roofing, walling, flagstones or ornamental purposes. There are currently 15 active building stone quarries in the Joint Plan area although historically there have been many more. Sandstones and limestones suitable for use as building stone can be found relatively widely within the Joint Plan area outside the Vale of York and the lower lying parts of Selby District. There are no known resources in the City of York. In many cases it is only certain parts of the resource which may be suitable for use as building stone, as a result of varying geotechnical and aesthetic properties.
- 5.76 Supply of building stone is important for the upkeep of traditional buildings and historic assets and for ensuring new development reflects the character of its surroundings. It is therefore important in maintaining and enhancing the overall

quality of the environment in the Plan area. There are many historic buildings in the Joint Plan area, including within the City of York, which require high quality building stone for repair and renovation work. The colour and appearance of stone varies greatly depending on where it is found, which means that building stone must often be sourced locally if the character and appearance of local buildings is to be maintained.

- 5.77 The National Planning Policy Framework requires planning authorities to include policies for the extraction of building stone and to meet demand for small scale extraction of building stone needed for the repair of historic assets at, or close to, former quarries. It is unlikely that requirements for building stone for 'ad hoc' repairs will be sufficient for it to be viable to fully re-open quarries and therefore it is essential that policies support their limited operation on a temporary basis.
- 5.78 Building stone is a relatively high value and sometimes scarce product and in some instances stone worked in the Plan area is exported from the area in response to market requirements. Although evidence on future requirements for building stone is very limited, consultation suggests that demand for stone from the Plan area is likely to remain and, potentially, increase during the plan period.

Policy M15: Continuity of supply of building stone

In order to secure an adequate supply of building stone, proposals will, where consistent with other policies in the Plan, be supported for:-

- i. the extension of time for completion of extraction at permitted building stone extraction sites;**
- ii. the lateral extension and/or deepening of workings at permitted building stone extraction sites;**
- iii. the re-opening of former building stone quarries;**
- iv. the opening of new sites for building stone extraction , including the small scale extraction of building stone at new sites adjacent to existing historic buildings or structures where the use is specifically for their repair;**
- v. the incidental production of building stone in association with the working of crushed rock;**
- vi. the grant of permission on sites allocated in the Plan for working of building stone.**

Where development is proposed in the National Park and AONBs under criteria i to iv above and where the development comprises major development due to its scale and the nature, proposals will need to meet the requirements for major development set out in Policy D04.

Proposals for the supply of building stone should be supported by evidence to demonstrate the contribution that the stone proposed to be worked would make to the quality of the built and/or historic environment in the Plan area and/or to the meeting of important requirements for building stone outside the area and the scale of the proposal should be consistent with the identified needs for the stone.

For proposals for supply of building stone from locations within the National Park or AONBs, it will need to be demonstrated that the stone is required primarily to meet requirements arising from new build or repair work within the National Park and/or AONBs or is for the repair of important designated or undesignated buildings or structures which rely on the proposed source of stone as the original source of supply, or can provide a directly equivalent product which can no longer be provided from the original source quarry.

Comment [MS46]: 0115 (MPA) 0639- given the tight financial constraints applying to operations and the regulations applying to the industry it is unlikely that professionally operated sites could be established in these areas. Note – 2 active building stone quarries currently operate in the NYMNP area so policy does not need to be amended

0113 (HH AONB) 0828- Support flexibility of policy but the potential to supply from these areas should not be stopped otherwise the maintenance of assets in these areas could be compromised.

Additional reserves to help maintain supply of building stone are also provided through a site allocation for:

Land at Brows Quarry (MJP63).

Main responsibility for implementation of policy: NYCC , CYC and minerals industry

Key links to other relevant policies and objectives

M10, S01, D04, D08

Objectives 3, 6, 9

Monitoring: Monitoring indicator 15 (see Appendix 3)

Comment [MS47]: Mixed view on this site were received- 0120 (historic England) 0119 and 0116 (Ryedale DC) 1130. Note - Comments about the site are repeated in the responses about the specific site

Policy Justification

- 5.79 Building stone quarries are typically relatively small in scale but, as a result of the need to source stone of particular technical or aesthetic properties, may sometimes be proposed in relatively sensitive locations and can therefore give rise to impacts on the environment or local amenity. It is therefore particularly important that proposals can demonstrate compliance with other relevant policies in the Plan.
- 5.80 Stone with suitable technical and aesthetic properties to meet requirements for high quality new build and repair work is understood to be relatively scarce in the Plan area and is a finite resource. Substantial export of such stone out of the area, in order to meet a general market requirement for building stone, may over time reduce the availability of high quality indigenous sources of supply with the right technical and aesthetic properties to match the existing built or historic environment in the area.
- 5.81 It is nevertheless recognised that in some instances it may be appropriate for high quality building stone worked in the Plan area to serve wider markets, including in cases where stone from the Plan area has been used in important buildings and structures elsewhere or can provide a similar match to stones which are no longer available elsewhere. It is therefore important that applications for working of high quality stone such as ashlar are accompanied by supporting information on requirements for the stone, including for example reference to the Strategic Stone Study (a national study led by Historic England working with the British Geological Survey which identifies the most significant building stone resources as well as, in some cases, the original sources of stone for particular buildings or settlements).
- 5.82 It is also recognised that the extraction of local building stone can have a positive impact in terms of enhancing the built environment of National Parks and AONBs. However unrestricted extraction of stone for exportation to other areas may have harmful effects both in terms of the scale of extraction in these highly protected areas and potential exhaustion of existing resources. The building stones used in the Howardian Hills and the National Park are often sourced from the same geological structures and therefore it is considered appropriate to provide flexibility for building stone extracted from the Park to be used in the Howardian Hills and vice versa as this will help to retain the characteristics of both areas. In many cases, proposals for significant new working of building stone in the National Park and AONBs will also need to satisfy the requirements for major development set out in national planning policy and policy D04 of the Plan.
- 5.83 There may be occasions where suitable stone resources are available immediately adjacent to the site where they will be utilised and, as this can represent a sustainable option, in these cases limited extraction specifically to serve repair needs for adjacent existing historic structures or buildings will be supported in principle.
- 5.84 In some cases, building stone is worked as an ancillary product in association with

extraction of crushed rock aggregate. Where suitable stone exists it is considered that this can be a sustainable form of development as it can help contribute to overall supply of building stone without substantial additional adverse impacts. Where proposals are brought forward for the ancillary supply of building stone at crushed rock quarries, proposals should contain information about any specific or additional impacts associated with the proposed working of building stone in order that appropriate mitigation can be considered if necessary.

- 5.85 Only two proposed allocations of land for building stone extraction have been put forward for consideration during preparation of the Plan. Of these only one site (land at Brows Quarry MJP63) is considered suitable for allocation for environmental reasons. This site has recently had the benefit of permission for working, although the permission has now expired. Proposals for working this site would need to demonstrate compliance with the development management policies in the Plan.

SA/SEA

Summary of assessment It is considered that this policy would provide an adequate supply and range of building stone to market and therefore positive impacts have been recorded in relation to the economy, community viability and vitality and meeting the needs of a changing population. The policy would enable building stone to be extracted in close proximity to historic assets or from former quarries where required in order that the correct type of stone can be sourced, conserving the historic environment of an area and the character of its heritage assets. This would result in minor to strong positive impacts in relation to the historic environment and landscape objectives.

Although building stone extraction tends to be a relatively small scale operation, negative impacts have been identified in relation to a number of the environmental and social objectives as this policy is likely to result in an increase in active building stone sites with associated biodiversity, water, air quality, recreation, landscape and amenity impacts. These effects are likely to be reduced to just low level effects, however, as mitigation is provided through the development management policies.

Recommendations None

Overall Summary of Reasons for Change

The MPA commented that they support the policy but it is unlikely that there will be any building stone quarries in the National Park or AONBs due to financial constraints and regulations, there are two operational building stone quarries with in the National Park so policy does not need to be changed.

HH AONB comments that they support the proposal to allow flexibility of stone supply across designated areas, and this should not be stopped as the maintenance and repair of heritage assets could be compromised. The policy does not need amending

Comments made against MJP63 – Brows Quarry have been repeated in response to the site itself and will be considered there.

It is further considered that reference to 'appropriate locations' in parts iii and iv of the policy should be deleted at the policies in the Plan provide guidance on what constitutes appropriate locations.

Development of Policy- Hydrocarbon Section

Policy M16: Overall Spatial policy for hydrocarbon development

Policy M17: Exploration and appraisal for hydrocarbon resources

Policy M18: Production and processing of hydrocarbon resources

The Following tables present an overview of how the policies have evolved from the initial 'Issues and Options Consultation' through to Publication.

It is important to note that as a result of the rapidly increasing interest (both within local communities and other sectors) in this issue, and in response to the range of comments received at Preferred Options consultation stage, the hydrocarbons policies in the Plan have been reviewed and revised and expanded in order to provide a more comprehensive policy response to this issue. The policies are intended to set out a robust approach to protection of the environment, local communities and other aspects of the area whilst providing flexibility for suitably located and managed development to take place.

In addition to the comments which were received specifically in relation to the hydrocarbon section, a number of comments were received against other policies in the plan. In some cases these are also relevant to and have influenced the evolution of the hydrocarbon section. Comments have been recorded against the policy to which they were originally made but where they are also applicable to hydrocarbons policies they have been considered alongside other comments on hydrocarbons to develop the policies from Preferred Options to Publication. For example, the responses received in relation to waste water from fracking, are recorded against proforma W08 but have also significantly influenced the restructure of the hydrocarbon policies, specifically the evolution of M18.

To help demonstrate the audit trail of how the hydrocarbon section has evolved it was considered necessary to present the Publication version of the Policies along with comments to explain the evolution. These can be seen in Part 3.

Development of Policy M16: Key spatial principles for hydrocarbon development

Part 1 - Issues and Options to Preferred Options

Policy id23: Overall spatial options for Oil and Gas	
<i>Options presented at Issues and options stage</i>	Option 1: Aim to direct all gas developments (including production and processing) to locations outside of the National Park and AONBs, where viable alternatives to these locations exist.
	Option 2: Support the principle of gas developments (including production and processing) across the whole of the Joint Plan area provided that, within the National Park and AONBs, and in locations which may impact on the townscape and setting of the historic City of York, particularly high standards of siting, design and mitigation are applied.
	Option 3: Support the principle of exploration, appraisal and production of gas across the whole of the Joint Plan area, but aim to direct the siting of any processing or electricity generating facilities to locations outside National Parks and AONBs, where viable alternatives to these locations exist.
What the SA told us	
The assessment has revealed that Option 1 is likely to provide the most benefits in terms of both protecting the natural and historic environment and landscapes and also supporting local economies, although this option could direct gas developments to areas of highest agricultural land quality and areas where water sources are protected as well as having negative effects in terms of meeting the energy needs of the population. Under Options 2 and 3 there may be negative effects on the landscape and on recreation, with Option 2 also predicted to have negative effects on biodiversity but positive effects for the historic	

environment.		
Number of consultation responses		
Total Number of comments against id:	42	
Question 59: Do you have an initial preference for any of the options presented above?	Option 1: 16 (2 SC)	Combination: 1 (1 Local Authorities)
	Option 2: 5 (3 MWI)	Did Not Specify: 1 (1LA)
	Option 3: 3	None: 4
Question 60: Are there any other options the Authorities should consider in relation to the overall spatial options for oil and gas?	Number of respondents: 12 (1 SC/2 MWI/ 1 Local Authorities)	
Brief overview of consultation responses		
<p>Key messages Q59: The Majority of respondents expressed a preference for Option 1. However some respondents considered that Option 1 should not be considered as gas exploration and production has been taking place in the National Park for nearly 50 years. Those respondents who expressed a preference for Option 2 considered that with appropriate location, mitigation and design, development could take place with the National Park and AONBs. There was some concern that an approach which directed developments away from these areas would result in large unnecessary developments occurring outside these areas causing greater environmental impacts. One respondent suggested an approach based on a combination of Options 2 and 3. Some respondents considered that the setting and townscape of the City of York should not take precedence over the setting of other historic towns and other historic towns and villages, and clarification is need on this. Several respondents did not express support for any of the options as they were considered to be contrary to National Policy.</p> <p>Key Message Q60: A range of alternative options were suggested in the responses, these are detailed in the 'Suggested new options Chapter 5 – Minerals table' along with justification as to why they have or have not been taken forward. Any realistic alternatives have been worked up and are detailed below</p> <p>Proposed Option 4</p> <ul style="list-style-type: none"> Combine options 2 and 3. <p><i>Suggested approach</i> <i>This option would support the principle of gas developments (including production and processing) across the whole of the Joint Plan area provided that, within the National Park and AONBs, and in locations which may impact on the townscape and setting of the historic City of York, particularly high standards of siting, design and mitigation are applied, but aim to direct the siting of any processing or electricity generating facilities to locations outside the National Park and AONBs where viable alternatives to these exist.</i></p> <p>Proposed Option 5</p> <ul style="list-style-type: none"> Exploration, appraisal and production should be allowed without restriction throughout the Joint Plan area. <p><i>Suggested approach</i> <i>This option would support the principle of gas developments (including production and processing) across the whole of the Joint Plan area</i></p> <p>Proposed Option 6</p> <ul style="list-style-type: none"> Have an alternative option which is criteria based. <p><i>Suggested approach</i> <i>Under this option planning permission will be granted for exploration, appraisal or production of oil and gas and unconventional hydrocarbons provided they do not result in any significant</i></p>		

adverse impacts on local communities or the environment.

Other comments put forward points which should be considered when progressing to preferred options. The Policy should cross reference to the Major development Test in the National Park and AONBs, the policies should be expanded to include the exploratory phase, and should consider using the term hydrocarbon rather than gas.

SA of options including alternatives

Summary of assessment

The assessment has revealed that Option 1 is likely to provide the most benefits in terms of both protecting the natural environment and landscapes and also supporting local economies, although this option could potentially direct gas developments to areas of highest agricultural land quality and areas where water sources are protected as well as having negative effects in terms of meeting the energy needs of the population. Under Options 2, 3, 4 and 5 there may be negative effects on the landscape, natural and historic environment and recreation, with Option 2 also predicted to have uncertain to positive effects for the historic environment, whilst Option 5 would potentially have negative effects on a range of environmental objectives. Effects under Option 6 often show positive aspects due to the requirement that they do not result in any significant adverse impacts on local communities or the environment. However, there is significant uncertainty in this assessment as factors such as the threshold of significant impacts is not known.

All options are considered to be negative in relation to minimising resource use due to the support they offer to the extraction of a non-renewable resource. Option 6 performs the worst in this respect as it supports the extraction of a wider range of hydrocarbons,

Recommendations

It is acknowledged that whilst Option 1 performs best overall, Options 2 and 3 would provide a better framework for ensuing sufficient gas developments can come forward. A combination of options whereby license holders, whose license(s) cover land both within and outside National Parks and AONBs, must investigate possibilities outside of these areas first and all operators must aim to locate processing facilities outside of these areas and apply particularly high standards of siting, design and mitigation within these areas is recommended, though option 6's requirement for avoidance of 'significant adverse impacts on local communities or the environment' provides a broader scope for mitigation (provided it is coupled with the 'particularly high standard' mentioned in some of the options

Joint Authorities response to consultation responses

A number of respondents suggested that no fracking should be supported within the entire plan area not just the AONBs and National Park. In light of the amendments to the Infrastructure Bill it is considered that the only option is to draft a policy which is not supportive of proposals for fracking in the national parks, AONBS, SACs, SPAs and SSSIs but in relation to National Parks and AONBs is still supportive of proposals for conventional oil and gas exploitation where the Major Development Test is met.

Some concern has also been raised that the reference to the requirement for particularly high standards of design near to designated areas and the City of York undermines the requirement to seek good quality design across the plan area. It is agreed that clear policy wording would be required in order to ensure that appropriate protection is also provided to other parts of the Plan area, including areas outside NPs and AONBs.

Evidence base

Since the consultation on the Issues and Options took place the Government has issued a Ministerial Statement, which said that applications for major development for unconventional hydrocarbons should be refused in National Parks and AONBs except in exceptional circumstances and where it can be demonstrated that they are in the public interest. Although the guidance is not clear on the treatment of unconventional hydrocarbons it is considered that major developments for these resources should also need to demonstrate they meet the

major development test requirements as set out in paragraph 116 of the NPPF.

Since this Ministerial Statement the Government has proposed amendments to the Infrastructure Bill to ban hydraulic fracturing in National Parks, AONBs, SACs, SPAs and in SSSIs.

Duty to Cooperate

Is this is a DtC matter: No

Discussion around development of preferred policy approach

Many comments received suggested that Shale Gas should not be supported, however this would be contrary to the Government's policies so is not considered an appropriate option. The majority of respondents said that option 1 was their preferred approach "aim to direct all gas developments (including production and processing) to locations outside of the National Parks and AONBs, where viable alternatives to these locations exist" Those who responded with option 2 as their preferred option were concerned that the approach set out in option 1 would result in large unnecessary developments occurring outside these areas and this could have a greater impact on the special qualities of the designated areas. The Sustainability Appraisal also concluded that option 1 was more likely to provide the most benefits.

Following the proposed amendments to the Infrastructure Bill in its final stages towards Royal Assent the Government approach is that fracking should not be supported in National Parks, AONBs, SACs, SPAs and SSSIs. Proposals for major conventional hydrocarbon developments will only be supported in exceptional circumstances and where they are in the public interest. For this reason Option 1 which aims to direct proposals outside National Parks and AONBs will be taken forward as the preferred option, however it will be made clear that hydraulic fracturing in these areas will not be supported.

National planning guidance is clear that minerals plans should include criteria based policies for the exploration, appraisal and production phases of hydrocarbon extraction. The guidance goes on to say that these policies should set clear guidance and criteria for the location and assessment of hydrocarbon extraction within the Petroleum Licence Areas. For this reason it is considered that four policies should be taken forward as below:-

1. Overall Spatial Policy for Hydrocarbon Development
2. Exploration and Appraisal of Hydrocarbon Resources
3. Extraction and Processing of Hydrocarbon Resources
4. Carbon and Gas Storage

Therefore the preferred options will be taken forward in the drafting of four policies instead of the 6 separate options consulted on at Issues and Options stage. This is considered to align with comments of respondents and the changes to the national policy approach for fracking. The SA of the alternative options suggested that taking forward the principles of options 2 and 3 into the new policy provides a better framework for ensuring gas developments can come forward.

A further consideration, not directly raised in responses to consultation, is that it would be appropriate to ensure that the policy addresses potential cumulative or incremental impacts associated with hydrocarbons development. This arises as a result of the nature of hydrocarbons development, particularly unconventional hydrocarbons, where successive development may be proposed in a given area over a prolonged period of time in order to maximise the exploitation of any identified resource.

Preferred policy approach – title changed to M16: Overall spatial policy for hydrocarbon development

Proposals for development of unconventional hydrocarbons, including proposals involving hydraulic fracturing, will not be supported where they are located within the National Park, AONBs, Special Areas of Conservation, Special Protection Areas or Sites of Special Scientific Interest.

For conventional hydrocarbons development, applicants will need to demonstrate that all options for undertaking the development in other, non-designated, areas licenced to the applicant by DECC have been fully considered before bringing forward proposals in designated areas. Where such proposals located in the National Park or AONBs are considered to comprise major development they will only be supported in exceptional circumstances and where it can be demonstrated that they are in the public interest.

Where proposals are within or in close proximity to the National Park and AONBs special care must be taken to avoid harming the setting and/or special qualities of these designated areas.

Proposals for conventional and unconventional hydrocarbons development across the rest of the Plan area will be supported where it can be demonstrated that there would be no unacceptable impacts, taking into account proposed mitigation measures, on the environment or on local amenity or on the setting of heritage assets including the historic City of York and where they are consistent with other relevant policies in the Plan. Particular regard will be had to protecting designated Green Belt from harm resulting from hydrocarbons development.

In determining proposals, consideration will be given to any cumulative impacts arising from other hydrocarbon development activity in proximity to the proposed development, including any impacts arising from successive hydrocarbons development taking place over substantial periods of time. Proposals will be supported where there would be no unacceptable cumulative impacts.

Supporting Text

Natural gas was first discovered in the geology of the North York Moors in the 1940's. In the 1970's gas was extracted from a wellhead in the National Park and processed at a processing plant in Pickering, however the operation ceased after a short period of time as a result of the wells producing water. In 1994 the Knapton gas and power generation plant was commissioned by Scottish Power with its gas supplies sourced from outside the National park within the Vale of Pickering at Kirby Misperton, Marishes, Cloughton and Pickering and production still continues. The operator of the Knapton plant has carried out some exploratory drilling within the North York Moors National Park with a view to extracting the gas and sending it through a pipeline to the processing plant. In the past the exploration and appraisal of gas resources has been carried out without harming the special qualities of the North York Moors, however each proposal will need to be assessed on its own merit.

The NPPF indicates that great weight should be given to conserving landscape and scenic beauty in National Parks and AONBs, which have the highest status of protection in relation to landscape and scenic beauty. The Government has set out through the Infrastructure Bill that fracking should be banned from sites within National Parks, AONBs, Special Areas of Conservation, Special Protection Areas and Sites of Special Scientific Interest. However the Infrastructure Bill only refers to fracking and it is therefore considered that the starting point in all applications for conventional hydrocarbon proposals should be to steer development away from these areas unless it can be fully demonstrated that this is not feasible. Further details on how proposals are assessed in terms of the Major Development Test are set out in Policy D04.

The National Park Authority's key statutory duties are to conserve and enhance the natural

beauty, wildlife and cultural heritage of the National Park and to promote opportunities for the understanding and enjoyment of its special qualities by the public. These purposes were originally stated in the 1949 Act and have more recently been restated in the Environment Act of 1995. Section 62 of the 1995 Act also inserted section 11A into the 1949 Act. That obliges all public authorities to have regard to the statutory purposes of the National Park when exercising their relevant functions. Major development close or adjacent to the boundary of these areas can have a significant impact on the qualities for which they were designated and therefore the impact of proposals on these areas should be carefully considered.

The relatively flat and low lying landscape of York allows for long distance views of the Minister, which is integral to the setting of the Historic City. For this reason applicants will need to carefully consider the setting of the City when designing and siting proposals and ensure there are appropriate mitigation measures to prevent any harm. Where proposed development would be located in the Green Belt consideration will also need to be given to the effect of proposals on the purpose of the Green Belt designation. Further details on the Green Belt can be found in policy D05.

The nature of hydrocarbons development, particularly for unconventional hydrocarbons such as shale gas, means that development may be proposed incrementally within a given area, potentially over substantial periods of time. This may arise as a result of the need to drill progressively more wells, or re-fracture existing wells, in order to extend production or stimulate the flow of gas in a given location and in order to ensure an appropriate return on investment on items such as processing infrastructure. This has the potential to lead to cumulative impacts as more development is proposed in a given area, and to the potential for incremental increase in impacts on the environment or local communities. It will be important to ensure that any such impacts are assessed and taken into account in considering proposals for hydrocarbons development. In this respect it is unlikely that hydrocarbons development on a substantial scale and/or over substantial periods of time, particularly where multiple surface sites are likely to be required, will be considered acceptable within the Green Belt.

Links to Objectives and Policies

Link to Objectives:

Objective 5

Objective 6

Objective 9

Objective 10

Objective 12

Links to other relevant policies:

Id25: Exploration and appraisal of hydrocarbon resources

Id26: Production and processing of hydrocarbon resources

Id28: Carbon and gas storage

Id56: Locations for ancillary infrastructure

Id57: Minerals ancillary infrastructure safeguarding

Id59: Local amenity and cumulative impacts

Id61: North York Moor National Park and AONBs

Id62: Minerals and waste development in the Green Belt

Id63: Landscape

Id64: Biodiversity and geodiversity

Id67: Strategic approach to reclamation and afteruse

SA/SEA

Summary of assessment

This preferred option exhibits a range of mostly minor effects, some positive and some

negative. Most positive effects occur because the preferred policy steers development away from protected areas such as National Parks and Green Belt, either by not supporting it in such areas or requiring the Major Development Test for conventional hydrocarbons in National Parks / AONBs. Negative effects tend to occur because development may concentrate in other areas. Uncertainty is noted as the policy could be made clearer on its links with development management policies.

Recommendations

To clear up any uncertainty either the policy or supporting text should make a link between this policy and the development management policies.

Part 2 - Preferred options to Publication

Consultation Responses to Preferred Options

Hydrocarbons (oil and gas)

Introduction

- 5.86 National planning guidance states that both conventional and unconventional hydrocarbons (oil and gas) are minerals of national and local importance and that minerals plans should include policies for their extraction. Conventional hydrocarbons are oil or gas which has accumulated in a 'reservoir' of porous rock such as sandstone or limestone and which can be extracted by conventional drilling techniques. There is no known oil resource in the Joint Plan area but resources of gas are present and have been exploited over a substantial period of time. Conventional gas reserves are present in the eastern part of the Joint Plan area and licences for their exploration, appraisal and development have been granted in blocks around the western fringe of York, to the east in the Vale of Pickering and within the North York Moors. More recently, there has been interest in unconventional hydrocarbons as a form of energy supply. These are hydrocarbons which cannot be extracted by conventional techniques and include sources of hydrocarbons such as coal bed methane, methane capture from coal mines, underground coal gasification, as well as shale gas.
- 5.87 To date there has been no history of coalbed methane, coal gasification or shale gas production in the area, although methane has been extracted from coal mines in Selby District over a number of years.
- 5.88 Coalbed methane is produced during the process of coal formation. The gas is either adsorbed onto the coal or dispersed into pore spaces around the coal seam. Coalbed methane can be extracted from coal seams which have not been mined and the exploitation typically involves drilling a network of wells, with the gas typically being extracted via the well through natural pressure release or through the pumping of water from the seam in order to reduce pressure. Exploration has taken place to the north of York in recent years, however there is no current expectation that production will be brought forward in the foreseeable future.
- 5.89 Like coal-bed methane extraction, underground coal gasification can be carried out on seams of coal which have not been mined. It is achieved by drilling boreholes into the coal seam, injecting water/oxygen mixtures down one pipe, igniting and partially combusting the coal and extracting the gasification products through another pipe. It produces a mixture of gases including carbon monoxide, carbon dioxide, hydrogen and methane that can be processed to provide fuel for power generation, vehicle fuels and chemical feed stocks. There is no known current commercial interest in

Comment [MS48]: Should produce an SPD for fracking
Response to Comment: Noted. It is considered that the priority should be to ensure a comprehensive policy context for oil and gas development in the minerals and waste joint plan, which would carry greater weight than an SPD.

Comment [MS49]: Make reference to need for cross boundary consultation when proposals are near to MPA boundary
Response to Comment: It is agreed that, given the cross-boundary extent of a number of PEDL areas, this should be reference in the supporting text.

Comment [MS50]: Need to address proposals for reinjection
Response to Comment: It is agreed that reference to this should be made in the policy.

Comment [MS51]: Should reference GHGs in policy
Response to Comment: National policy is supportive of the principle of oil and gas development as part of a mix of energy sources.

Comment [MS52]: Need more robust approach to monitoring
Response to Comment: Noted. Monitoring of the impacts of oil and gas development is the responsibility of a number of regulatory bodies, specific to their individual roles.

Comment [MS53]: Need to consider cross-boundary issues in the Wolds area (East Riding)
Response to Comment: Noted. This issue could be addressed in supporting text.

Comment [MS54]: Need to address flaring and venting
Response to Comment: This is a matter for other regulatory bodies.

Comment [MS55]: Mention need for national energy security more prominently in supporting text
Response to Comment: It is agreed that this should be referred to in the introductory text as part of national Government's rationale for a diverse range of sources of energy supply.

this source of gas in the Plan area.

- 5.90 Shale gas is found within organic-rich shale beds or other fine grained rocks with low porosity, rather than in a conventional ‘reservoir’, although the gas itself is the same as other forms of natural gas and could provide both industrial and domestic power. Resources of shale gas in the UK are likely to occur at depths of between 1500m and 4200m. By contrast, typical ground water levels go down to depths of around 400m.
- 5.91 A recent British Geological Survey report ‘The Carboniferous Bowland Shale Gas Study: Geology and Resource Estimation’ (July 2013) identifies a prospective area for shale gas in both the Upper and Lower Bowland Hodder Unit, which extends at depth right across northern England and in particular identifies possible resources in Ryedale, Scarborough, Hambleton and Selby Districts, as well as the North York Moors and York. However, it remains unclear as to whether the resource is commercially viable. The exploitation of shale gas in the UK involves relatively unfamiliar technologies, such as hydraulic fracturing (‘fracking’), however it has the potential to be an important new source of energy for the UK and the Government is currently encouraging exploration for this form of gas. New Government licensing areas for oil and gas exploration and development, known as PEDLs, are expected to be announced shortly (see Fig. 12). Specific proposals for exploration and appraisal of shale gas in the Vale of Pickering were submitted in July 2015.
- 5.92 In an Autumn 2012 Statement the Chancellor set out the Government’s overall strategy for gas to ensure that the best use is made of gas power, including new sources of gas under the land. In October 2014 the Government published planning practice guidance for onshore oil and gas including unconventional sources, to give more certainty to the industry and local authorities taking planning decisions on onshore oil and gas about the sorts of considerations they should take into account. Amongst other matters, the guidance indicates that hydrocarbons remain an important part of the UKs energy mix whilst the country transitions to low carbon energy supplies. More recently, in September 2015, a ministerial written statement by the Government indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. In August 2015, the Government announced plans to ensure that proposals for hydrocarbon development are determined within the 16 week statutory timeframe. In addition, changes to the Town and Country Planning (General Permitted Development) (England) Order 2015 now mean that much of the early exploration work for new hydrocarbon developments in locations outside designated areas can take place without the requirement for planning permission.
- 5.93 The recent Infrastructure Act 2015 states that consents will not be granted for hydraulic fracturing where it takes place within “other protected areas”. The descriptions of areas which are “other protected areas” are set out in the draft Statutory Instrument and include land at a depth of less than 1,200 metres beneath National Parks, AONBs and World Heritage Sites³. The draft legislation also provides protection to groundwater source areas at a depth of less than 1200 metres below the surface used for domestic or food production purposes.

Comment [MS56]: Identify extent of PEDLs in the Plan and explain their consequences, including in terms of access rights.

Response to Comment:
It is agreed that updated information on PEDLs should be provided in the supporting text.

Comment [MS57]: Consistency with national policy, onshore hydraulic fracturing regs etc. - e.g. major development test (fracking deeper than 1200m not major development), Don’t apply requirement to demonstrate consideration of other licensed options first, Don’t apply surface protections to other designated areas. Need to recognise that exceptional circumstances may apply

Response to Comment:
Whilst consistency with national policy and relevant legislation is an important consideration, it is also important to ensure that a range of other key assets in the Plan area, which are important to its distinctiveness and attractiveness to residents and visitors as well as for their own sake, are given a high degree of protection. It is agreed that reference to consideration of other options should be removed. Policy should be reworded to provide more clarity on the approach to be taken in relation to surface and underground development and in relation to application of the major development test.

³ Draft Statutory Instrument: The Onshore Hydraulic Fracturing (Protected Areas) Regulations 2015

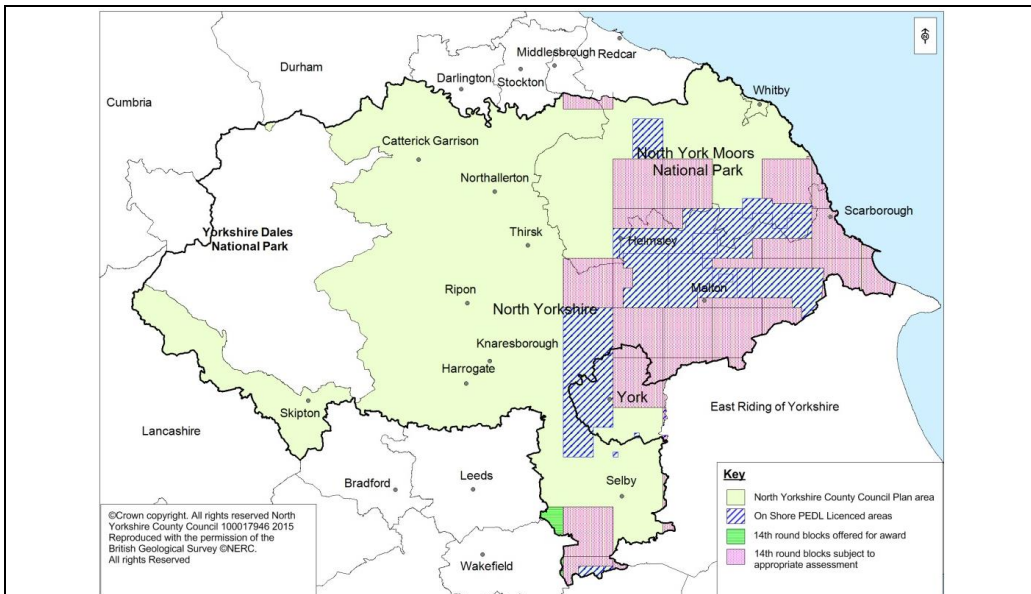


Figure 12: PEDL licence blocks and blocks offered in 14th round licencing.

Summary of the process

5.94 There are three main phases of onshore hydrocarbon extraction:

Exploration - seeks to acquire geological data to establish whether hydrocarbons are present. It may involve seismic surveys, exploratory drilling and, in the case of shale gas, hydraulic fracturing. For conventional hydrocarbons, exploration drilling onshore is a short-term, but intensive, activity. Typically, site construction, drilling and site clearance will take between 12 to 25 weeks. For unconventional hydrocarbons exploratory drilling may take considerably longer, especially if there is going to be hydraulic fracturing and, in the case of coalbed methane, removing water from the coal seam.

Appraisal - takes place following exploration when the existence of oil or gas has been proved, but the operator needs further information about the extent of the deposit or its production characteristics to establish whether it can be economically exploited. The appraisal phase can take several forms including additional seismic work, longer-term flow tests, or the drilling of further wells. This may involve additional drilling at another site away from the exploration site or additional wells at the original exploration site. For unconventional hydrocarbons it may involve further hydraulic fracturing followed by flow testing to establish the strength of the resource and its potential productive life. Much will depend on the size and complexity of the hydrocarbon reservoir involved.

Production - normally involves the drilling of a number of wells. These may be at sites used at the exploratory and/or appraisal phases of hydrocarbon development, or from a new site/s. Associated equipment such as pipelines, processing facilities and temporary storage tanks are also likely to be required. Production can be up to 20 years or more.

5.95 Planning permission is required for each phase of hydrocarbon extraction, although some initial seismic survey work may have deemed consent under Part 2 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995. In order to explore, test and produce oil and gas in the UK operators must first obtain a Petroleum Exploration Development Licence. In 2014 the

Comment [MS58]: Be clearer on the distinction between policies/issues that apply for the 3 main phases of oil and gas development
Response to Comment: It is agreed that the policies should, where relevant, be amended to provide greater clarity on the distinction between the main phases of hydrocarbons development.

Comment [MS59]: Need to address well completion and well testing, which may form part of the exploration process and which may include hydraulic fracturing. Both drilling and well testing/completion may fall within exploration and appraisal. Production stage may also need to include maintenance of wells, which may involve workovers.
Response to Comment: It is agreed that this should be clarified in the supporting text.

government commenced a new round of on shore licensing (see also Paragraph 2.69).

- 5.96 The following diagram illustrates the process for applications, taken from Annex B of Planning Practice Guidance for Onshore Oil and Gas, 2013, Department for Communities and Local Government. Further details of the regulatory regimes are discussed later.

Figure 13: Temporarily removed while establishing wording. Reinsert once wording amendments complete.

- 5.97 With all hydrocarbon appraisal or production, whether conventional or unconventional, a well is drilled and several stages of metal pipes are set in concrete to seal and help prevent any contamination with ground water. In some cases, particularly for shale gas wells, horizontal drilling at depth may take place to enable maximum exposure to the gas resource. Gas held within shale beds or other rocks of low porosity is accessed through a technique called “hydraulic fracturing” (fracking) which involves injecting the fracture with liquid at high pressure. Small particles (usually sand) are also pumped into the fractures to keep them open when the pressure is released so that the gas can flow into the well. Although typically 98-99% of the liquid is water small quantities of chemicals are often added. Operators must demonstrate to the Environment Agency that all the chemicals used in the process are non-hazardous. Once the rock has been fractured some fluid returns to the surface (known as flow-back) and this will require disposal or recycling in accordance with the required environmental permits.

Figure 14: Temporarily removed while establishing wording. Reinsert once wording amendments complete.

- 5.98 If significant environmental impacts are likely the minerals planning authority will require the applicant to undertake an Environmental Impact Assessment (EIA). It is a principle of the EIA regulations that ‘projects’ cannot be ‘salami sliced’ to avoid proper application of the regulations. If EIA is required it is expected that applicants will submit sufficiently detailed information to allow the impact of the whole development to be considered.
- 5.99 The United Kingdom Onshore Operators Group (UKOOG) has established a charter for community engagement on new onshore oil and gas proposals. The charter sets out a number of commitments for operators which includes engagement with local communities at each of the 3 stages of operations.
- 5.100 Concerns have been expressed about the potential impacts of the hydraulic fracturing (fracking) techniques used in extraction of shale gas, in particular in relation to matters such as pollution of ground and surface water, use of water resources, air pollution and the potential for ground movements (i.e. earth tremors) to be triggered. The planning system controls the development and use of land in the public interest and needs to ensure that development is appropriate for its location taking account of the effects (including cumulative effects) of pollution on health, the natural environment or general amenity and the potential sensitivity of the area or proposed development to adverse effects from pollution. The focus of the planning system is on whether the development itself is an acceptable use of the land. Outside of the planning legislation applicants will need to satisfy a number of other regulatory regimes. In accordance with Government advice, the Minerals Planning Authorities will assume that these non-planning regimes will operate effectively.

Other regulatory regimes

Comment [MS60]: Be clearer on differences between different types of unconventional gas, and between conventional and unconventional, and what types of policy approaches apply

Response to Comment:
It is agreed that the policies should, where relevant, be amended to provide greater clarity on the distinction between conventional and unconventional hydrocarbons and, where relevant, different forms of unconventional hydrocarbons

- 5.101 The Department of Energy and Climate Change (DECC), through the Oil and Gas Authority,⁴ is responsible for issuing licences which grant exclusivity to operators in the licencing area to explore and produce hydrocarbons. Responsibility for final consent for drilling also lies with DECC who will check with the Environment Agency and Health and Safety Executive (HSE) that they have no objections and review the operator's plans to minimise the risk of seismic activity before giving consent.
- 5.102 Each proposal site is assessed by the Environment Agency, who regulates discharges to the environment, issue water abstraction licences, and are statutory consultees in the planning process. The Environment Agency has issued guidance on this which notes that a mining waste permit will be required for drill cuttings, spent drill muds and drill fluids, flow-back fluids, waste gases and wastes left underground. A permit will also be needed if large quantities of gas are to be flared and for groundwater activities, depending on the local hydrology.
- 5.103 All drilling operations are subject to notification to the Health and Safety Executive, who will check operators' plans, assess engineering designs and reports and will be responsible for checking sites to ensure they are meeting the requirements of the relevant legislation. Before drilling begins the Health and Safety Executive regulations require that an independent and competent person examines the well's design and construction. Operators must also notify the Environment Agency of their intention to drill.
- 5.104 A key public concern in relation to hydraulic fracturing is the risk of earth tremors. The 2014 DECC publication 'Fracking UK Shale: Understanding Earthquake Risk' refers to the small tremors which took place following fracking activity at Preese Hall near Blackpool in 2011. It says "the tremors measured magnitude 2.3 and 1.5 on the Richter scale. Earthquakes of this size are not normally felt at the surface...[they]...were probably caused when frack fluids flowed into a geological fault, a crack running through one or more layers of the underground rocks". In 2012 DECC introduced measures to control seismic risks from fracking. Operators are now required to assess the location of any relevant faults before fracking operations can take place. Operators must submit to DECC a plan of operations starting with small test fractures before main operations and install real-time monitoring systems. Operators must stop and investigate if they detect tremors above the normal range. Where hydraulic fracturing operations are planned the EIA should also include a brief description of the proposed traffic light system for monitoring induced seismicity. Further guidance on the regulation for hydrocarbon proposals is set out in the 'Onshore Oil and Gas Exploration in the UK: regulation and best practice. A diagram illustrating the DECC 'traffic light' system is provided below.

Figure 15: Temporarily removed while establishing wording. Reinsert once wording amendments complete.

- 5.105 Planning guidance and case law makes it clear that Minerals Planning Authorities do not need to carry out their own assessments of potential impacts which are controlled by other regulatory bodies and that they can determine applications on the advice of those bodies without waiting for the related approval processes to be concluded. Although these issues will need to be determined through other regulatory frameworks their views will need to form part of the decision making process of the Minerals Planning Authority, to the extent that they relate to the use and development of land.

⁴ The Oil and Gas Authority is an Executive Agency of DECC, established in 2015

- 5.106 A range of other issues and impacts may be associated with exploration, appraisal and development of oil and gas resources, including visual impact and impacts on the landscape as a result of the presence of drilling rigs and other equipment, noise, vibration and air pollution and impacts from traffic. Traffic may be a particular consideration for shale gas development due to the need, in some cases, to bring in substantial quantities of water and other materials and to dispose of waste water. The availability of suitable water resources may also need to be considered. The potential for impact on health may be a key concern to local communities. The wider public health implications of development proposals can be a relevant planning consideration depending on the nature of the proposed development and other factors such as the location of the site.
- 5.107 As the distribution of possible gas resources in the Joint Plan area overlaps with a wide range of potentially sensitive locations and assets there is potential for conflict between development, and the benefits that could arise from this, and impacts on the environment and local amenity, including within particularly sensitive parts of the Plan area such as the North York Moors National Park and the Howardian Hills AONB. This suggests that it will be important to ensure that appropriate policy protection is in place.

Policy M16: Overall spatial policy for hydrocarbon development

Comment [MS61]: Greater consideration should be given to carbon emissions and the impact on climate change

Response to Comment:
Whilst this is noted, Policy D11 sets out requirements relating to sustainable design and operation of development. National Government Policy supports the principle of development of hydrocarbons, including shale gas and the Plan needs to be generally consistent with this approach.

Comment [MS62]: Need limits on traffic

Response to Comment:
It is not considered practicable to impose specific limits on traffic due to the wide variability in locational circumstances and the nature of the road network around the Plan area.

Comment [MS63]: M16 conflicts with D04 which allows exceptional circumstances

Response to Comment:
It is agreed that the wording of M16 should be revised to provide greater consistency.

Comment [MS64]: Common land and open access land shouldn't be considered for fracking

Response to Comment:
Noted. It is considered that such areas could be adequately protected through other policies in the Plan.

<p>Proposals for development of unconventional hydrocarbons, including proposals involving hydraulic fracturing, will not be supported where they are located within the National Park, AONBs, Heritage Coast, Protected Groundwater Source Areas and World Heritage Sites, Scheduled Monuments, Registered Historic Battlefields, Grade I and II* Registered Parks and Gardens, Special Areas of Conservation, Special Protection Areas, Ramsar sites and Sites of Special Scientific Interest.</p>	
<p>For conventional hydrocarbons development within and lateral hydraulic fracturing underneath designated areas identified above, applicants will need to demonstrate that all options for undertaking the development in other, non-designated, areas licenced to the applicant by DECC have been fully considered before bringing forward proposals in designated areas. Where such proposals are for appraisal or production and are located in, or in the case of hydraulic fracturing underneath, the National Park or AONBs these will be considered to comprise major development and will be refused except in exceptional circumstances in accordance with Policy D04.</p>	
<p>Where proposals are within or in close proximity to the National Park and AONBs special care must be taken to avoid harming the setting and/or special qualities of these designated areas. Hydrocarbons development which comprise 'straddling applications' will be assessed in accordance with Policy D04.</p>	
<p>Proposals for conventional and unconventional hydrocarbons development across the rest of the Plan area will be supported where it can be demonstrated that there would be no unacceptable impacts, taking into account proposed mitigation measures, on the environment or on local amenity or on the setting of heritage assets including the historic City of York and where they are consistent with other relevant policies in the Plan. Particular regard will be had to protecting designated Green Belt from harm resulting from hydrocarbons development.</p>	
<p>In determining proposals, consideration will be given to any cumulative impacts arising from other hydrocarbon development activity in proximity to the proposed development, including any impacts arising from successive hydrocarbons development taking place over substantial periods of time. Proposals will be supported where there would be no unacceptable cumulative impacts.</p>	
<p>Main responsibility for implementation of policy: NYCC , NYMNPA, CYC and District and Minerals industry</p>	
<p>Key links to other relevant policies and objectives</p>	
<p><i>M17, M18, M19, I02, S01, S05, D02, D03, D04, D05, D06, D07, D08, D09, D10, D12</i></p>	<p><i>Objectives 5, 6, 9, 10, 12</i></p>
<p>Monitoring: Monitoring indicator 16 (see Appendix 3)</p>	

Policy Justification

5.108 Natural gas was first discovered in the geology of the North York Moors in the 1940's. In the 1970's gas was extracted from a wellhead in the National Park and processed at a site in Pickering, however the operation ceased after a short period of time as a result of the wells producing water. In 1994 the Knapton gas and power generation plant was commissioned by Scottish Power with its gas supplies sourced from outside the National park within the Vale of Pickering at Kirby Misperton, Marishes, Cloughton and Pickering and production still continues. The operator of the Knapton plant has carried out some exploratory drilling within the North York Moors National Park with a view to extracting the gas and sending it through a pipeline to the processing plant. In the past the exploration and appraisal of gas resources has been carried out without harming the special qualities of the North

- Comment [MS65]:** Should have a no fracking policy
Response to Comment: It is considered that such an approach would be in direct conflict with national planning policy.
- Comment [MS66]:** All landscapes should be protected not just National Parks and AONBs
Response to Comment: Policy D06 provides protection to all landscapes, although it remains appropriate to reflect the hierarchy of designations and provide a degree of flexibility for development to take place.
- Comment [MS67]:** Shouldn't have a presumption against development of unconventional hydrocarbons within the specified areas as a matter of strategic policy
Response to Comment: It is important to ensure that a range of key assets in the Plan area, which are important to its distinctiveness and attractiveness to residents and visitors as well as for their own sake, are given a high degree of protection. It is agre ...
- Comment [MS68]:** Include accompanying Buffer Zone- comment received from Harrogate Borough Council in relation to D08.
Response to Comment: ...
- Comment [MS69]:** Consider greater protection of setting outside designated areas
Response to Comment: ...
- Comment [MS70]:** Need to include 2 mile buffer zone around designated protected areas
Response to Comment: ...
- Comment [MS71]:** Should not require consideration of alternatives outside NP and AONBs
Response to Comment: ...
- Comment [MS72]:** M16 needs to make reference to sensitive receptors within context of unacceptable impact
Response to Comment: ...
- Comment [MS73]:** Need more detailed criteria to protect amenity, businesses and tourism
Response to Comment: ...
- Comment [MS74]:** Green Belt should be protected from the effects from fracking
Response to Comment: ...
- Comment [MS75]:** Policy should be consistent with national Green Belt policy
Response to Comment: It is agreed that clarification of the position relatir ...
- Comment [MS76]:** Don't need to address cumulative impact in policy - leave to DM policies
Response to Comment: ...
- Comment [MS77]:** Broaden cumulative impact considerations to other human activities
Response to Comment: ...

York Moors, however each proposal will need to be assessed on its own merit.

- 5.109 The NPPF indicates that great weight should be given to conserving landscape and scenic beauty in National Parks and AONBs, which have the highest status of protection in relation to landscape and scenic beauty. The Government has set out through draft secondary legislation to the Infrastructure Act that fracking will not be supported at sites within National Parks, AONBs, protected groundwater source areas and world heritage sites. The Act also clearly prohibits hydraulic fracturing from taking place in any land at a depth of less than 1,000m. However, there is more ambiguity when considering the potential for lateral fracking under the National Park or other protected areas from locations beyond their boundary. It is considered that mining operations and drilling at any depth would constitute “development” as defined in the Town and Country Planning Act (“development” means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land) and therefore a straddling application would need to be submitted to both relevant authorities. As the Act only refers to fracking it is considered that the starting point in Policy M16 is that all applications for appraisal or production of unconventional and conventional hydrocarbons within the National Park and AONBs will be considered as major development and, should be steered away from these highly protected areas. Further details on how proposals are assessed in terms of the major development test are set out in Policy D04.
- 5.110 Although the Infrastructure Act and associated secondary legislation give specific protection to the types of designated areas referred to in para. 5.109 above, there are a wide range of other important designations and assets in the Plan area, some of which are of international or national significance. These include nature conservation sites (e.g. SACs, SPAs, Ramsar sites and SSSIs) and important historic environment assets such as Scheduled Monuments, Registered Historic Battlefields, Grade I and II* Registered Parks and Gardens, as well as nationally designated Heritage Coast. The development management policies in Chapter 9 of the Plan, including Policies D06, D07 and D08, provide specific policy protection for these and other assets, and will need to be taken into account as relevant in the determination of planning applications. However, given the significance of these important assets to maintaining the quality of environment and quality of life in the Plan area, it is considered appropriate to include a presumption against development of unconventional hydrocarbons within them as a matter of strategic policy in the Plan.
- 5.111 The National Park Authority’s key statutory duties are to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park and to promote opportunities for the understanding and enjoyment of its special qualities by the public. These purposes were originally stated in the 1949 Act and have more recently been restated in the Environment Act of 1995. Section 62 of the 1995 Act also inserted section 11A into the 1949 Act. That obliges all public authorities to have regard to the statutory purposes of the National Park when exercising their relevant functions. Major development close or adjacent to the boundary of these areas can have a significant impact on the qualities for which they were designated and therefore the impact of proposals on these areas should be carefully considered.
- 5.112 Although areas such as National Parks and AONBs are particularly significant constraints to future development of this nature, it is important that the whole of the Joint Plan area is provided with appropriate protection from potential harm to local communities and the environment as a result of hydrocarbons development, whether for conventional or unconventional resources. It will therefore be necessary for all proposals to demonstrate compliance with other relevant policies in the Plan, including Policies M17 and M18 and the development management policies in

Comment [MS78]: Need to recognise that all landscapes have value - European landscape convention
Response to Comment:
 This is already acknowledged elsewhere in the text of the Plan.

Comment [MS79]: Don't need to duplicate restrictions imposed by primary legislation
Response to Comment:
 It is considered important to include a comprehensive policy approach in the Plan given the potential scale and nature of development that could occur and in order to provide greater clarity to potential developers and other users of the Plan. It is agreed that the supporting text should provide further clarification on the role of other regulators and the relationship between their roles and the planning system.

Chapter 9.

- 5.113 The relatively flat and low lying landscape of York allows for long distance views of the Minister and other landmark buildings, which are integral to the setting of the Historic City. For this reason applicants will need to carefully consider the setting of the City when designing and siting proposals and ensure there are appropriate mitigation measures to prevent any harm. Where proposed development would be located in the Green Belt consideration will also need to be given to the effect of proposals on the purpose of the Green Belt designation. Further details on the Green Belt can be found in Policy D05.
- 5.114 The nature of hydrocarbons development, particularly for unconventional hydrocarbons such as shale gas, means that development may be proposed incrementally within a given area, potentially over substantial periods of time. This may arise as a result of the need to drill progressively more wells, or re-fracture existing wells, in order to extend production or stimulate the flow of gas in a given location and in order to ensure an appropriate return on investment on items such as processing infrastructure. This has the potential to lead to cumulative impacts as more development is proposed in a given area, and to the potential for incremental increase in impacts on the environment or local communities. It will be important to ensure that any such impacts are assessed and taken into account in considering proposals for hydrocarbons development. In this respect it is unlikely that hydrocarbons development on a substantial scale and/or over substantial periods of time, particularly where multiple surface sites are likely to be required, will be considered acceptable within the Green Belt or in other sensitive locations.

SA/SEA**Summary of Sustainability Appraisal Findings**

This Policy exhibits a range of mostly neutral or neutral to minor negative effects. This is because in the main it provides a high level of protection for environmental and social factors when considered in combination with other policies in the Plan. This enables objectives such as biodiversity, water, historic environment air and health to report either insignificant or insignificant to minor residual effects after mitigation required by the plan is taken into account.

Some effects are more significantly negative. For instance, because hydrocarbons are a non-renewable fossil fuel, this form of development can only be negative for the materials resources objective. In addition, traffic effects were minor negative as, while the Policy requires consideration of other policies such as M17 which requires transport assessment, there is some concern that rural areas may receive more traffic, albeit within the capacity of the road and within acceptable levels in terms of their impact, while uncertainty remains that traffic assessment would always be sufficiently broad in scope to accurately capture cumulative traffic impacts. Local rights of way may also be affected by views of development of industrial character even after mitigation is applied.

The Policy also has a number of mixed effects, for example on the economy and population objectives as it supports jobs and the provision of energy, though the locational restrictions in the Policy could limit the potential for this whilst at the same time helping to protect the existing rural or visitor economy. Mixed effects are reported for climate change as on the one hand shale gas may generate significant traffic movements, while on the other hand it may provide a domestic source of gas that could offer an alternative to liquid natural gas (LNG) and coal, resulting in carbon savings, though this is uncertain as it also depends on higher level policy decisions made by energy providers and government.

Uncertainty occurs at a number of points in the assessment as the scale of development, along with any supporting development, is to an extent unknown.

Recommendations

While it is considered that the policy could do little else to effectively manage this type of development, the SA highlighted an uncertainty in relation to the quality of transport assessments. To ensure that high quality assessments are received the SA should include an indicator to monitor transport assessments and their consideration of cumulative issues.

Overall Summary of Reasons for Change

As a result of the rapidly increasing interest (both within local communities and other sectors) in this issue, and in response to the range of comments received at Preferred Options consultation stage, the hydrocarbons policies in the Plan have been reviewed and substantially revised and expanded in order to provide a more comprehensive policy response to this issue. The policies are intended to set out a robust approach to protection of the environment, local communities and other aspects of the area whilst providing flexibility for suitably located and managed development to take place, in line with the principles of sustainable development.

Development of Policy M17: Other spatial and locational criteria applying to hydrocarbon development.

Part 1 - Issues and Options to Preferred Options

Policy id25: Gas development (exploration and appraisal)

<i>Options presented at Issues and options stage</i>	Option1: This option would support development for the purposes of exploration and appraisal for gas (where such development would be consistent with other strategic policies in the Plan) where the site has been selected to minimise any adverse impacts on the environment, amenity and on transport considerations resulting from the exploration and appraisal activity, so far as practicable taking into account the geological target being explored or appraised, and subject to particularly high standards of siting, design and mitigation where any development is proposed within or in close proximity to the National Park or AONBs and in locations which may impact on the townscape and setting of the historic City of York.
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What the SA told us

This option requires the consideration of environmental, amenity and transport effects in relation to gas exploration and appraisal. This, when considered alongside the regulatory regime, is likely to have predominantly positive effects in ensuring that any adverse impacts as result of this are minimised and locations are chosen which are not significantly affected, though some residual effects may remain. However, due to the nature of exploration, development may be proposed in locations which conflict with landscape or other designations. This would need to be balanced against the potential economic benefits from exploration as well as other social and environmental effects.

Number of consultation responses

Total Number of comments against id:	42	
Question 63: Do you agree with the option presented above?	Yes: 9	No: 7
	Did Not Specify: 3	
Question 64: Are there any alternatives that you would like the Authorities to consider in relation to gas developments (exploration and appraisal)?	Number of respondents: 12 (SC/ 2 MWI/ Local Authorities)	
Question 65: Are there any additional	Number of respondents: 11	

specific criteria that should be included?
Brief overview of consultation responses
<p>General: One respondent considered this id box to contradict Option 1 of id23 and expressed no further views.</p> <p>Key Messages Q63: Opinion was broadly mixed regarding the suitability of the Option presented. One respondent highlighted that the landscape and visual intrusion impacts of exploration and appraisal are temporary and reversible.</p> <p>Key Messages Q64: A range of alternative options were suggested in the responses, these are detailed in the 'Suggested new options Chapter 5 – Minerals table' along with justification as to why they have or have not been taken forward. Any realistic alternatives are summarised and worked up below.</p> <p>Proposed Option 2</p> <ul style="list-style-type: none"> Do not include any specific criteria within the Plan for the exploration and appraisal of oil and gas, instead rely on National Policy in the NPPF. <p><i>Suggested approach</i> <i>This option would not set out specific support for exploration and appraisal for oil and gas but would instead rely on policy contained in the NPPF. Specifically in relation to oil and gas exploration and appraisal, the NPPF requires constraints to be addressed on production and processing within licensed areas.</i></p> <p>One suggested alternative was to remove the words 'or in close proximity to...' suggesting that there should be particularly high standards of siting, design and mitigation within the National Park and AONBs but NOT in the area surrounding it, this has been covered by id61 but should not include Option 3 so may need to consider this in development of the policy.</p> <p>Other points put forward which should be considered during the development of this policy at Preferred Option stage are to use the term hydrocarbon instead of gas, the word 'minimise' in the option should be changed to 'mitigate' and the option implies that the visual impact of development outside, but close to the boundary, of the National Park is a material consideration, but this should only be relevant if the development is actually visible from the National Park.</p> <p>Key Messages Q65: A wide range of views regarding possible additional criteria that could be included were received but the existing option already included minimising impact on environment, amenity and transport.</p>
SA of options including alternatives
<p>Summary of assessment</p> <p>Option 1 requires the consideration of environmental, amenity and transport effects in relation to gas exploration and appraisal. This, when considered alongside the regulatory regime, is likely to have predominantly positive effects in ensuring that any adverse impacts as a result of this are minimised and locations are chosen which are not significantly affected, though some residual effects may remain. However, due to the nature of exploration, development may be proposed in locations which conflict with landscape or other designations. This would need to be balanced against the potential economic benefits from exploration as well as other social and environmental effects.</p> <p>Option 2 would result in the absence of a specific framework within the plan for assessing the effects relating to gas exploration and appraisal and guiding the location of such development and it is considered that this may result in negative impacts on a number of the SA objectives. In the medium and longer term there is much uncertainty in relation to Option 2 as national policy in relation to gas exploration and appraisal is evolving fairly rapidly and effects would depend upon the national policy that is in place at the time.</p>

Revised recommendations

Option 1 should be pursued as this criteria-based approach provides guidance and standards specific to gas exploration and appraisal and provides greater certainty in the medium to long term. It is recommended that Option 1 is extended to include more detail as to social factors to be considered, such as effects on safety and local economy.

Joint Authorities response to consultation responses

The views of many respondents were that fracking should not be supported at all. Although the Government has set out its intention to ban fracking in National Parks, AONB's and on SSSIs they remain clear that fracking in other areas remains a priority. If the Joint Minerals and Waste Plan included a policy which banned fracking across the plan area it would be considered contrary to National Policy Guidance. The preferred option policy is considered to set robust criteria against which proposals will be considered. Although this policy does not ban fracking it will ensure that a robust assessment is undertaken to address the fears that are associated with the process of fracking.

One of the comments raised which opposed the proposed option was that proposals for exploration and appraisal were temporary and therefore had limited impact on the landscape. Although many proposals of a temporary nature may not have adverse impacts each case will need to be assessed on its individual merits. The preferred option policy is intended to support proposals where they do not cause harm.

One suggestion from respondents was that the term hydrocarbons should be used instead of gas and this has been carried forward in the drafting of the preferred options policies.

A number of alternatives were suggested one of which was that conventional and unconventional gas should be treated separately in terms of policy. Although the process for the appraisal and extraction of unconventional hydrocarbon development is different from that of conventional hydrocarbons the criteria against which applications will be assessed are the same. For this reason it was not considered appropriate to set different policies for conventional and unconventional hydrocarbons.

Evidence Base Updates

Since the consultation on the Issues and Options took place the Government has issued a Ministerial Statement, which said that applications for major development for unconventional hydrocarbons should be refused in National Parks and AONBs except in exceptional circumstances and where it can be demonstrated that they are in the public interest. Although the guidance is not clear on the treatment of unconventional hydrocarbons it is considered that major developments for these resources should also need to demonstrate they meet the major development test requirements as set out in paragraph 116 of the NPPF.

Since this Ministerial Statement the Government has given a clear steer through amendments to the Infrastructure Bill that fracking is not appropriate in certain highly designated areas including National Parks AONBs, SACs, SPAs and SSSIs. However there is no clear stance on proposals for conventional hydrocarbons. For this reason it is considered appropriate to apply the requirements of paragraph 116 (the Major Development Test) when considering applications for major development in the National Park or AONBs. There is no clear guidance as to the approach where development is not considered to be major development and therefore the policy will need to set out criteria against which these types of applications will be considered.

<p>Duty to Cooperate</p> <p>Is this a Duty to Cooperate matter? No</p> <p>This policy is not considered to raise any issues in relation to the duty to co-operate.</p>
<p>Discussion around development of preferred options approach</p> <p>Only one option was consulted upon and the majority of respondents agreed with the approach.</p> <p>Many of the respondents did not support unconventional gas development, however as this is contrary to the Government's aims in areas outside National Parks, AONBs, SACs, SPAs and SSSIs a general presumption against development is not considered an appropriate option. Nevertheless the preferred option will include criteria to protect water sources and the other issues raised by respondents.</p> <p>Exploration and appraisal for hydrocarbons may involve seismic surveys and exploratory drilling. This stage is temporary and for exploratory purposes only and therefore as long it doesn't cause significant harm to the area, proposals should be supported in principle. This follows the advice set out in the Planning Guidance which states that planning authorities should not take account of future activities at the exploration stage, although where EIA is required it may be necessary to consider this.</p> <p>This approach is consistent with the comments to the consultation at Issues and Options stage. References to the setting of proposals will be clarified in the Development Management Section particularly in reference to design of developments. This policy will also ensure high levels of design outside protected areas, as requested by respondents.</p> <p>In response to the comments received, further details will be included in the supporting text on all the other regulatory regimes and their responsibilities.</p>
<p>Preferred policy approach – title changed to M17: Exploration and appraisal for hydrocarbon resources</p> <p>Proposals for the exploration and appraisal of hydrocarbon resources will be supported where they are considered to be in accordance with the overall spatial policy as set out in Policy M16 for onshore hydrocarbon development and the following requirements are met:-</p> <ul style="list-style-type: none"> • any unacceptable adverse impact on the environment, local amenity, and heritage assets is avoided or can be appropriately mitigated so far as practicable taking into account the geological target being explored or appraised; and • a robust assessment has been carried out to demonstrate that there will be no harm to the quality and availability of ground and surface water resources, harm will not arise from ground stability considerations and that public safety can be adequately protected; and • development would be consistent with other relevant policies in the Plan. <p>Supporting Text</p> <p>Exploration may initially begin with seismic investigations to identify prospective structures and may not require planning permission, but applicants must notify the Minerals Planning Authority. Exploration for hydrocarbons can only take place where the gas is located and typically takes the form of drilling a well, which will normally consist of a vertical well and potentially a small number of lateral extensions. These wells are designed to log and take samples of rock ('core') in order to acquire the geological data from the potential hydrocarbon</p>

layers of interest. However in the case of shale gas exploration and appraisal hydraulic fracturing may be required. This stage takes place over a short period of time (typically around 12 to 25 weeks, after which the well is capped and the site vacated) and therefore as long it doesn't cause significant harm to the environment or local amenity because of the proposed location of the development, proposals should be supported. This follows the advice set out in the Planning Guidance which states that planning authorities should not take account for future activities at the exploration stage.

The National Planning Guidance says that it is unlikely that an Environmental Impact Assessment will be required for exploratory drilling operations which do not involve hydraulic fracturing. However when considering the need for an assessment it is important to consider factors such as the nature, size and location of the proposed development.

Where the exploratory stage has proven the existence of oil and gas the operator will need to test the resource to establish whether it can be economically exploited. The testing of hydrocarbons can take a number of forms and may involve additional seismic work, longer term flow tests or the drilling of further wells. The exploration and appraisal of shale gas resources is likely to involve hydraulic fracturing followed by flow testing in order to establish the economic viability of the resource and its potential productive life. Proposals for the appraisal stage must address the implications, where relevant, of noise, dust, air quality, lighting, visual impact on the local and wider landscape, archaeological and heritage features; traffic; risk of contamination to land; soil resources; impact on best and most versatile agricultural land; blast vibration; flood risk; land stability/subsidence including as a result of the presence of faults; internationally, nationally or locally designated wildlife sites, protected habitats and species, and ecological networks; impacts on nationally protected landscapes (National Parks, the Broads and Areas of Outstanding Natural Beauty); nationally protected geological and geo-morphological sites and features; site restoration and aftercare; surface and ground water resource and pollution issues. When determining applications for the testing of unconventional hydrocarbon resources additional details will also be required on the geological structure, including faulting information,

All drilling operations are subject to notification to the Health and Safety Executive. Each proposal site is assessed by the Environment Agency who regulates discharges to the environment, issue water abstraction licences, and are statutory consultees in the planning process. The Environment Agency has issued guidance on this which notes that a mining waste permit will be required for drill cuttings, spent drill muds and drill fluids, flow-back fluids, waste gases and wastes left underground. A permit will also be needed if large quantities of gas are to be flared and for groundwater activities, depending on the local hydrology.

Links to Objectives and Policies

Link to Objectives:

Objective 5

Objective 6

Objective 9

Objective 10

Links to other relevant policies

Id25: Overall spatial policy for hydrocarbon development

Id26: Production and processing of hydrocarbon resources

Id28: Carbon and gas storage

Id56: Locations for ancillary infrastructure

Id57: Minerals ancillary infrastructure safeguarding

Id59: Local amenity and cumulative impacts

Id61: North York Moor National Park and AONBs

<p><i>Id62: Minerals and waste development in the Green Belt</i> <i>Id63: Landscape</i> <i>Id64: Biodiversity and geodiversity</i></p>
<p>SA/SEA</p>
<p>Summary of assessment</p> <p>The preferred policy mostly acts as a positive safeguard against the main impacts of hydrocarbon exploration and appraisal, particularly as it combines with preferred policy M16 and other policies such as the development control policies, though uncertainty is noted as these other policies are as yet unadopted.</p> <p>There are, however, some minor negative effects. These stem largely from the fact that despite the strong protection in the policy combined with other plan policies, residual effects which are difficult to avoid or mitigate for will remain. For instance, historic environment character, landscape character, biodiversity, community vitality and health and wellbeing were all objectives which reported this residual risk.</p> <p>The climate change objective reported outright minor negative effects as the policy ultimately supports hydrocarbon exploration and appraisal development which could cause release of fugitive methane or cause emissions of CO2 from traffic, soils and through the embodied energy of structures on site. A major conflict with the minimising resource use objective was also recorded as proposals brought forward under this policy could eventually lead to non-renewable resource extraction.</p> <p>Recommendations</p> <p>A potential approach to reducing resource intensity, waste and climate change impacts could be through better links to policy D11 'Sustainable Design, Construction and Operation of Development' (which requires 'minimisation of waste generated by new minerals and waste development' and 'reduction or minimisation of greenhouse gases') by listing it in the 'key links to other relevant policies and objectives'.</p>

Part 2- Preferred options to Publication

<p>Consultation Responses to Preferred Options</p> <p>Exploration, Appraisal and Production</p> <p>5.115 National policy requires mineral planning authorities to distinguish, in their local policies, between the three main phases of oil and gas development (exploration, appraisal and production).</p> <p>Policy M17: Exploration and appraisal for hydrocarbon resources</p> <p>Proposals for the exploration and appraisal of hydrocarbon resources will be supported where they are considered to be in accordance with the overall spatial policy as set out in Policy M16 for onshore hydrocarbon development and the following requirements are met:</p> <ul style="list-style-type: none"> i) any unacceptable adverse impact on the environment, local amenity, and heritage assets is avoided or can be appropriately mitigated so far as practicable taking into account the geological target being explored or appraised; and ii) a robust assessment has been carried out to demonstrate that there will be no harm to the quality and availability of ground and surface water resources, harm will not arise from ground stability considerations and that

- Comment [MS80]:** The plan should focus on the exploration stage and development of a vision for future stages

Response to Comment: Whilst it is accepted that there are significant uncertainties at this stage about the outcome of any further exploration work, it is considered important that the Plan sets out a comprehensive approach at this stage, bearing in mind the potential for the Plan to be reviewed in the light of changing circumstances including significant new evidence.
- Comment [MS81]:** Need more flexible policy approach for exploration stage

Response to Comment: Whilst proposals for exploration of hydrocarbons development may be of relatively short term duration, it is considered that, given the range of sensitive assets in the area and the potential for exploration activity to give rise to significant adverse impact, the potential for a more flexible approach may be limited. However it is agreed ...
- Comment [MS82]:** Delete ref to policy M16 in M17 as it duplicates criterion 4 of M17

Response to Comment: Agreed. This is addressed through the revised structure of the Policy.
- Comment [MS83]:** Don't try to apply to all hydrocarbons controls which are only intended to apply to fracking. Need more explanation of what controls apply to what forms of development

Response to Comment: ...
- Comment [MS84]:** Proposed developments should be at least 1 mile from the nearest property, home, school, water protection zone. Each fracking site should be 6 miles apart and located next to A roads

Response to Comment: ...
- Comment [MS85]:** Stronger protection of communities and environment is needed

Response to Comment: It is considered that the Policies could be revised to provide a greater degree of protection to the cumulative impac ...
- Comment [MS86]:** M17 should require an assessment, not robust assessment as not necessary to provide as much detail at planning stage as for other regulatory regimes

Response to Comment: ...
- Comment [MS87]:** Shouldn't require 'no harm' to water EA will control this and will accept non-hazardous pollutants

Response to Comment: ...
- Comment [MS88]:** Should protect all classes of groundwater source areas - zones 1, 2 and 3

Response to Comment: Noted, although it is considered that the priority should be to ensure protectio ...

<p>public health and safety can be adequately protected;</p> <p>iii) following completion of exploration and/or appraisal any wells are sealed to prevent the risk of any contamination of ground or surface waters or any emissions to air; and</p> <p>iv) development would be consistent with other relevant policies in the Plan.</p>	
<p>Main responsibility for implementation of policy: NYCC , CYC, NYMNPA and Minerals industry</p>	
<p>Key links to other relevant policies and objectives</p>	
<p><i>M16, M18, M19, I02, S05, D02, D03, D04, D05, D06, D07, D08, D09, D10, D11, D12</i></p>	<p><i>Objectives 5, 6, 9, 10, 12</i></p>
<p>Monitoring: Monitoring indicator 17 (see Appendix 3)</p>	

Comment [MS89]: Policy should allow for wells to remain suspended whilst other exploration activity takes place in the area as may need revisiting - add ref to 'wells that are not to be retained for further hydrocarbon development are sealed...'
Response to Comment:
 It is agreed that this should be reflected in the wording of policy relating to restoration of hydrocarbons development.

Comment [MS90]: Add ref in M17 to where wells are to be retained for further hydrocarbon development, that measures are put in place to prevent contamination of ground and surface waters and emissions to air, where this is not controlled by other regulatory regimes.
Response to Comment:
 It is agreed that this should be reflected in the wording of policy relating to restoration of hydrocarbons development.

Policy Justification

- 5.116 Exploration may initially begin with seismic investigations to identify prospective structures and may not require planning permission, but applicants must notify the Minerals Planning Authority. Exploration for hydrocarbons can only take place where the gas is expected to be located (i.e. the geological 'target') and typically takes the form of drilling a well, which will normally consist of a vertical well and potentially a small number of lateral extensions. These wells are designed to log and take samples of rock ('core') in order to acquire the geological data from the potential hydrocarbon layers of interest. However in the case of shale gas exploration and appraisal hydraulic fracturing may be required. This exploration stage usually takes place over a relatively short period of time (typically around 12 to 25 weeks, after which the well is capped and the site vacated). Therefore, as long as the activity would not cause significant harm to the environment or local amenity, as a result of the proposed location or specific nature of the development, proposals should be supported. This approach follows the advice set out in National Planning Guidance, which states that planning authorities should not, at the exploration stage, take account of potential future activities, which would need to be considered on their own merits. There is therefore no presumption that sites considered suitable for exploration or appraisal activity will necessarily be considered suitable for subsequent production activities.
- 5.117 National planning guidance indicates that it is unlikely that an Environmental Impact Assessment will be required for exploratory drilling operations which do not involve hydraulic fracturing. However, when considering the need for an assessment it is important to consider factors such as the nature, size and location of the proposed development before a definitive view can be taken and applicants should seek advice on this matter as necessary, particularly in sensitive areas where thresholds don't apply e.g. National Parks and AONBs.
- 5.118 Where the exploratory stage has proven the existence of hydrocarbons, the operator may wish to test the resource to establish whether it can be economically exploited. The appraisal of hydrocarbons can take a number of forms and may involve additional seismic work, longer term flow tests or the drilling of further wells. The appraisal of shale gas resources is likely to involve hydraulic fracturing followed by flow testing in order to establish the economic viability of the resource and its potential productive life.
- 5.119 Proposals for the exploration and appraisal stage must address the implications, where relevant, of a wide range of matters including traffic, noise, dust, air quality, lighting, visual impact on the local and wider landscape, archaeological and heritage features; traffic; risk of contamination to land; soil resources; impact on best and most versatile agricultural land; blast vibration; flood risk; land stability/subsidence;

Comment [MS91]: Provide greater protection to visual intrusion, noise, light, water and air
Response to Comment:
 It is agreed that the Plan should include criteria for this. These are also covered in the development management policies in the Plan.

internationally, nationally or locally designated wildlife sites, protected habitats and species, and ecological networks; impacts on nationally protected landscapes (National Parks and Areas of Outstanding Natural Beauty); nationally protected geological and geo-morphological sites and features; surface and ground water resource and pollution issues; and the need for site restoration and aftercare; When determining applications for the testing of unconventional hydrocarbon resources additional details will also be required on the geological structure, including faulting information and the potential for seismic events.

Comment [MS92]: Should protect all classes of groundwater source areas - zones 1, 2 and 3
Response to Comment:
 Noted, although it is considered that the priority should be to ensure protection of the most sensitive source areas, in line with legislation.

5.120 Whilst there are a wide range of matters which need to be taken into account in considering proposals, there are a number of specific considerations which may give rise to significant concern to local communities, particularly in relation to development of unconventional hydrocarbons. These include the potential for pollution to water supplies, for example as a result of contamination from fracking fluids, the potential for earth tremors to be triggered and protection of public health and safety. As noted earlier in this Section, other regulatory frameworks exist in relation to control of these matters. However, it is recognised that wider public interest considerations may exist and that relevant land use planning considerations may arise in relation to them. The Mineral Planning Authorities will therefore expect applicants for these forms of development to provide a robust assessment of any potential impacts and to include comprehensive proposals for mitigation and control where necessary.

5.121 All drilling operations are subject to notification to the Health and Safety Executive. Each proposal site is assessed by the Environment Agency who regulates discharges to the environment, issue water abstraction licences, and are statutory consultees in the planning process. The Environment Agency has issued guidance on this which notes that a mining waste permit will be required for drill cuttings, spent drill muds and drill fluids, flow-back fluids, waste gases and wastes left underground. A permit will also be needed if large quantities of gas are to be flared and for groundwater activities, depending on the local hydrology. Following completion of drilling and appraisal activities, any wells not to be used for subsequent production should be sealed so as to ensure there is no risk of contamination of ground and surface waters or uncontrolled emissions to air.

SA/SEA

Summary of Sustainability Appraisal Findings

The policy mostly acts as a positive safeguard against the main impacts of hydrocarbon development, with some level of positive effect on most of the SA objectives, particularly the water, transport, air, community and health SA objectives. Some uncertainty is highlighted for the transport objective due to uncertainties over the quality of transport assessments, and there is also uncertainty pertaining to climate change as it is not known to what extent features such as pipelines would indirectly generate carbon through their lifecycle. There are also mixed positive and negative scores for the sustainable economy objective because, while policy protects local economies, for developers the policy may be seen as quite restrictive.

We have scored this assessment in terms of the effect it would have on the plan’s approach to hydrocarbons rather than its effect on the baseline, which is covered by the assessment of M16 in combination with these policies.

Recommendations

See the recommendation for monitoring transport assessments made at Policy M16.

Overall Summary of Reasons for Change

As a result of the rapidly increasing interest (both within local communities and other sectors) in this issue, and in response to the range of comments received at Preferred

Options consultation stage, the hydrocarbons policies in the Plan have been reviewed and substantially revised and expanded in order to provide a more comprehensive policy response to this issue. The policies are intended to set out a robust approach to protection of the environment, local communities and other aspects of the area whilst providing flexibility for suitably located and managed development to take place.

Development of Policy M18: Other specific criteria applying to hydrocarbons development

Part 1 - Issues and Options to Preferred Options

Policy id26: Gas developments (production and processing)		
<i>Options presented at Issues and options stage</i>	<p>Option 1: This option would support the development of new gas production and processing facilities (where such development would be consistent with other strategic policies in the Plan including any policy seeking the co-ordinated use of gas processing infrastructure) where the site has been selected to minimise any adverse impacts on the environment, amenity and public safety and on transport considerations. Preference would be given to the siting of any significant new processing facilities on brownfield, industrial or employment land, particularly locations where any opportunities for use of combined heat and power can be utilised. Transportation of gas from locations of production to any remote processing facilities would be expected to be via underground pipeline, with the routing of pipelines selected to have the least environmental or amenity impact. Particularly high standards of siting, design and mitigation would be required where any development is proposed within or in close proximity to the National Park or AONBs and in locations which may impact on the townscape and setting of the historic City of York.</p> <p>Option 2: This option would be the same as Option 1 but would also support gas production and processing on greenfield sites and at locations away from existing industrial and employment land.</p>	
What the SA told us		
The assessment reveals that Option 1 would score more positively than Option 2 in a range of areas due to the preference for use of brownfield land over greenfield land. In particular, Option 2 would lead to the loss of soils and, potentially, high quality agricultural land. It may also exacerbate rainwater run-off through loss of permeable land and, in some circumstances, the loss of the areas of habitat that provide a climate regulation function. Some uncertainties, but no negative effects, are identified under Option 1.		
Number of consultation responses		
Total Number of comments against id:	27	
Question 66: Do you have an initial preference for any of the options presented above?	Option 1: 10 (1 SC)	None: 1
	Option 2: 6 (1 SC/3 MWI)	Did Not Specify: 4
Question 67: Are there any alternatives that you would like the Authorities to consider in relation to gas developments (production and processing)?	Number of respondents: 6	
Brief overview of consultation responses		
<p>Key Messages Q66: Several respondents suggested specific wording which should be incorporated into the policy if policy 2 were to be taken forward, including replacement of 'minimise' with 'mitigate' and removal of the phrase 'or in close proximity to...' (Referring to the National Park or AONBs). It was considered that the requirement for 'particular high standards' (Option 1) should be applied consistently across the whole Plan area. It was also considered that the Plan should be flexible to allow schemes with the least environmental effects to be taken forward. Several respondents disagreed with the presumption in favour of development, oil and gas is not considered to be 'sustainable'.</p>		

<p>Key Messages Q67: A range of alternative options were suggested in the responses, these are detailed in the ‘Suggested new options Chapter 5 – Minerals table’ along with justification as to why they have or have not been taken forward. No realistic alternative options have been put forward to be considered but some points were raised which need to be considered during the progression to Preferred Options. The term ‘hydrocarbons’ instead of gas, the word ‘minimise’ in the policy should be replaced with ‘mitigate’ and consideration should be given to the issue of coal mining legacy when developers are considering processing and production of gas.</p>
<p>SA of options including alternatives</p>
<p>N/A</p>
<p>Joint Authorities response to consultation responses</p>
<p>Some respondents felt that the wording which requires particularly high standards of design within or in close proximity to the National Park, AONBs or the setting of York essentially waters down the standards expected elsewhere in the plan area. This issue is now addressed in the policy for the overall spatial options for hydrocarbons but now refers to the “special care” which needs to be taken where proposals are in close proximity to these areas. More explicit reference is now also given in the policy on the standards expected across the plan area.</p> <p>In order to address concerns about the terminology of the options the preferred options policy now refers to “hydrocarbons”.</p>
<p>Evidence base</p>
<p>Since consultation on the Issues and Options took place the Government has issued a Ministerial Statement, which says that applications for major development for unconventional hydrocarbons should be refused in National Parks, the Broads and AONBs except in exceptional circumstances and where it can be demonstrated that they are in the public interest. This guidance has subsequently been amended by changes to the Infrastructure Bill which says that proposals for fracking should not be supported in National Parks, AONBs, SACs, SPAs and SSSIs. However as the Bill and Ministerial Statement are silent on the approach to be taken for conventional oil and gas it is considered appropriate to apply the major development test where necessary.</p>
<p>Duty to Cooperate</p>
<p>Is this a Duty to Cooperate matter? No This policy is not considered to raise any issues in relation to the Duty to Co-operate.</p>
<p>Discussion around development of preferred options approach</p>
<p>Many comments received suggested that Shale Gas development should not be supported. However this approach would not be consistent with National Policy so is not considered an appropriate option unless the sites are located in the National Park, AONBs or on SSSIs. The majority of respondents said that option 1 was their preferred approach “aim to direct all gas developments (including production and processing) to locations outside of the National Parks and AONBs, where viable alternatives to these locations exist”. The proposed amendments to the infrastructure Bill ban fracking in National Parks, AONB’s and in SPAs, SACs and SSSIs, however remained silent on the extraction of conventional resources. The NPPF states that major development in National Parks and AONBs should be refused except in exceptional circumstances and where it can be demonstrated they are in the public interest. For this reason all applications for conventional hydrocarbons in the National Park and AONBs will need to meet the requirements of the Major Development Test and this approach is set out in the overall spatial policy.</p>

The Sustainability Appraisal highlighted some issues in relation to the effects of option 2 in relation to best and most versatile agricultural land. In order to address this issue the approach has been set out in the preferred option policy.

As set out in the response to id24, issues in relation to the co-ordination of gas extraction policy have now been incorporated into this policy. This policy also cross refers to the locations where extraction and processing of hydrocarbons will be supported, which is set out in the overall spatial policy. The overall spatial policy is clear that fracking will not be supported in the National Park, AONBs or in SPAs, SACs and SSSI sites and therefore it is not considered appropriate to repeat this approach in the preferred option policy.

At issues and options the extraction and processing of hydrocarbon resources were separated out between conventional and unconventional resources. However from a planning decision making point of view the issues which need to be considered are similar and therefore the options have been combined in the preferred option policy with specific mention being made of the particular issues which surround fracking.

Preferred policy approach – title changed to M18: Production and processing of hydrocarbon resources

Proposals for the production and processing of hydrocarbon resources will be supported where they are in accordance with the overall spatial policy as set out in Policy M16 for onshore hydrocarbon development and the following requirements are met:-

- Any unacceptable impact on the environment, local amenity and heritage assets is avoided or can be appropriately mitigated. Where proposals are for unconventional resources particular care will need to be given to demonstrate that there will be no harm to the quality and availability of ground and surface water resources, harm will not arise from ground stability considerations and that public safety can be adequately protected; and
- Transportation of gas from locations of production, including to any remote processing facilities, will be via underground pipeline, with the routing of pipelines selected to have the least environmental or amenity impact; and
- Proposals are in accordance with other relevant policies in the plan.

Where practical, a co-ordinated approach should be adopted through the preferential use and/or adaptation of any available and suitable processing and transport infrastructure for the processing and transport of any new gas finds. In relation to any development of new gas resources not accessible to available and suitable processing infrastructure, preference will be given to siting of new processing infrastructure on brownfield, industrial or employment land, particularly where there are opportunities for use of combined heat and power. Where this requirement cannot be met applicants should seek to steer new development sites away from best and most versatile quality agricultural land. The Minerals Planning Authority will support co-ordination between licence operators and encourage the development of shared processing infrastructure where this will help reduce overall impacts on the environment and local amenity.

At the end of production facilities should be dismantled and the site restored to its former use or other agreed use in accordance with Policy D10 Reclamation and after-use of minerals and waste sites.

Supporting text

The production phase of hydrocarbon development usually involves the drilling of a number

Comment [MS93]: Stronger protection of communities and environment is needed

Response to Comment

It is considered that the Policies could be revised to provide a greater degree of protection to the cumulative impacts on local communities and the environment from hydrocarbons development

Comment [MS94]: Traffic Impact Assessment and Traffic Routing Plans should be required

Response to Comment

It is agreed that a requirement for transport assessment should be included and that criteria should be identified to ensure that unacceptable transport impacts do not arise

of wells, which may be at the sites drilled at exploration or testing stages. In addition to the wellhead equipment, development is likely to comprise pipelines for gas transport where processing is to take place away from the well sites and processing equipment, including potentially plant for generation of power using the gas produced. Proposals must address the implications where relevant of noise, dust, air quality, lighting, visual impact on the local and wider landscape, archaeological and heritage features; traffic; risk of contamination to land; soil resources; geological structure, including faulting information; impact on best and most versatile agricultural land; blast vibration; flood risk; land stability including as a result of the presence of faults; internationally, nationally or locally designated wildlife sites, protected habitats and species, and ecological networks; impacts on nationally protected landscapes (National Parks, the Broads and Areas of Outstanding Natural Beauty); nationally protected geological and geo-morphological sites and features; site restoration and aftercare; surface and groundwater resource and pollution issues.

The production of an oil or gas field can last up to 20 years, however it is important to ensure the applicants provide appropriate details setting out how the site will be restored to an appropriate after use when operations cease.

Once the hydrocarbons are extracted they will need to be taken away by pipeline or processed. Due the scale and nature of processing facilities and the sensitive locations in which they may sometimes be proposed it is considered appropriate to share or co-locate facilities where this is feasible and viable, in order to minimise overall impacts. Where co-location is not proven to be practicable the priority should be for facilities to be located on brownfield sites, industrial or employment land or, where necessary on land of lower agricultural quality.

Links to Objectives and Policies

Link to Objectives:

Objective 5
Objective 6
Objective 9
Objective 10
Objective 12

Links to other relevant policies

Id23: Overall spatial policy for hydrocarbon development
Id25: Exploration and appraisal of hydrocarbon resources
Id28: Carbon and gas storage
Id56: Locations for ancillary infrastructure
Id57: Minerals ancillary infrastructure safeguarding
Id59: Local amenity and cumulative impacts
Id61: North York Moor National Park and AONBs
Id62: Minerals and waste development in the Green Belt
Id63: Landscape
Id64: Biodiversity and geodiversity
Id67: Strategic approach to reclamation and afteruse

SA/SEA

Summary of assessment

There are a range of mixed effects from this option, though it is more positive than negative. The preferred policy mostly acts as a positive safeguard against the main impacts of hydrocarbon extraction, particularly as it combines with preferred policy M16 and other policies such as the development control policies, though uncertainty is noted as these other policies are as yet unadopted.

There are, however, some negative effects. These stem largely from the fact that despite the

strong protection in the policy combined with other plan policies, residual effects which are difficult to avoid or mitigate for will remain. For instance, historic environment, landscape character, biodiversity, community vitality, recreation and health and wellbeing were all objectives which reported this residual risk.

The climate change objective reported a mixture of positive and up to major negative effects. This is because the policy supports combined heat and power generation and prefers brownfield land at the same time as supporting hydrocarbon production and processing development. This development could cause release of fugitive methane, result in flaring, emissions of CO2 from traffic, or CO2 loss through the loss of soils and through the embodied energy of structures on site. A major conflict with the minimising resource use objective was also recorded as this policy will allow non-renewable resource extraction and may also have a considerable 'materials footprint'. However that same objective also recorded some positive effects as it seeks to make good use of land and existing infrastructure where available which would reduce the overall resource use.

Recommendations A potential approach to reducing resource intensity, waste and climate change impacts could be through better links to policy D11 'Sustainable Design, Construction and Operation of Development (which requires 'minimisation of waste generated by new minerals and waste development' and 'reduction or minimisation of greenhouse gases') by listing it in the 'key links to other relevant policies and objectives'.

Comment [MS95]: M18 production phase needs flexibility - transfer to underground gas grid not always possible

Response to Comment: It is considered appropriate to retain a presumption that transport to remote facilities should be via underground pipeline and the proposed policy provides flexibility for development of other processing infrastructure where transfer directly to the gas grid is not practicable.

Comment [MS96]: Need to address well completion and well testing, which may form part of the exploration process and which may include hydraulic fracturing. Both drilling and well testing/completion may fall within exploration and appraisal. Production stage may also need to include maintenance of wells, which may involve workovers

Response to Comment: It is agreed that this should be clarified in the supporting text.

Comment [MS97]: Transport by pipeline should be 'wherever possible' (including for Policy M19)

Response to Comment: It is considered appropriate to retain a presumption that transport to remote facilities should be via underground pipeline and the proposed policy provides flexibility for development of other processing infrastructure where transfer directly to the gas grid is not practicable.

Comment [MS98]: Pipelines should be required to be "acceptable" rather than least environmental impact

Response to Comment: It is agreed that the Plan should recognise that a number of practical constraints could influence routing of pipelines and that the wording of the supporting text should be revised to reflect this.

Comment [MS99]: Coordination may not be viable. Benefits need to be weighed against additional infrastructure which may be required, may be issues outside operator control - eg landownership

Response to Comment: Noted. It is considered appropriate to continue to support coordination in use of infrastructure in the interests of minimising overall impacts. The proposed policy wording provides an element of flexibility in the delivery of production and processing facilities.

Part 2 - Preferred options to Publication

Consultation Responses to Preferred Options

Policy M18: Production and processing of hydrocarbon resources

Proposals for the production and processing of hydrocarbon resources will be supported where they are in accordance with the overall spatial policy as set out in Policy M16 for onshore hydrocarbon development and the following requirements are met:

- i) Any unacceptable impact on the environment, local amenity and heritage assets is avoided or can be appropriately mitigated. Where proposals are for unconventional resources particular care will need to be given to demonstrate that there will be no harm to the quality and availability of ground and surface water resources, harm will not arise from ground stability considerations and that public health and safety can be adequately protected; and
- ii) Transportation of gas from locations of production, including to any remote processing facilities, will be via underground pipeline, with the routing of pipelines selected to have the least environmental or amenity impact; and
- iii) Proposals are in accordance with other relevant policies in the plan.

A co-ordinated approach should be adopted through the preferential use and/or adaptation of any available and suitable processing and transport infrastructure for the processing and transport of any new gas finds. In relation to any development of new gas resources not accessible to available and suitable processing infrastructure, preference will be given to siting of new processing infrastructure on brownfield, industrial or employment land, particularly where there are opportunities for use of combined heat and power. Where this requirement cannot be met applicants should seek to steer new development sites away from best and most versatile quality agricultural land. The Minerals Planning

Authority will support co-ordination between licence operators and the development of shared processing infrastructure where this will help reduce overall impacts on the environment and local amenity.	
At the end of production facilities should be dismantled with any wells sealed to prevent the risk of any contamination of ground or surface waters or any emissions to air and the site restored to its former use or other agreed use in accordance with Policy D10 Reclamation and after-use of minerals and waste sites.	
Main responsibility for implementation of policy: NYCC , CYC, NYMNPA and Minerals industry	
Key links to other relevant policies and objectives	
<i>M16, M17, M19, W07, I02, S05, D02, D03, D04, D05, D06, D07, D08, D09, D10, D11, D12</i>	<i>Objectives 5, 6, 9, 10, 12</i>
Monitoring: Monitoring indicator 18 (see Appendix 3)	

Comment [MS100]: Should refer to well decommissioning rather than sealing
Response to Comment: Noted. It is agreed that the terminology should be changed.

Comment [MS101]: Needs stronger policy on financial bonds for restoration/remediation
Response to Comment: It is agreed that the policy should make reference to a potential requirement for provision of financial guarantees for site restoration in certain circumstances.

Policy Justification

- 5.122 The production phase of hydrocarbons development, particularly for unconventional resources, usually involves the drilling of a number of wells, which may be at the sites drilled at exploration or testing stages. In addition to the wellhead equipment, development is likely to comprise pipelines for gas transport where processing is to take place away from the well sites and processing equipment, including potentially plant for generation of power using the gas produced. Proposals must address the implications where relevant of a wide range of matters including traffic, noise, dust, air quality, lighting, visual impact on the local and wider landscape, archaeological and heritage features; traffic; risk of contamination to land; soil resources; geological structure, including faulting information; impact on best and most versatile agricultural land; blast vibration; flood risk; land stability/subsidence; internationally, nationally or locally designated wildlife sites, protected habitats and species, and ecological networks; impacts on nationally protected landscapes (National Parks and Areas of Outstanding Natural Beauty); nationally protected geological and geo-morphological sites and features; surface and groundwater resource and pollution issues; site restoration and aftercare. When determining applications for the production of unconventional hydrocarbon resources, additional details will also be required on the geological structure, including faulting information and the potential for seismic events.
- 5.123 Whilst there are a wide range of matters which need to be taken into account in considering proposals, there are a number of specific considerations which may give rise to significant concern to local communities, particularly in relation to development related to unconventional hydrocarbons. These include the potential for pollution to water supplies, for example as a result of contamination from fracking fluids, the potential for earth tremors to be triggered and protection of public health and safety. As noted earlier in this Section, other regulatory frameworks exist in relation to control of these matters. However, it is recognised that wider public interest considerations may exist and that relevant land use planning considerations may arise in relation to them. The Mineral Planning Authorities will therefore expect applicants for these forms of development to provide a robust assessment of any potential impacts and to include comprehensive proposals for mitigation and control where necessary. Applicants should also have regard to the requirements of Policy D11 relating to the Sustainable design, construction and operation of development, in order to help ensure that overall impacts from any proposed development are minimised.
- 5.124 Once hydrocarbons are extracted they will need to be taken away by pipeline or

Comment [MS102]: Need to reflect lower visual impact of production stage
Response to Comment: This will be a matter to consider when assessing individual proposals for compliance in relation to the policies. It is considered important to have a robust policy framework in place

- processed. Where offsite transport of gas is required, pipelines are the most appropriate method in order to minimise the need for vehicle movements and the associated impacts that may arise. As construction of pipelines can itself give rise to adverse impacts, it is important that the need for new infrastructure is minimised, and that routes for pipelines are selected which take full account of the need to minimise any impacts on the environment or local amenity.
- 5.125 Due the scale and nature of processing facilities and the sensitive locations in which they may sometimes be proposed, it is considered appropriate to share or co-locate facilities where this is feasible and viable, in order to minimise overall impacts. Where co-location is not proven to be practicable the priority should be for new facilities to be located on brownfield sites, industrial or employment land or, where necessary on land of lower agricultural quality.
- 5.126 The production of an oil or gas field can last up to 20 years, however it is important to ensure that applicants provide appropriate details, at the outset. This should include information about the dismantling of equipment and clearance of the site, the sealing of any wells to prevent the risk of contamination of ground or surface waters or any emissions to air and indicate how the site will be restored to an appropriate after use when operations cease in accordance with the requirements of Policy D10 Reclamation and afteruse.

Comment [MS103]: Be clearer on the terminology used in relation to aspects such as decommissioning (rather than sealing), high volume hydraulic fracturing applies to unconventional whereas hydraulic fracturing could apply to both conventional and unconventional

Response to Comment: It is agreed that the policies and text should be amended to clarify this terminology.

SA/SEA

Summary of Sustainability Appraisal Findings

Generally this Policy has positive effects on most of the objectives. This is because it generally encourages on site management of waste (such as reuse/recycling of returned water) ensuring a high standard of environmental protection in doing so (with positive effects for many of the environment objectives as well as the health objective). It also requires hydrocarbon sites to be returned to their original use or other agreed beneficial use (essentially a return to the baseline, though we have scored this assessment in terms of the effect it would have on the Plan's approach to hydrocarbons rather than its effect on the baseline, which is covered by the assessment of Policy M16 in combination with these policies). This is positive as it benefits objectives like the landscape and land objectives in the long term.

Slight negative effects are noted as off-site facilities for waste management are also within the scope of the Policy, providing they are consistent with Policy W10 (which prioritises siting facilities for NORM (Naturally Occurring Radioactive Material) at existing wastewater treatment works). This could generate some additional traffic (minor negative, but uncertain as to the volume of traffic) though Policy W11, which is also referred to in the Policy, prioritises waste management close to source. The sustainable economy objective records mixed effects as the Policy potentially places specific financial requirements on hydrocarbon developers due to the need, where justified by specific circumstances, for a financial guarantee to secure restoration. On the other hand recycling liquid / other wastes may ultimately save disposal costs.

Recommendations

Due to uncertainty over the volume of traffic generated by off-site disposal it is recommended that the SA monitors the significance of this through submitted planning applications.

Overall Summary of Reasons for Change

As a result of the rapidly increasing interest (both within local communities and other sectors) in this issue, and in response to the range of comments received at Preferred Options consultation stage, the hydrocarbons policies in the Plan have been reviewed and substantially revised and expanded in order to provide a more comprehensive policy response to this issue. The policies are intended to set out a robust approach to protection of the environment, local communities and other aspects of the area whilst providing

flexibility for suitably located and managed development to take place.

Part 3 - Evolution of Publication Draft.

As the hydrocarbon policies have changed since the Preferred Options Consultation the following section provides the wording of the Publication hydrocarbon policies. It shows how the policies have been developed into their current form by providing explanations of the reason to include new text; Where text has been moved from a policy presented at Preferred Option into one presented for Publication it identifies where it has moved from. If elements of the policy have been removed it presents a reason for its removal.

M16: Key spatial principles for hydrocarbon development

Comment [MS104]: Title Change

Hydrocarbon development of the types identified below should be located in accordance with the following principles:

Comment [MS105]: Bullet points under a and b reflect different types of development –identified through consultation comments.

- a)
- exploration, appraisal and production of conventional hydrocarbons, without hydraulic fracturing;
 - exploration for unconventional hydrocarbons, without hydraulic fracturing;

Proposals for these forms of hydrocarbon development will be permitted in locations where they would be in accordance with Policies M17 and M18 and, where relevant, part d) of this Policy.

- b)
- Exploration, appraisal and production of conventional hydrocarbons, involving hydraulic fracturing;
 - Exploration for unconventional hydrocarbons, involving hydraulic fracturing;
 - Appraisal and/or production of unconventional hydrocarbons (other than coal mine methane):
- i) Surface proposals for these forms of hydrocarbon development will only be permitted where they would be outside the following designated areas: National Park, AONBs, Protected Groundwater Source Areas, the Fountains Abbey/Studley Royal World Heritage Site and accompanying buffer zone, Scheduled Monuments, Registered Historic Battlefields, Grade I and II* Registered Parks and Gardens, Areas which Protect the Historic Character and Setting of York, Special Protection Areas, Special Areas of Conservation, Ramsar sites and Sites of Special Scientific Interest.
- ii) Sub-surface proposals for these forms of hydrocarbon development, including lateral drilling, underneath the designations referred to in i) above, will only be permitted where it can be demonstrated that significant harm to the designated asset will not occur. Where lateral drilling beneath a National Park or AONBs is proposed for the purposes of appraisal or production, this will be considered to comprise major development and will be subject to the requirements of Policy D04.
- iii) Surface and sub-surface proposals for these forms of hydrocarbon development will also be required to be in accordance with Policies M17 and M18. Surface proposals will also, where relevant, need to comply with Part d) of this Policy.

Comment [MS106]: Criterion i) moved from PO M16 para 1. Expanded to provide clarity

Comment [MS107]: Phraseology changed. PO 'Will not be supported'

Comment [MS108]: At PO stage Heritage coast was included this is now singled out as it is 'defined' rather than designated.

Comment [MS109]: NEW. Added following receipt of consultation response from HBC (received in relation to D08 at PO stage)

Comment [MS110]: Clarification from CYC to replace previous reference to Green Belt.

Comment [MS111]: Criterion ii) moved from PO M16 para 2- restructured to provide clarity. The requirement for 'the consideration of alternatives' has been removed following responses received to PO consultation.

Comment [MS112]: New section inserted to provide clarity on its approach in the Plan area.

- c) Coal mine methane:

Proposals for production of coal mine methane resources will be supported where any surface development would be located on industrial or employment land or within the developed surface area of existing or former coal mining sites.

d) All surface hydrocarbon development:

- i) Where proposals for surface hydrocarbon development fall within a National Park or an AONB or associated 3.5km buffer zone identified on the Policies map, or is otherwise considered to have the potential to cause significant harm to a National Park and/or AONB, applications must be supported by a detailed assessment of the potential impacts on the designated area/s. This includes views of and from the associated landscapes from significant view points and an assessment of the cumulative impact of development in the area. Permission will not be granted for such proposals where they would result in unacceptable harm to the special qualities of the designated area/s or are incompatible with their statutory purposes in accordance with Policy D04.
- ii) Surface hydrocarbon development will only be permitted where the undeveloped character of defined Heritage Coast will be protected.

Comment [MS113]: NEW. Supporting justification in para 5.127 of the publication doc.

Comment [MS114]: Separated out from PO list Para 1 as not a designation, explanation in para 5.130 of Publication Doc.

Comment [MS115]: Criterion e) is new.

e) Conversion of well pads and wells for further or alternative forms of hydrocarbon development:

Where proposals are brought forward for the conversion of an exploration well pad or individual well to one to be used for appraisal and/or production purposes, or for the conversion of a well pad or individual well used for conventional hydrocarbons to one to be used for unconventional hydrocarbons, such proposals shall be subject to the spatial principles set out in this Policy as relevant.

M17 Other Spatial and Locational criteria applying to hydrocarbon development

1) Accessibility and transport

- i) Hydrocarbon development will be permitted in locations with suitable direct or indirect access to classified A or B roads and where it can be demonstrated through a Transport Assessment that:
 - a) There is capacity within the road network for the level of traffic proposed and the nature, volume and routing of traffic generated by the development would not give rise to unacceptable impact on local communities⁵, businesses or other users of the highway or, where necessary, any such impacts can be appropriately mitigated for example by traffic controls, highway improvements and/or traffic routing arrangements; and
 - b) Access arrangements to the site are appropriate to the volume and nature of any road traffic generated and safe and suitable access can be achieved for all users of the site, including the needs of non-motorised users where relevant; and
 - c) There are suitable arrangements in place for on-site manoeuvring, parking and loading/unloading.
- ii) Where access infrastructure improvements are needed to ensure that the requirements of i) a) and b) above can be complied with, information on the nature, timing and delivery of these should be included within the proposals.
- iii) Where produced gas needs to be transported to facilities or infrastructure not located at the point of production, including to any remote processing facility or

Comment [MS116]: Combination of M17 & M18 at PO. Consultation comments wanted a 'more detailed criteria to protect amenity, business and tourism' and 'address traffic impacts'.

Comment [MS117]: Moved from PO M18 ii) expanded to include Transport by Road.

Comment [MS118]: Criterion i) Originally in PO M17.

Comment [MS119]: New requirement. Arising from Consultation comments.

Comment [MS120]: Criterion ii) NEW linked to introduction of criterion above.

Comment [MS121]: Criterion iii) originally from PO M18 ii).

⁵ For the purposes of interpreting this and other Policies in the plan, the term local communities includes residential institutions such as residential care homes, children's homes, social services homes, hospitals and non-residential institutions such as schools.

the gas transmission system, this should be via underground pipeline, with the routing of pipelines selected to have the least practicable environmental or amenity impact. **Where hydraulic fracturing is proposed, proposals should also be located where an adequate water supply can be made available without the need for bulk road transport of water.**

Comment [MS122]: New requirement

2) Cumulative impact

Comment [MS123]: Moved from PO16 para 5 and expanded to address consultation comments.

- i) Hydrocarbon development will be permitted in locations where it would not give rise to unacceptable cumulative impact, as a result of a combination of individual impacts from the same development and/or through combinations of impacts in conjunction with other existing, planned or unrestored hydrocarbons development.
- ii) **Well pad density** and/or the number of individual wells within a PEDL area will be limited to ensure that unacceptable cumulative impact does not arise. Assessment of the contribution to cumulative impact arising from a proposal for hydrocarbon development will include (but not necessarily be limited to) consideration of:
 - a) The proximity of a proposed new well pad site to other existing, planned or unrestored well pads, and the extent to which any combined effects would lead to unacceptable impacts on the environment or local communities, including as a result of any associated transport impacts;
 - b) The duration over which hydrocarbon development activity has taken place in the locality and the extent to which any adverse impacts on the environment or local communities would be expected to continue if the development were to be permitted;
 - c) The sensitivity of the receiving environment, taking into account the nature and distribution of any environmental constraints, proximity to local communities, the availability of adequate access links to the highway network and the need to ensure a high standard of protection in line with other relevant policies in the Plan.

Comment [MS124]: Criterion ii) New Consideration. Arose as an issues through PO consultation responses.

Where results from any earlier exploration and/or appraisal activity are available, proposals for production of unconventional hydrocarbons should include information on how the proposal is intended to fit within an overall scheme of production development within the PEDL area and should ensure as far as practicable that production sites are located in the least environmentally sensitive areas of the resource.

Comment [MS125]: This paragraph was introduced following PO consultation comments.

- iii) **In order** to reduce the potential for adverse cumulative impact, proposals for production of hydrocarbons will be supported in locations where beneficial use can be made of existing or planned supporting infrastructure including, where relevant, pipelines for transport of gas and/or water, facilities for the processing or generation of energy from extracted gas and overhead or underground power lines and grid connections which could serve the development.
- iv) **Where** development of new processing, power or pipeline infrastructure is required, consideration should be given to how the location and design of the development could facilitate its use for multiple well pads in order to reduce adverse cumulative impact. The Minerals Planning Authority will support co-ordination between operators and the development of shared infrastructure where this will help reduce overall adverse impacts from hydrocarbon development.
- v) **New processing** or energy generation infrastructure for hydrocarbons should, as a first priority, be sited on brownfield, industrial or employment land. Where it can be demonstrated that development of agricultural land is required, and subject first to other locational requirements in Policies M16 and M17, proposals should seek to utilise land of lower quality in preference to higher quality.

Comment [MS126]: Criterion iii) moved from PO M18 Para 2.

Comment [MS127]: Criterion iv) moved from PO para 2

Comment [MS128]: Criterion v) moved from PO M18 para 2.

3) Local economy

Comment [MS129]: NEW separated requirement. Arising out of consultation comments

Hydrocarbon development will be permitted in locations where a high standard of protection can be provided to environmental, recreational, cultural, heritage or business assets important to the local economy including, where relevant, important visitor attractions. The timing of short term development activity likely to generate high levels of noise or other disturbance, or which would give rise to high volumes of heavy vehicle movements, should be planned to avoid or, where this is not practicable minimise, impacts during local school holiday periods.

4) Specific local amenity considerations relevant to hydrocarbon development

- i) Hydrocarbon development will be permitted in locations where it would not give rise to unacceptable impact on local communities or public health. Adequate separation distances should be maintained between hydrocarbons development and residential buildings and other sensitive receptors in order to ensure a high level of protection from adverse impacts from noise, light pollution, emissions to air or ground and surface water and induced seismicity, including in line with the requirements of Policy D02. Proposals for surface hydrocarbon development, particularly those involving hydraulic fracturing, within 500m of residential buildings and other sensitive receptors, are unlikely to be consistent with this requirement and will only be permitted in exceptional circumstances.
- ii) Proposals should refer to any relevant data from baseline monitoring and other available information to ensure that a robust assessment of potential impacts is undertaken, and that comprehensive mitigation measures are proposed where necessary.
- iii) Proposals involving hydraulic fracturing should be accompanied by an air quality monitoring plan and Health Impact Assessment.

Comment [MS130]: Expansion on PO Para 1 criterion i).

Comment [MS131]: The introduction of separation distances arose from consultation comments. Which initially suggested a distance of 1mile from property, home, school and water protection zone.

Comment [MS132]: The specific 500m distance justification provided in Para 5.146 of the supporting text.

Comment [MS133]: New Criterion added following PO consultation comments requesting 'A more robust approach to monitoring'.

Comment [MS134]: New criterion added from consultation comments including from a prescribed body under the duty to cooperate. Recommended by Members though member working groups and Scrutiny committee.

M18 Other specific criteria applying to hydrocarbon development

1) Waste management and reinjection wells

- i) Proposals for hydrocarbon development will be permitted where it can be demonstrated, through submission of a waste water management plan, that arrangements can be made for the management or disposal of any returned water and Naturally Occurring Radioactive Materials arising from the development. Proposals should, where practicable and where a high standard of environmental protection can be demonstrated, provide for on-site management of these wastes through re-use, recycling or treatment. Where off-site management or disposal of waste is required, proposals should demonstrate that adequate arrangements can be made for this. Where new off-site facilities are proposed in the Plan area for the management or disposal of waste arising from hydrocarbons development, these should be located in accordance with the principles identified in Policies W10 and W11.
- ii) Proposals for development involving re-injection of returned water via an existing borehole, or the drilling and use of a new borehole for this purpose, will only be permitted in locations where a high standard of protection can be provided to ground and surface waters; they would comply with all other relevant requirements of Policy M16 and M17 and where it can be demonstrated that any risk from induced seismicity can be mitigated to an acceptable level.

Comment [MS135]: New Name following merging of PO M17 and M18

Comment [MS136]: NEW- comments received in relation to W08 and DM Policy PO stage and consultation comments led to inclusion of specific criteria.

Comment [MS137]: Included by CYC Member working Group

Comment [MS138]: Consultation comments wanted the plan to address 're-injection'.

2) Decommissioning and restoration

Proposals for hydrocarbon development will be permitted where, subject to other regulatory requirements, it can be demonstrated that:

- i) Following completion of the operational phase of development, or where wells are to be suspended pending further hydrocarbon development, any wells will be decommissioned so as to prevent the risk of any contamination of ground and surface waters and emissions to air; and
- ii) All plant, machinery and equipment not required to be retained at the site for operational purposes would be removed and the land restored to its original use or other agreed beneficial use within an agreed timescale.
- iii) For unconventional hydrocarbon development, the Mineral Planning Authority may require provision of a financial guarantee, appropriate to the scale, nature and location of the development proposed, in order to ensure that the site is restored and left in a condition suitable for beneficial use following completion of the development.

Comment [MS139]: Criterion i) moved from POM17 iii and updated

Comment [MS140]: New Reference previously used term 'sealed'

Comment [MS141]: Criterion ii) moved from POM18 para 4

Comment [MS142]: NEW arising from consultation comments, supporting justification given in para 5.159

Development of Policy M19: Carbon and gas storage.

Part 1 - Issues and Options to Preferred Options

Policy id28: Coal Bed Methane, Underground Coal Gasification, Shale Gas and Carbon and Gas Storage	
<i>Options presented at Issues and options stage</i>	<p>Option 1: This option would support the principle of development of CBM, UCG and shale gas resources and the underground storage of carbon and gas subject, where relevant, to the other gas policies in the Joint Plan but would also in particular require robust assessment of, and the prevention of potential impacts on, a range of other matters including in relation to the integrity of geological or hydrogeological resources and processes (including groundwater and land stability), availability of water resources and local amenity and public safety issues. Transport of gas or carbon would be expected to be via pipeline, with the routing of pipelines selected to give rise to the least environmental or amenity impact. This option would involve a precautionary approach, with support to specific proposals only being provided where a high level of assurance in relation to impacts and benefits, including community benefits, can be demonstrated. Particularly high standards of siting, design and mitigation would be required where any development is proposed within or in close proximity to the National Park or AONBs and in locations which may impact on the townscape and setting of the historic City of York.</p> <p>Option 2: This option would not express support in principle for the development of CBM, UCG and shale gas resources, or the underground storage of carbon or gas due to the uncertain nature of the impacts and risks involved within the Plan area. Any proposals which come forward would be considered against other relevant policies in the Plan and relevant national policy. The NPPF states that minerals planning authorities should encourage underground gas and carbon storage, taking into account the integrity and safety of such facilities, and should encourage extraction of Coal Mine Methane.</p> <p>Option 3: This option would represent an extension to the precautionary principle in Option 1 by requiring applications for permission for the development of CBM, UCG and shale gas resources and the underground storage of carbon and gas to demonstrate that the proposed site has been identified so as to avoid sensitive locations and designations, including residential areas, important environmental designations and other important assets which require protection under the planning system.</p>

What the SA told us	
<p>The assessment has revealed that under Option 1 there is more potential for negative effects on the environment, and communities of the Joint Plan area yet more potential for wider gains including reduced CO2 emissions. Option 2 would create greater uncertainties in the medium and long term as the approach would largely be controlled by national policy rather than a local approach. In combination with Option 1, Option 3 would lead to positive effects on the environment and communities but may have negative effects in relation to the provision of minerals to meet the needs of the population.</p>	
Number of consultation responses	
Total Number of comments against id:	108
Question 70: Do you have a preference for any of the options presented above?	Option 1: 9 (3 MWI)
	Option 2: 28 (1SC)
	Option 3: 11 (2 LA)
Question 71: Are there any alternatives that you would like the authorities to consider?	Combination: 14 Did not Specify: 7 (1 LA) None: 5 (1 SC)
Number of respondents: 34 (3 MWI/1 LA)	
Brief overview of consultation responses	
<p>General Comments against id 28: Concerned about fracking and the risks associated with developments, including water contamination, impact on the environment and the impact on climate change (20)</p>	
<p>Key messages Q70: Mixed views were received in relation to which option is preferred. 14 respondents suggested an approach based on a combination of Option 1 and Option 3. However, several respondents considered that Option 3 could be strengthened by including greater restrictions. A number of respondents expressed opposition to all forms of unconventional gas developments and concerns about the potential risks associated with fracking whilst several respondents considered that CCS should be addressed separately. One respondent considered a criteria based policy based on option 1 would be most appropriate. One respondent considered that Option 2 contradicts itself in relation to CBM. One respondent considered that each method should be considered under a separate policy. A number of respondents considered the plan should take a precautionary approach to these forms of development.</p>	
<p>Key Messages Q71: A range of alternative options were suggested in the responses, these are detailed in the 'Suggested new options Chapter 5 – Minerals table' along with justification as to why they have or have not been taken forward. Any realistic alternatives are summarised and worked up below.</p>	
<p>Original id28 - Coal Bed Methane, Underground Coal Gasification, Shale Gas and Carbon and Gas Storage</p>	
<p>Proposed Option 4</p> <ul style="list-style-type: none"> Variation of Option 1, but remove reference to high standards of siting, design and mitigation being required in close proximity to the National Park and AONBs. 	
<p><i>Suggested approach</i></p> <p><i>This option would support the principle of development of CBM, UCG shale gas and CCS resources subject, where relevant, to the other gas policies in the Joint Plan but would also in particular require robust assessment of, and the prevention of potential impacts on, a range of other matters including in relation to the integrity of geological or hydrogeological resources and processes (including groundwater and land stability), availability of water resources and local amenity and public safety issues. Transport of gas would be expected to be via pipeline, with the routing of pipelines selected to give rise to the least environmental or amenity impact.</i></p>	

This option would involve a precautionary approach, with support to specific proposals only being provided where a high level of assurance in relation to impacts and benefits, including community benefits, can be demonstrated. Particularly high standards of siting, design and mitigation would be required where any development is proposed within the National Park or AONBs and in locations which may impact on the townscape and setting of the historic City of York.

Proposed Option 5

- Support is given and reliance is placed on the development management policies of the Plan to mitigate any effects.

Suggested approach

This option would support the principle of development for CBM, UCG, shale gas and CCS provided proposals comply with other policies in the Plan

One approach which came forward was that Carbon Capture and Storage (CCS) should not be considered alongside unconventional gas extraction technologies. To progress this approach unconventional gas extraction is considered on its own and Carbon Capture and storage on its own. For the SA process revised ids were developed. New id28 covers unconventional gas extraction only, and id28a covers CCS only. The worked up new ids are detailed below:

New id28 - Coal Bed Methane, Underground Coal Gasification and Shale Gas

New Option 1

This option would support the principle of development of CBM, UCG and shale gas resources subject, where relevant, to the other gas policies in the Joint Plan but would also in particular require robust assessment of, and the prevention of potential impacts on, a range of other matters including in relation to the integrity of geological or hydrogeological resources and processes (including groundwater and land stability), availability of water resources and local amenity and public safety issues. Transport of gas would be expected to be via pipeline, with the routing of pipelines selected to give rise to the least environmental or amenity impact.

This option would involve a precautionary approach, with support to specific proposals only being provided where a high level of assurance in relation to impacts and benefits, including community benefits, can be demonstrated. Particularly high standards of siting, design and mitigation would be required where any development is proposed within or in close proximity to the National Park or AONBs and in locations which may impact on the townscape and setting of the historic City of York.

New Option 2

This option would not express support in principle for the development of CBM, UCG and shale gas resources due to the uncertain nature of the impacts and risks involved within the Plan area. Any proposals which come forward would be considered against other relevant policies in the Plan and relevant national policy. The NPPF states that minerals planning authorities should encourage extraction of Coal Mine Methane.

New Option 3

This option would represent an extension to the precautionary principle in Option 1 by requiring applications for permission for the development of CBM, UCG and shale gas resources to demonstrate that the proposed site has been identified so as to avoid sensitive locations and designations, including residential areas, important environmental designations and other important assets which require protection under the planning system.

Proposed Option 4

- Variation of Option 1, but remove reference to high standards of siting, design and mitigation being required in close proximity to the National Park and AONBs.

Suggested approach for new id28

This option would support the principle of development of CBM, UCG and shale gas resources subject, where relevant, to the other gas policies in the Joint Plan but would also in particular require robust assessment of, and the prevention of potential impacts on, a range of other matters including in relation to the integrity of geological or hydrogeological resources and processes (including groundwater and land stability), availability of water resources and local amenity and public safety issues. Transport of gas would be expected to be via pipeline, with the routing of pipelines selected to give rise to the least environmental or amenity impact.

This option would involve a precautionary approach, with support to specific proposals only being provided where a high level of assurance in relation to impacts and benefits, including community benefits, can be demonstrated. Particularly high standards of siting, design and mitigation would be required where any development is proposed within the National Park or AONBs and in locations which may impact on the townscape and setting of the historic City of York.

Proposed Option 5

- Support is given and reliance is placed on the development management policies of the Plan to mitigate any effects.

Suggested approach for new id28

This option would support the principle of development for CBM, UCG and shale gas provided proposals comply with other policies in the Plan.

New Id28a – Carbon Capture and Storage (CCS)

New Option 1

This option would support the principle of development of the underground storage of carbon and gas subject, where relevant, to the other gas policies in the Joint Plan but would also in particular require robust assessment of, and the prevention of potential impacts on, a range of other matters including in relation to the integrity of geological or hydrogeological resources and processes (including groundwater and land stability), local amenity and public safety issues. Transport of gas or carbon would be expected to be via pipeline, with the routing of pipelines selected to give rise to the least environmental or amenity impact.

This option would involve a precautionary approach, with support to specific proposals only being provided where a high level of assurance in relation to impacts and benefits, including community benefits, can be demonstrated. Particularly high standards of siting, design and mitigation would be required where any development is proposed within or in close proximity to the National Park or AONBs and in locations which may impact on the townscape and setting of the historic City of York.

New Option 2

This option would not express support in principle for the underground storage of carbon or gas due to the uncertain nature of the impacts and risks involved within the Plan area. Any proposals which come forward would be considered against other relevant policies in the Plan and relevant national policy. The NPPF states that minerals planning authorities should encourage underground gas and carbon storage, taking into account the integrity and safety of such facilities.

New Option 3

This option would represent an extension to the precautionary principle in Option 1 by requiring applications for permission for the development of underground storage of carbon and gas to demonstrate that the proposed site has been identified so as to avoid sensitive locations and designations, including residential areas, important environmental designations

and other important assets which require protection under the planning system

Proposed Option 4

- Variation of Option 1, but remove reference to high standards of siting, design and mitigation being required in close proximity to the National Park and AONBs.

Suggested approach for new id28a

This option would support the principle of development of the underground storage of carbon and gas subject, where relevant, to the other gas policies in the Joint Plan but would also in particular require robust assessment of, and the prevention of potential impacts on, a range of other matters including in relation to the integrity of geological or hydrogeological resources and processes (including groundwater and land stability), local amenity and public safety issues. Transport of gas or carbon would be expected to be via pipeline, with the routing of pipelines selected to give rise to the least environmental or amenity impact. This option would involve a precautionary approach, with support to specific proposals only being provided where a high level of assurance in relation to impacts and benefits, including community benefits, can be demonstrated. Particularly high standards of siting, design and mitigation would be required where any development is proposed within the National Park or AONBs and in locations which may impact on the townscape and setting of the historic City of York.

Proposed Option 5

- Support is given and reliance is placed on the development management policies of the Plan to mitigate any effects.

Suggested approach for new id28a

This option would support the principle of development for carbon and gas storage provided proposals comply with other policies in the Plan.

SA of options including alternatives

Summary of assessment (new id28)

The assessment has revealed that under Options 1 and 4 there is potential for negative effects on the environment, and communities of the Joint Plan area yet more potential for wider gains including reduced CO2 emissions. Option 1 performs slightly better than Option 4 in terms of protection of the landscape. Option 2 would create greater uncertainties in the medium and long term as the approach would largely be controlled by national policy rather than a local approach.

The assessment of Option 5 also revealed uncertainties although this could be resolved through the inclusion of relevant policies elsewhere in the Plan, albeit that this may not address effects specific to unconventional gas extraction. Option 5 does however have positive effects on the economy and minerals supply. In combination with Option 1 or 4, Option 3 would lead to positive effects on the environment and communities but may have negative effects in relation to the provision of minerals to meet the needs of the population.

Revised recommendations

It is recommended that Option 1 would provide a more certain approach for the Joint Plan area provided that the precautionary approach underlies the support in principle. It is considered that incorporating Option 3 may be beneficial but careful consideration would need to be given to defining the terms used.

Summary of assessment (New ID28a)

These options all, either by deferring to National Policy or through direct support, offer the potential for carbon or gas storage. Depending on the degree of support this is expected to bring greater or lesser economic and jobs benefits, with options 1 and 4 performing particularly well here. Similarly all options have some degree of benefit to climate change, with supporting options 1,3 and 4 performing particularly well. This is because carbon capture

underpins the large potential for greenhouse gas emission reductions from the broader carbon capture and storage process.

As industrial features with a significant development footprint however, options report negative impacts across many of the other environmental and social SA objectives. These impacts are relatively minor impacts as all options offer some degree of protection from them. Option 3 in particular avoids residential areas and important environmental designations, building on the protection of option 1. This emphasis on the protection of key receptors makes a neutral to positive contribution to several objectives in option 3 (e.g. health and safety and climate adaptation) as they would allow maintenance of the status of receptors covered by these objectives, while for other options the protection offered is weaker, meaning that low level negative effects remain possible or likely.

Revised recommendations

There are strong benefits to climate change and the economy, particularly from options 1 and 3 (although it is accepted that option 4 would, through its less controlled approach perhaps offered the greatest potential). As option 3 offers the greater level of protection, when used in conjunction with option 1, though still supports carbon and gas storage, the SA recommends that this option should be taken forward.

Other points were put forward in response to the alternative options question, these included using the term 'hydrocarbon' instead of 'gas', replace the word 'minimise' with 'mitigate', strengthen Option 3 by adding a requirement for an environmental assessment, consider coal mining legacy when planning for extraction of unconventional gas and CCS, applicants should provide evidence to prove that the risk of adverse impacts from development have been eliminated and shale gas extraction should not be allowed near build up areas.

Joint Authorities response to consultation responses

Many of the respondents expressed concerns about fracking and the associated risks. Although the Government has recently set out its intention to ban fracking in designated areas through the Infrastructure Bill, the exploitation of unconventional hydrocarbon resources remains a priority for the government. The National Planning Guidance states that Local Plans should take account of Government energy policy, which makes it clear that energy supplies should come from a variety of sources and therefore a plan which does not support fracking would be contrary to national policy.

However the concerns of respondents in relation to the associated risks of fracking have now been set out in the preferred option policies. Further information has also been set out in the preferred policies supporting text which explains the role of the other regulatory regimes which will be involved in any proposals for fracking. Although there were a range of responses received it is hoped that the preferred options policy addresses most if not all of these comments.

Evidence base

Since the consultation on the Issues and Options took place the Government has issued a Ministerial Statement, which said that applications for major development for unconventional hydrocarbons should be refused in National Parks and AONBs except in exceptional circumstances and where it can be demonstrated that they are in the public interest. Although the guidance is not clear on the treatment of unconventional hydrocarbons it is considered that major developments for these resources should also need to demonstrate they meet the major development test requirements as set out in paragraph 116 of the NPPF.

Since this Ministerial Statement the Government has proposed amendments to the Infrastructure Bill which bans hydraulic fracking in National Parks, AONBs and in SPAs, SACs and SSSIs.

<p>Duty to Cooperate</p> <p>Is this a Duty to Cooperate matter? No</p> <p>This is not considered to be a Duty to Co-operate matter.</p>
<p>Discussion around development of preferred options approach</p> <p>There were a high level of responses in relation to this option, with the preferred option being option 2, which would not express support in principle for CBM, UCG, shale gas resources and underground carbon/gas storage. The SA of this option showed that it would create greater uncertainties in the medium and long term. However option 2 is no longer considered appropriate in light of recent ministerial statements as they would be contrary to government objectives unless located in designated areas.</p> <p>Following further consideration of the criteria required to assess conventional and unconventional hydrocarbons it has become clear that almost all the same issues will need to be addressed. For clarity the preferred options policy addresses both conventional and unconventional hydrocarbon resources. However the infrastructure bill has banned hydraulic fracturing in designations and this is addressed by the preferred options policy on the overall spatial approach to hydrocarbon developments.</p> <p>In response to the comments received further details will be included in the supporting text on all the other regulatory regimes and their responsibilities.</p> <p>In response to the comments about the setting of National Parks and the historic City of York the wording of the overall spatial policy for hydrocarbon development has been amended so that it clarifies that high standards will be required across the plan area.</p>
<p>Preferred policy approach – title changed to M19: Carbon and gas storage</p> <p>Proposals for carbon capture and storage and the underground storage of gas will be permitted where it has been demonstrated that:</p> <ul style="list-style-type: none"> • The local geological circumstances are suitable; and • There will be no harm to the quality and availability of ground and surface water resources, land stability and public safety and health • There would be no unacceptable impact on the environment or local amenity • The proposals are consistent with other relevant policies in the plan. <p>Transport of carbon or gas is expected to be via pipeline with the routing of lines selected to give rise to the least environmental or amenity impact.</p> <p>Supporting text Carbon capture and storage is a method which can be used for reducing carbon dioxide emissions into the atmosphere from sources such as fossil fuel power stations and Underground Coal Gasification. It involves capturing carbon dioxide, either before or after burning, transporting it in pipelines and permanently storing it deep underground in suitable geological formations. The Government believes Carbon Capture and Storage has potential to be an important technology in climate change mitigation. Potentially suitable geologies have been identified across the UK including areas within Ryedale and Scarborough which may be suitable for such processes. Current proposals are under consideration (via the National Strategic Infrastructure Planning procedures) for the capture and storage of carbon from Drax power station, in North Yorkshire. Whilst the proposals involve construction of a carbon transport pipeline across part of the Plan area, carbon storage would take place within</p>

depleted gas fields under the North Sea. It is not expected that proposals for storage within the Plan area are likely within the Plan period. However, national policy requires Minerals Planning Authorities to encourage underground gas and carbon storage and associated infrastructure if local geological circumstances indicate its feasibility.

Links to Objectives and Policies

Link to Objectives

Objective 9

Objective 10

Objective 11

Objective 12

Links to other relevant policies

Id59: Local amenity and cumulative impacts

Id63: Landscape

Id64: Biodiversity and geodiversity

Id66: Water environment

SA/SEA

Summary of assessment

This preferred policy has strong positive effects for the economy (in terms of energy security of gas storage and the business opportunities associated with CCS technology) as well as for climate change mitigation. Other effects tend to be location specific though could be negative due to factors such as the land footprint of buildings and pipelines and the risk that leaks could occur.

Recommendations

No further mitigation proposed.

Part 2 - Preferred options to Publication

Consultation Responses to Preferred Options

Carbon and Gas Storage

Policy M19: Carbon and gas storage

Proposals for carbon capture and storage and the underground storage of gas will be permitted where it has been demonstrated that:

- i) The local geological circumstances are suitable; and**
- ii) There will be no harm to the quality and availability of ground and surface water resources, land stability and public health and safety;**
- iii) There would be no unacceptable impact on the environment or local amenity;**
- iv) The proposals are consistent with other relevant policies in the plan.**

Transport of carbon or gas is should be via pipeline with the routing of lines selected to give rise to the least environmental or amenity impact.

Main responsibility for implementation of policy: NYCC , CYC, NYMNPA and Minerals industry

Key links to other relevant policies and objectives

M16, M17, M18, D06, D07, D09

Objectives 9, 10, 11, 12

Monitoring: Monitoring indicator 19 (see Appendix 3)

Policy Justification	
<p>5.127 Carbon capture and storage is a technique which can be used for reducing carbon dioxide emissions into the atmosphere from sources such as fossil fuel power stations and Underground Coal Gasification. It involves capturing carbon dioxide, either before or after burning, transporting it in pipelines and permanently storing it deep underground in suitable geological formations. The Government believes Carbon Capture and Storage has potential to be an important technology in climate change mitigation. Potentially suitable geologies have been identified across the UK including areas within Ryedale and Scarborough which may be suitable for such processes. Proposals have been under consideration (via the National Strategic Infrastructure Planning procedures) for the capture and storage of carbon from Drax power station, in North Yorkshire although the cancellation of the project has recently been announced. Whilst the proposals would involve construction of a carbon transport pipeline across part of the Plan area, carbon storage would take place within depleted gas fields under the North Sea. In the current circumstances it is not expected that proposals for storage within the Plan area are likely within the Plan period. However, national policy requires Minerals Planning Authorities to encourage underground gas and carbon storage and associated infrastructure if local geological circumstances indicate its feasibility.</p>	
SA/SEA	
<p>Summary of assessment. This preferred policy has strong positive effects for the economy (in terms of the energy security provided by gas storage and the business opportunities associated with CCS technology) as well as for climate change mitigation. Other effects tend to be location specific though could be negative due to factors such as the land footprint of buildings and pipelines and the risk that leaks could occur.</p>	
<p>Recommendations No further mitigation proposed.</p>	
Overall Summary of Reasons for Change	
<p>Changes have been made to the Policy to reflect more up to date information on future requirements and in response to comments received during consultation.</p>	

Development of Policy M20: Deep coal and disposal of colliery spoil.

Part 1 - Issues and Options to Preferred Options

Policy id29: Continuity of supply of deep coal	
<i>Options presented at Issues and options stage</i>	<p>Option 1: This option would support the principle of lateral extensions to the permitted underground working area for Kellingley Colliery, in locations accessible from the current colliery site, and would set out criteria against which proposals would be assessed. Criteria could include a requirement for the mineral planning authority to be satisfied that the arrangements for managing and mitigating the effects of subsidence and the disposal of mining waste materials arising from the development are acceptable.</p>
	<p>Option 2: This option would not express support for the principle of further lateral extensions to the underground working area for Kellingley Colliery and would seek the maximum exploitation of the resource within the current permitted area.</p>

What the SA told us		
<p>Both options show a range of environmental, social and economic effects, with negative effects being observed for Options 1 and 2 for a wide range of environmental objectives including climate change, resource use and waste generation, with the latter option showing some falling off of effects if levels of coal mining decline in the longer term. Other negative effects associated with Option 2 include a longer term negative effects on the economy and community viability.</p> <p>Option 1 shows very positive economic effects and positive effects on community vitality. There are also positive effects on the population SA objective, which has a sub objective on reducing social exclusion. Option 2 also reports lower level positive effects for the economy and community vitality in the short and medium term.</p> <p>Several other objectives under both options report minor negative effects, though Option 2 reports less negative effects as a whole.</p>		
Number of consultation responses		
Total Number of comments against id:	15	
Question 74: Do you have an initial preference for any of the options presented above?	Option 1: 6 (1 SC/1 MWI/ LA)	None: 2 (1 SC)
	Option 2: 3 (SC/MWI/ LA)	Did Not Specify: 1
Question 75: Are there any alternatives that you would like the authorities to consider in relation to continuity of deep coal supply?	Number of respondents: 3 (1 LA)	
Brief overview of consultation responses		
<p>Key Messages Q74: Mixed views were received in relation to the ongoing extraction of fossil fuels, some comments expressing a preference for limited extraction and conversely some support for ongoing extraction should be encouraged. It was considered that the plan should recognise the uncertainty over the future of Kellingley Colliery and provide sufficient flexibility to reflect this.</p> <p>Key Messages Q75: A range of alternative options were suggested in the responses, these are detailed in the 'Suggested new options Chapter 5 – Minerals table' along with justification as to why they have or have not been taken forward. There were no realistic alternatives proposed.</p> <p>General Comments: Four respondents considered that secondary aggregates should be provided from source and not extracted from existing tip sites.</p>		
SA of options including alternatives		
N/A		
Joint Authorities response to consultation responses		
<p>Whilst it is recognised that some organisations and individuals have concerns about the principle of fossil fuel extraction national planning policy does not support a position where all further working of such minerals is resisted. It is also recognised that coal mining supports significant numbers of jobs and makes a substantial contribution to the local and wider economy.</p> <p>Since undertaking consultation at Issues and Options stage the intended closure of Kellingley Colliery at the end of 2015 has been announced. At the date of intended closure it is anticipated that substantial reserves will remain within the existing permitted area. This</p>		

changed position is likely to impact on the proposed policy approach.

Evidence base update

The NPPG was published subsequently to the drafting of the Options above and provides more in depth guidance on land stability issues in relation to coal extraction, including the important role played by the Coal Authority. The NPPG also highlights considerations specific to underground coal mining including *'potential effects of subsidence, including the potential hazard of old mine workings; the treatment and pumping of underground water; monitoring and preventative measures for potential gas emissions; and the method of disposal of colliery spoil.'*

Subsequent to undertaking Issues and Options consultation, the intended closure of Kellingley Colliery at the end of 2015 has been announced. If closure takes place as intended there will be no remaining coal mining activity in the Plan area and no known proposals for such activity to resume.

This evidence is accurate as of January 2015.

Duty to Cooperate

Is this a Duty to Cooperate matter? No

Discussion around development of preferred options approach

Option 1 was the subject of most support from respondents and was preferred in the SA, although the SA also recommended a number of additional policy criteria relating to water pollution impacts, considering the potential for a secondary use for spoil and considering the utilisation of coal mine methane.

Some respondents supported Option 2 as this would be likely to help minimise extraction of fossil fuels.

Since identification of the options the closure of Kellingley Colliery has been announced. As a result, it is not expected that any proposals for a lateral extension of the existing underground area are likely to come forward in the foreseeable future. A proposed site allocation for a lateral extension has been withdrawn by UK Coal. Nevertheless, it is recognised that over the lifetime of the Plan there may be the potential for re-activation of workings and it may therefore be appropriate to include relevant policy content in the Plan. The provision of support in principle for lateral extensions beyond the existing working area may provide flexibility to access coal in areas which are more readily worked than some areas within the current permitted working area, thus providing greater support for future mining activity. It is therefore considered that a policy based on Option 1 could be included in the Plan, notwithstanding the intended closure of the Colliery at the end of 2015. Whilst the SA recommended certain additional criteria in relation to Option 1, it is considered that some of these are more appropriately addressed elsewhere in the Plan, including through develop control policies. However, there are a number of issues specific matters which it may be relevant to include in this policy, particularly reference to mining subsidence impacts and the need to address disposal of colliery spoil.

Preferred policy approach – title changed to M20: Continuity of supply of deep coal

Proposals for lateral extensions to the permitted underground working area for Kellingley Colliery, in locations accessible from the current colliery site, will be supported where it can be demonstrated that the following criteria have been satisfactorily addressed;

- **the effects of subsidence upon land stability and important surface structures, infrastructure (including flood defences) and environmental and cultural**

designations, will be monitored and controlled so as to prevent unacceptable impacts;

- **the proposed arrangements for disposal of mining waste materials arising from the development are acceptable**
- **the proposals would be consistent with the development control policies in the Plan.**

Supporting text

The intended closure of Kellingley Colliery at the end of 2015 suggests that it is unlikely that proposals for further working or coal resources from Kellingley Colliery will come forward. However, the potential for reactivation of working cannot be ruled out at this stage and it is therefore considered appropriate to support the principle of appropriate lateral extensions in the Plan. This approach could enable extraction of more viable areas of coal and therefore help provide support for the economic and other benefits that have been provided through former and current mining activity.

Underground mining of coal is often associated with surface subsidence which can have adverse impacts on certain structures and other infrastructure and assets. Whilst separate legislation exists to compensate landowners or undertake remediation for any damage caused, there may also be wider public interest considerations in ensuring a degree of protection. Features at risk can include large structures or those containing sensitive uses, assets and infrastructure such as roads and railway lines and flood defence works, as well as sensitive environmental and cultural designations such as nature conservation sites and listed buildings. Any proposals will need to ensure that unacceptable adverse impacts from subsidence will not arise.

Underground mining often generates large amounts of spoil which requires disposal. Spoil from Kellingley Colliery has been disposed of at offsite locations, principally the Womersley spoil disposal facility which is now nearly full. Transport and disposal of spoil can have significant environmental impacts. Any extended mine working would be likely to require new arrangements for disposal of spoil which would need to be acceptable in order for permission to be granted. Specific consideration of spoil disposal is contained in Policy id 33: Disposal of colliery spoil.

Links to Objectives and Policies

*Link to Objectives:
Objective 5*

Links to other relevant policies in the Plan:

Id32: Safeguarding of deep coal

Id33: Disposal of colliery spoil

Id72: Coal mining legacy

SA/SEA

Summary of assessment

This preferred policy exhibits a mixture of mainly minor positive and negative effects. Most minor negative effects occur because, while the preferred policy combines with the development control policies in the plan, because of the nature of deep coal development, residual effects may remain. This is the case for flooding, health and wellbeing, landscape, historic environment, soils, traffic and water objectives. More significant minor effects occurred in relation to the resource use (as coal mining is the extraction of a non-renewable resource) and climate change (due to longer term greenhouse gas emissions from mines) objectives.

Positive contributions were also recorded, particularly in terms of the economy. However, all options recorded a high level of uncertainty as Kellingley Colliery is expected to close in late

2015.

Recommendations

To extend the capacity for colliery spoil to be put to productive use as secondary aggregate the policy could be strengthened by rewording the disposal arrangements sentence to *“the proposed arrangements for disposal of mining waste materials arising from the development are acceptable and opportunities for use as a secondary aggregate (or other productive use) have been explored”*.

Part 2 - Preferred options to Publication

Consultation Responses to Preferred Options

Coal

5.128 Until 2004 substantial tonnages of coal were worked within the Selby Coalfield in North Yorkshire. The Selby Coalfield closed in 2004 leaving Kellingley Colliery as the only operational deep mine in the Plan area. Kellingley Colliery subsequently closed at the end of 2015. The entrance to the mine has been capped and the land associated with the Colliery is being put forward for redevelopment reducing the possibility of the mine being reopened in the future. Whilst national energy policy seeks to encourage greater use of lower carbon sources of energy it indicates that coal is likely to be needed in the future, although this is expected to be supplied mainly by imports.

Comment [MS143]: 0968 (Womersley PC) 1736, 0790 (Scalby and Newby PC) 2061, 1111 (Coal Authority) 1188, 2981/1645, 0074 (sleby DC) 1302, 0127 (Harworth Estates) 1071- amend in light of the closure of kellingley.

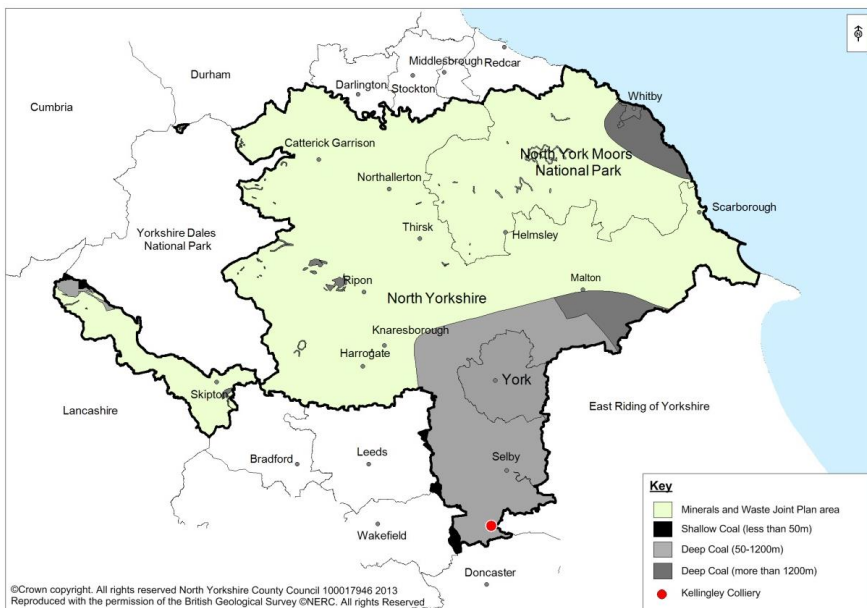


Figure 16: Coal resources in the Joint Plan area

Comment [JJ144]: Remove Kellingley Colliery from map

5.129 The closure of Kellingley Colliery means that there is presently no coal being mined in the Plan area and no known proposals for new operations in the Plan period. However, there is a large area of coal resource still present and national policy identifies coal as a mineral of local and national importance which should be addressed in minerals local plans. It is therefore appropriate to include a policy, including policy relating to disposal of colliery spoil, in the Plan in case future

proposals for coal mining come forward.

5.131 Minerals resource information also suggests that limited and relatively fragmented resources of shallow coal are present in some parts of the Joint Plan area, but there has been no recent history, or any current known commercial interest, in the working of these by opencast mining methods.

Policy M20: Deep coal and disposal of colliery spoil

1) Proposals for surface and underground development for the mining of deep coal will be supported where the following criteria have been satisfactorily addressed;

- i) the location, siting and design of surface development would ensure a high standard of protection to the environment and local amenity in line with the development management policies in the Plan; would enable use of sustainable modes of transport for coal, and, the site would not be located in the Green Belt;
- ii) the effects of subsidence upon land stability and important surface structures, infrastructure (including flood defences) and the natural and historic environment, will be monitored and controlled so as to prevent unacceptable impacts;
- iii) that opportunities have been explored, and will be delivered where practicable, to maximise the potential for reuse of any colliery spoil generated by the development and that proposed arrangements for any necessary disposal of mining waste materials arising from the development are acceptable in line with Part 3 below;

2) Proposals to remediate and restore the Womersley Spoil Disposal Site will be supported where they would be consistent with the development management policies in the Plan.

Proposals for new spoil disposal facilities will be assessed in relation to the following order of preference:

- i) Infilling of quarry voids where this can deliver an enhanced overall standard of quarry reclamation;
- ii) Use of derelict or degraded land;
- iii) Where use of agricultural land is necessary, use of lower quality agricultural land (ALC Grade 3b or below) in preference to higher quality agricultural land (ALC Grade 3a or higher).

Preference will also be given to proposals which are located;

- iv) Outside the Green Belt unless it can be demonstrated that the development at the particular location proposed would not represent inappropriate development, in line with national policy;
- v) Where spoil can be delivered to the site via sustainable (non-road) means of transport or, where road transport is necessary, transport of spoil can take place without unacceptable impacts on the environment or local amenity.

Main responsibility for implementation of policy: NYCC, CYC and NYMNPA, Minerals Industry

Key links to other relevant policies and objectives

M11, M21, W01, W05, W10, I01, I02, D02, D03, D04, D05, D06, D07, D08, D09, Objectives 2, 4, 5, 6, 8

Comment [MS145]: 1112 (RSPB North 0780, 2841/0037, 3689/1704- the climate change and carbon emissions have not been considered. **Response to comments - National policy does not preclude working of coal for climate change reasons as part of a mix of energy supply. Climate change mitigation and adaptation for development is covered in policy D11 – construction and design and does not need to be repeated here, make reference in supporting text.**

Comment [JJ146]: Change in title to reflect closure Kellingley Colliery and incorporation of policy M22: Disposal of colliery spoil.

Comment [JJ147]: Change in text to reflect closure of Kellingley Colliery

Comment [JJ148]: Against policy M22. 0127 (Harworth Estates) 1073- proposed new text. **Following the closure of Kellingley Colliery in 2015, disposal of colliery spoil at Womersley Spoil Disposal site is now only required to receive existing material or that generated by the remediation of the site. Thereafter, proposals to remediate and restore the former spoil disposal site will be supported.** Response to comment 0217 (Harworth Estates) 1073 Text to replace that proposed by Harworth Estates

D10, D11, D12, D13

Monitoring: Monitoring indicator 20 (see Appendix 3)**Policy Justification**

- 5.132 Kellingley Colliery closed at the end of 2015 and is unlikely to reopen in the future. The mine entrance has been capped and the former mine operator is proposing to put the land forward for redevelopment. However, there is still a large resource of deep coal in the Plan area and therefore the potential for proposals for future extraction of deep coal, although this looks unlikely in the current Plan period. However, to ensure appropriate policy coverage in the Plan Policy M20 sets out the main strategic criteria that would apply to any such proposals that may come forward.
- 5.133 Underground mining of coal is often associated with surface subsidence which can have adverse impacts on certain structures and other infrastructure and assets. Whilst separate legislation exists to compensate landowners or undertake remediation for any damage caused, there may also be wider public interest considerations in ensuring a degree of protection. Features at risk can include large structures or those containing sensitive uses, assets and infrastructure such as roads and railway lines and flood defence works, as well as sensitive environmental and cultural designations such as nature conservation sites and listed buildings. Any proposals will need to ensure that unacceptable adverse impacts from subsidence will not arise.
- 5.134 Underground mining often generates large amounts of spoil which requires disposal. Spoil from Kellingley Colliery has been disposed of at offsite locations, principally the Womersley spoil disposal facility, which since the closure of Kellingley Colliery is being restored. A proposal has been submitted to extend the time allowed for the restoration of Womersley spoil disposal facility by two years, using the remaining colliery spoil from Kellingley Colliery and soil making materials from elsewhere. Transport and disposal of spoil can have significant impacts on communities and on the environment especially when road haulage is involved. It is therefore important, when new disposal sites are under consideration, to give preference to proposals which utilise sustainable transport modes such as rail, water or pipeline. Where road haulage is the only option it will be need to be demonstrated that suitable haulage routes are available between the location of the arisings and the point of disposal.
- Spoil may also be capable of being used beneficially as a secondary aggregate and it will be important to maximise the potential for this, in line with Policy M11 relating to the supply of secondary and recycled aggregate.

SA/SEA

Summary of assessment This preferred policy exhibits a mixture of mainly minor negative effects and uncertain. Most minor negative effects occur because, while the preferred policy combines with the development control policies in the plan, because of the nature of deep coal and colliery spoil development, residual effects may remain. This is the case for the flooding, biodiversity, health and wellbeing, landscape, historic environment, soils, traffic, air and water objectives. More significant minor effects occurred in relation to the resource use (as coal mining is the extraction of a non-renewable resource) and climate change (due to longer term greenhouse gas emissions from mines) objectives.

Positive contributions were also recorded, particularly in terms of the economy. However, all options recorded a high level of uncertainty as coal mining in the UK has an uncertain future.

Recommendations Generally this policy links well to development management policies which provide appropriate mitigation. However, there is an opportunity to link this policy to

the hydrocarbon policy (M16) to further promote capture of coal mine methane.
Overall Summary of Reasons for Change
The Preferred Options policy was largely based on the future development potential at Kellingley Colliery, which has now closed and is unlikely to reopen, but a policy dealing with possible deep coal extraction still needs to be in place in case there is interest in any new coal mines in the future. If deep coal is mined in the future then provision will need to be made for management of the spoil produced.
The closure of Kellingley Colliery means that the Womersley spoil disposal site, or additional new capacity, will not be required in the future to serve this site. The Womersley spoil disposal site still needs to be restored and there has been a proposal submitted to extend the time allowed for restoration and with a revised restoration plan so the Policy needs to include this.
In order to streamline the overall approach and to reflect the close association between deep mining and requirements for spoil disposal, policy M22: Disposal of colliery spoil has been incorporated into the deep coal policy.

Development of Policy M21: Shallow coal.

Part 1 - Issues and Options to Preferred Options

Policy id30: Shallow coal		
<i>Options presented at Issues and options stage</i>	Option 1: This option would not express specific support for the principle of shallow coal mining in the Joint Plan area (except where extraction would take place as part of an agreed programme of development to avoid sterilisation of shallow coal as a result of the implementation of other permitted surface development).	
	Option 2: This option would support the principle of extraction of shallow coal where it would be consistent with the development management policies in the Plan.	
What the SA told us		
Both options are associated with a number of negative effects, and Option 1 records a significant amount of uncertainty in relation to several environmental and social factors – though effects would be dependent upon the scale and location of extraction. Potential effects on the North York Moors are unlikely under Option 1 as it is unlikely that other development of a sufficient scale would be permitted in the area of shallow coal resource. There is, however, greater certainty that Option 2 would at least create a more supportive policy environment for shallow coal extraction. This, if development occurs, could potentially cause significant sustainability effects, such as landscape and amenity effects, the nature and magnitude of which would depend on the development management policies chosen. There are a limited number of positive effects, mainly associated with Option 2, including benefits accruing for possible restoration, reduction in transport miles, and increased employment.		
Number of consultation responses		
Total Number of comments against id:	13	
Question 76: Do you have an initial preference for any of the options presented above?	Option 1: 4	None: 3 (1 SC)
	Option 2: 3 (1SC)	Did not Specify: 2 (1SC)

Question 77: Are there any alternatives that you would like the authorities to consider in relation to shallow coal?	Number of respondents: 1
Brief overview of consultation responses	
<p>Key Messages Q76: The majority of respondents did not express support for open cast mining. One respondent did not support either of the options put forward as it was considered the environmental impacts of shallow coal working will depend on the location of proposals. Support was also expressed for Option 2 as it would allow flexibility for both prior extraction (to avoid sterilisation) and stand-alone working of shallow coal. One consultee suggested that flexibility is desirable because of the expected cessation of underground mining of coal in the area.</p> <p>Key Messages Q77: No realistic alternative options were put forward.</p>	
SA of options including alternatives	
N/A	
Joint Authorities response to consultation responses	
<p>It is acknowledged that working of shallow coal can give rise to significant impacts on the environment and amenity, as well as bringing benefits in terms of contributing to the economy and employment. Environment and amenity impacts in particular will be determined by the scale and location of any development. Although there is no recent history of working of shallow coal in the Plan area, and no expectation of future development, it is nevertheless considered important to include a policy in the Plan to help take decisions on any proposals that may come forward and to provide an element of flexibility, particularly taking into account current uncertainty about the future of underground coal mining in the area.</p>	
Evidence base update	
<p>The online NPPG was published subsequently to the drafting of the Options above and provides more in depth guidance on land stability issues in relation to coal extraction, including the important role played by the Coal Authority.</p> <p>In all other respects there are no changes to the evidence base for planning policy relating to coal extraction as of January 2015.</p>	
Duty to Cooperate	
Is this a Duty to Cooperate matter? No	
Discussion around development of preferred options approach	
<p>Responses to consultation was divided, with some support for a more restrictive approach to shallow coal as well as support for a more positive and flexible approach.</p> <p>Although it is considered relatively unlikely that proposals for surface mining of coal will come forward during the Plan period (other than potentially for prior extraction of coal to avoid sterilisation by other development), it is considered preferable to have a policy to provide a local policy framework in case proposals for stand-alone extraction do come forward.</p> <p>The SA of the options suggests that Option 2 'could potentially cause significant sustainability effects, such as landscape and amenity effects', whilst also noting that it could lead to more positive effects than Option 1. The SA also states that Option 1 could lead to a 'significant amount of uncertainty in relation to several environmental and social factors'. However, on balance, the SA recommends that <i>'from a sustainability perspective option 1 is preferable'</i>.</p>	

In view of the range of opinions expressed in consultation, and the findings of the SA, it is considered that the preferred approach should support the principle of prior extraction of shallow coal. Policy should also set out criteria to help consider any proposals for working shallow coal at stand-alone sites that may come forward. As the potential resources of shallow coal in the Plan area are in some cases located within or in close proximity to sensitive designations including National Parks, AONBS, important nature conservation sites and Green Belt it is considered that specific locational criteria for development of shallow coal would be appropriate.

The preferred approach therefore in effect represents a combination of Option 1 and elements of Option 2.

Preferred policy approach – title changed to M21: Shallow coal

Proposals for the extraction of shallow coal will be supported where extraction would take place as part of an agreed programme of development to avoid sterilisation of the resource as a result of the implementation of other permitted surface development; and where the proposal would be consistent with the development control policies in the Plan.

Other proposals for the working of shallow coal will be permitted where all the following criteria are met:

- **The site is located outside the National Park and AONBs and, where located outside these designated areas, would not cause significant adverse impact within them;**
- **The site is located outside internationally and nationally important nature conservation designations and, where located outside these designated areas, would not cause significant adverse impact within them;**
- **Where located in the Green Belt, the working, reclamation and afteruse of the site would be compatible with Green Belt objectives in line with national policy on Green Belt;**
- **The site is well located in relation to the highway network and intended markets;**
- **The development would be consistent with the development control policies in the Plan**

Supporting text

Shallow coal resources are relatively scarce across the Plan area and the resource is highly fragmented. There has been no recent history of working shallow coal and no known current commercial interest. Where the resource does occur, in some cases it is located in sensitive areas such as those designated as National Park, AONB or Green Belt. In a number of instances the resource is also found in locations relatively remote from major transport routes.

The nature of shallow coal extraction through opencast working can give rise to significant environmental impacts. It is therefore considered that specific criteria are necessary to ensure adequate protection of the environment and amenity should any proposals come forward, in addition to those requirements set out in the general development control policies elsewhere in the Plan.

In some instances it may be practicable to carry out prior extraction of shallow coal to avoid its sterilisation by other forms of surface development. This can be a particular opportunity for shallow coal as it is a relatively high value product and its working in relatively small quantities can be viable. Such prior extraction can be beneficial to avoid sterilisation of a valuable resource and can be in the overall interests of sustainable development, provided it can be carried out without unacceptable impact on environment and amenity. Where such

prior extraction is proposed compliance with relevant environmental and amenity policies in the Plan will therefore be required.

Links to Objectives and Policies

Link to Objectives:

Objective 5

Objective 9

Links to other relevant policies in the Plan:

Id31: Safeguarding shallow coal

Id59: Local amenity and cumulative impacts

Id60: Transport of minerals and waste and associated traffic impacts

Id61: North York Moors National Park and the AONBs

Id62: Minerals and waste development in the green belt

Id63: Landscape

Id64: Biodiversity and geodiversity

Id71: Consideration of applications in mineral consultation areas

SA/SEA

Summary of assessment

This preferred option mainly reports minor negative effects against the SA objectives that result from the potential for shallow coal to create large scale holes in the ground or generate impacts such as traffic, dust and water pollution. While development management policies elsewhere in the plan will help mitigate these impacts (though uncertainty is noted until these are finalised), the possibility that one or more large scale sites could result from the policy may leave some minor residual impacts.

Some objectives fare slightly worse with minor to major / moderate negative effects being reported under the landscape objective and climate change objective, and temporary major negative effects expected in terms of the land and soils and waste objectives.

Recommendations

This policy is generally mitigated by other policies in the plan (particularly relation to the water environment, local amenity and cumulative impacts, transport, agricultural land and soils, reclamation and after use and historic environment). However, the assessment has concluded that better links could be made to policy D10 'Reclamation and Afteruse' to ensure that all shallow coal development, inside and outside of the Green Belt is suitably restored (or suitable restoration / preparation for the development which would have otherwise sterilised the resource is enabled) Further mitigation might be achieved through restoration which helps to offset greenhouse gases – for instance restoration of habitats that sequester carbon or restoration to renewable energy production.

Part 2 - Preferred options to Publication

Consultation Responses to Preferred Options

Policy M21: Shallow coal

Proposals for the extraction of shallow coal will be supported where extraction would take place as part of an agreed programme of development, in order to avoid sterilisation of the resource as a result of the implementation of other permitted surface development; and where the proposal would be consistent with the development management policies in the Plan.

Other proposals for the working of shallow coal will be permitted where all the following criteria are met:

- i) The site is located outside the National Park and AONBs and, where located**

Comment [MS149]: 0130 (Leeds CC) 1205- the policy should define surface coal mining safeguarding areas. Note – Safeguarding covered in S01 and areas shown on policies map.

2841/0054, 1112 (RSPB) 0781, 2981/1646- the climate change impacts of coal extraction has not been fully considered. Note – climate change covered in D11 – sustainable design etc

Comment [JJ150]: 0127 (Harworth Estates) 1072- Suggested additional text 'where this is feasible, economically viable and does not prevent or restrict the delivery of development. This is intended' Note - whilst these may be considerations, the policy does not require the extraction of coal as part of other development proposals and it may be expected that proposals for prior extraction would not come forward where or would not be feasible, viable or restrict delivery of development.

<p>outside these designated areas, would not cause significant adverse impact within them;</p> <p>ii) The site is located outside internationally and nationally important nature conservation designations and, where located outside these designated areas, would not cause significant adverse impact within them;</p> <p>iii) Where located in the Green Belt, the working, reclamation and afteruse of the site would be compatible with Green Belt objectives in line with national policy on Green Belt;</p> <p>iv) The site is well located in relation to the highway network and intended markets;</p> <p>v) The development would be consistent with the development management policies in the Plan.</p>	
<p>Main responsibility for implementation of policy: NYCC, CYC and NYMNPA, Minerals Industry</p>	
<p>Key links to other relevant policies and objectives</p>	
<p><i>M20, M22, S01, S06, D02, D03, D04, D05, D06, D07, D08, D09, D10, D12, D13</i></p>	<p><i>Objectives 5, 9</i></p>
<p>Monitoring: Monitoring indicator 21 (see Appendix 3)</p>	

Comment [MS151]: 0359 (North York Moors Association) 0712- green belt should be excluded. Note – mineral extraction is permitted in the Green Belt.

Policy Justification

- 5.135 Shallow coal resources are relatively scarce across the Plan area and the resource is highly fragmented. There has been no recent history of working shallow coal and no known current commercial interest. Where the resource does occur, in some cases it is located in sensitive areas such as those designated as National Park, AONB, national or international nature conservation designations or Green Belt. In a number of instances the resource is also found in locations relatively remote from major transport routes.
- 5.136 The nature of shallow coal extraction through opencast working can give rise to significant environmental impacts. It is therefore considered that specific criteria are necessary to ensure adequate protection of the environment and amenity should any proposals come forward, in addition to those requirements set out in the general development management policies elsewhere in the Plan.
- 5.137 In some instances it may be practicable to carry out prior extraction of shallow coal to avoid its sterilisation by other forms of surface development. This can be a particular opportunity for shallow coal as it is a relatively high value product and its working in relatively small quantities can be viable. Such prior extraction can be beneficial to avoid sterilisation of a valuable resource and can be in the overall interests of sustainable development, provided it can be carried out without unacceptable impact on environment and amenity and would not prejudice delivery of the surface development giving rise to the opportunity for prior extraction. Where such prior extraction is proposed compliance with relevant environmental and amenity policies in the Plan will be required.

SA/SEA

Summary of assessment This preferred option mainly reports negative effects against the SA objectives that result from the potential for shallow coal to create large scale holes in the ground or generate impacts such as traffic, dust and water pollution. While development management policies elsewhere in the plan will help mitigate these impacts, the possibility that one or more large scale sites could result from the policy may leave some minor residual impacts.

Some objectives fare slightly worse with minor to major / moderate negative effects being

reported under the landscape objective and climate change, land and waste objectives.

Recommendations This policy is generally mitigated by other policies in the plan (particularly relation to the water environment, local amenity and cumulative impacts, transport, agricultural land and soils, reclamation and after use and historic environment). Further mitigation might be achieved through restoration which helps to offset greenhouse gases – for instance restoration of habitats that sequester carbon or restoration to renewable energy production in the supporting text to this policy this (by pointing out the link between this policy and part one (iv) of policy D10 on reclamation and afteruse).

Overall Summary of Reasons for Change

Leeds CC suggested that the coal safeguarded areas should be defined. This is covered in Policy S01 and the areas are shown on the policies map.

Some comments suggested including reference to climate change in the policy, climate change is covered in policy D11 – Sustainable design etc. so does not need including here, links to other policies is mentioned in the policy justification. National policy does not preclude the development of coal resources on climate change grounds.

Harworth Estates suggested additional text for the policy to state that the policy is applicable only where extraction is feasible. This text is not considered necessary as, whilst these may be considerations, the policy does not require the extraction of coal as part of other development proposals and it may be expected that proposals for prior extraction would not come forward where or would not be feasible, viable or restrict delivery of development. However, reference to the need to ensure that prior extraction would not prevent delivery of surface development could be made in the supporting text.

The North York Moors Association suggest excluding shallow coal extraction in the Green Belt. National policy indicates that minerals working is not incompatible with the Green Belt in certain circumstances therefore such exclusion would not be appropriate.

Development of Policy M22: Potash, polyhalite and salt supply.

Part 1 - Issues and Options to Preferred Options

Policy id34: Potash and polyhalite supply	
<i>Options presented at Issues and options stage</i>	Option 1: Support an indigenous supply of potash from one location only.
	Option 2: Support the principle of multiple sources of potash supply from within the Plan area.
	Option 3: Support new locations for potash extraction outside of the North York Moors National Park only.
	Option 4: Support extraction of potash from under the National Park as well as outside of the National Park but only support siting of surface infrastructure outside the National Park.
What the SA told us	
Option 1 would enable the economic and minerals supply benefits associated with having a potash mine in the Plan area to be maintained, whilst limiting the environmental effects. However, the scale of potential negative environmental, community and recreational effects in the longer term may vary depending on whether the option would lead to the development of a new mine. The environmental effects include effects on landscape, biodiversity / geodiversity, the historic environment, water and air quality. Of all the options, Option 2 would	

have the most significant negative effects on the environment and communities however could provide overall gains for the economy. Options 3 and 4 would provide the least harm, through protecting the environment and recreational assets of the National Park, although of these Option 4 would have greater positive effects on the economy and minerals supply.		
Number of consultation responses		
Total Number of comments against id:	32	
Question 86: Do you have an initial preference for any of the options presented above?	Option 1: 1	Option 4: 3
	Option 2: 16	Did Not Specify: 3
	Option 3: 4	
Question 87: Are there any alternative options the Authorities should consider in relation to potash supply?	Number of respondents: 5	
Brief overview of consultation responses		
<p>Key Messages Q86: Option 2 received greatest support, as it was considered that providing several sources of supply would mitigate risk to supply. Option 2 was considered to be the only option consistent with national policy. Option 4 was considered to be unworkable as Boulby would require new infrastructure in the longer term to continue working.</p> <p>Key Messages Q87: A range of alternative options were suggested in the responses, these are detailed in the 'Suggested new options Chapter 5 – Minerals table' along with justification as to why they have or have not been taken forward. The only realistic alternative which was proposed is summarised and worked up below:</p> <p>Proposed Option 5</p> <ul style="list-style-type: none"> Proposals for the extraction of Potash in the National Park and AONBs would need to meet the Major Development Test. <p><i>Suggested approach</i> <i>This option would support the supply of potash from new sites. Within the National Park and AONBs the requirements of the Major Development Test would need to be met.</i></p> <p>A point which was put forward under the alternative options was that where potash extraction is being proposed consideration should be given to the impact the development may have on designations and an Appropriate Assessment under the HRA should be undertaken before an application is granted.</p> <p>General Comments: The Plan must recognise the long term social and economic benefits that can arise from mineral extraction and that importance of the Potash resource to the UK. It is considered that the rationale for not allocating land for the extraction of potash within the plan is inconsistent with the requirement of the NPPF to ensure that there is an adequate and steady supply.</p>		
SA of options including alternatives		
Summary of assessment		
Option 1 would enable the economic and minerals supply benefits associated with having a potash mine in the Plan area to be maintained, whilst limiting the environmental and social effects. However, the scale of potential negative environmental, community and recreational effects in the longer term may vary depending on whether the option would lead to the development of a new mine. The environmental effects include effects on landscape, biodiversity / geodiversity, the historic environment, water and air quality. The other options all display increased negative impacts as they potentially support more than one potash mine. Of all the options, Option 2 would have the most significant negative effects on the sustainability objectives.		

Options 3 and 4 would offer protection to the environment and recreational assets of the National Park, though negative effects may still occur outside of the National Park, particularly where potash mining may intersect with important aspects of the Plan area, such as the seascape.

Option 5 would provide a robust approach to considering proposals in the National Park, though the Major Development Test does allow development in exceptional circumstances. So in relation to most of the environmental and community objectives the SA considers that there may be negative effects, but that this is uncertain as it depends on whether development meets the requirements of the Test. Elsewhere in the potash resource area negative effects are more likely to occur as new sites are supported

Options 2, 3, 4 and 5 all have positive economic effects as they potentially support more than one potash site which would help bring new jobs to the area, though facilities in some locations may have negative impacts on levels of tourism.

Recommendations

It is recommended that option 1 be pursued, though failing that a next best option, at least in terms for protecting the most nationally significant environmental assets, would be option 4.

Joint Authorities response to consultation responses

The support for Option 2 is noted. Whilst this option may perform well in relation to national policy concerning the supply of minerals and the provision of support for the economy, it could potentially lead to the most significant adverse impacts on the environment if it resulted in increased development in the National Park. The limited scope for provision of surface infrastructure outside the National park area is also noted. National policy indicates that it is not appropriate to identify site allocations in NPs so it is considered that any policy in the Plan should be criteria based. Taking into account the potential for development proposals in the NP area it is agreed that reference in policy to the major development test would be appropriate.

Evidence base update

Since Issues and Options consultation in Spring 2014 a revised planning application for development of a new potash (polyhalite) mine in the NYMNP area has been submitted and is under consideration.

This evidence is accurate as of January 2015.

Duty to Cooperate

Is this a Duty to Cooperate matter? Yes

Development of potash/polyhalite resources in the Joint Plan area may impact on more than one authority area and was relevant to the initial decision to prepare a joint Minerals and Waste Plan.

Discussion around development of preferred options approach

The majority of respondents supported option 2, which was the principle of multiple sources of potash/polyhalite supply from within the Plan area. In order to provide a robust policy basis for assessing multiple sources of potash supply it is considered necessary to take a criteria based approach. As there is already a site at Boulby and there may be an approval in place at Doves Nest Farm it will be necessary to have a criteria based policy for the continuation and expansion of these sites with a separate policy which address the approach for new proposals elsewhere in the Plan area. Reference should be made in the policy that proposals for sites in the National Park and AONBs will be assessed against the Major Development Test. Option 2 was least favoured by the SA due to the increased potential for impacts on a range of environmental and other objectives but along with a number of other options performed more positively in relation to economic impacts. The SA also notes that Option 5

would produce a robust approach to consideration of proposals in the NP, although the effects are uncertain as it is not currently known whether any proposals would be able to satisfy the test.

Overall it is considered that elements of a number of options could provide the basis for a preferred approach.

Preferred policy approach – title changed to M23: Potash, Polyhalite and salt supply

Proposals for the exploration and extraction of potash, salt or polyhalite from new sites within the North York Moors National Park will be assessed against the criteria for Major Development set out in Policy D04.

Proposals for lateral extensions to the permitted working area for Boulby Potash Mine and Doves Nest Farm (if permitted) in locations accessible from the existing site, as well as proposals for new sites outside of the National Park, will be supported where it can be demonstrated that the following criteria have been satisfactorily addressed;

- **The proposals will not harm the special qualities of the National Park;**
- **The effects of subsidence upon land stability and important surface structures, infrastructure (including flood defences) and environmental and cultural designations, can be monitored and controlled so as to prevent unacceptable impacts;**
- **The proposed arrangements for disposal of mining waste materials arising from the development are acceptable; and**
- **The requirements of Policy I01 for transport and infrastructure have been fully considered; and**
- **The proposals would be consistent with other relevant development management policies in the Plan**

Supporting Text

There are various forms of potassium-bearing minerals which can be mined for potash including sylvinite, polyhalite and carnalite. Potash is commonly used as a fertiliser. Potash resources are found in the eastern part of the Joint Plan area, with a significant proportion lying under the North York Moors National Park. Potash is currently mined at the Boulby Potash mine, which is the only one of its kind in the UK and supplies both the UK and international markets. The Potash extracted is mostly sylvinite although extraction of polyhalite has recently commenced. The mine operator, Cleveland Potash, has confirmed that they will be looking to extend the lifetime of the Boulby mine beyond the end of the current permission of 2023.

A planning application has recently been submitted for a new mine located at Doves Nest Farm, Sneaton in the National Park, for the extraction of polyhalite. The proposal involves the creation of an underground tunnel which will transport the polyhalite to Teeside where it will be processed.

Potash is identified as a mineral of local and national importance in the NPPF, which requires policies to be included for their extraction. There is however no requirement within national policy to maintain a certain level of potash reserves. For this reason it is not considered appropriate to allocate for Potash extraction within the plan. Where proposals for new potash mining activities are located within the National Park they will be considered in accordance with the requirements of the Major Development Test.

Links to Objectives and Policies
<p><i>Link to Objectives</i> <i>Objective 5</i> <i>Objective 6</i> <i>Objective 9</i> <i>Objective 10</i></p> <p><i>Links to other relevant policies in the Plan:</i> <i>Id35: Safeguarding potash</i> <i>Id38: Safeguarding deep mineral resources</i> <i>Id59: Local amenity and cumulative impacts</i> <i>Id61: North York Moors National Park and the AONBs</i> <i>Id63: Landscape</i></p>
SA/SEA
<p>Summary of assessment</p> <p>Most SA objectives have negative effects resulting from application of the Major Development Test, which significantly moderates effects, but may still allow some development in the National Parks and AONBs. Support for new development outside of designated landscapes (albeit subject to specific criteria and the development management policies) could lead to negative effects (with significant uncertainty) for most SA objectives. In addition, lateral extensions could lead to subsidence or could extend the time period in which Boulby and Dove Farm operate, with corresponding minor negative / uncertain sustainability effects.</p> <p>The economic and community vitality SA objectives report a mixture of uncertain, strongly positive and minor negative effects. This is because significant jobs could be provided, but tourism may suffer, depending on location.</p> <p>The climate change and resource use objectives show up to major negative effects, the former due to the factors such as possible transport of materials, loss of soils and habitat and the embodied carbon in infrastructure such as road connections, pipelines (if used) and buildings (with uncertainty noted about the configuration of future sites, and effects moderated to a degree by the sustainable design policy), the latter objective recognising a large scale extraction of a non renewable resource (albeit a resource which has limited potential for substitution).</p> <p>Minor to major negative effects are reported for the water quality SA objective, as the potash resource outside of the National Park includes a concentration of Source Protection Zones.</p> <p>Recommendations No recommendations are made.</p>

Part 2 - Preferred options to Publication

Consultation Responses to Preferred Options
<p>Potash, Polyhalite and Salt</p> <p>5.144 There are various forms of potassium bearing minerals which can be mined for potash including sylvinite, polyhalite and carnalite. Potash is mainly used as a fertiliser. Rock salt may occur in association with potash and is commonly used for de-icing roads. Both potash and salt occur at substantial depths below the eastern part of the plan area, where existing extraction takes place. Identified resources lie mainly beneath the North York Moors National Park.</p>

Policy M23: Potash, polyhalite and salt supply – little changed to M22: Potash, polyhalite and salt supply

Proposals for the extraction of potash, salt or polyhalite from new sites within the North York Moors National Park and renewed applications for the existing sites at Boulby Mine and Doves Nest Farm beyond their current planning permissions will be assessed against the criteria for major development set out in Policy D04.

Proposals for new surface development and infrastructure associated with the existing potash, polyhalite and salt mine sites in the National Park, or their surface expansion, which are not considered to be major development will be supported provided they meet the requirements of Policy D11 and Policy I02 and that no unacceptable impact would be caused to the special qualities of the National Park, its environment or residential or visitor amenity in the context of any overriding need for the development.

Proposals for increased volume of potash extraction, the extraction of other forms of potash not included in existing permissions, or sub-surface lateral extensions to the permitted working area in locations accessible from the existing sites at Boulby Potash Mine and the Doves Nest Farm site as well as proposals for new sites outside of the National Park, will be supported where it can be demonstrated that the following criteria have been satisfactorily addressed;

- i) The proposals will have no increased impact on the special qualities of the National Park or where this is not possible include substantial mitigation measures to improve the special qualities of the Park;**
- ii) The effects of subsidence upon land stability, coastal erosion and important surface structures, infrastructure (including flood defences) and environmental and cultural designations, can be monitored and controlled so as to prevent unacceptable impacts;**
- iii) The proposed arrangements for disposal of mining waste materials arising from the development are acceptable; and**
- iv) The requirements of Policy I01 for transport and infrastructure have been fully considered;**

Main responsibility for implementation of policy: NYCC, NYMNPA and Minerals industry

Key links to other relevant policies and objectives

I01, I02, S01, S04, D01, D02, D03, D04, D05, D06, D07, D08, D09, D10, D11, D12, Objectives 3, 5, 6, 8, 10

Monitoring: Monitoring indicator 22 (see Appendix 3)

Comment [MS152]: General Messages: More focus should be put on York Potash Project/ mixed views on the extraction of potash within the National Park.
Note - it is agreed that further clarification of the position should be provided in the supporting text.

Comment [JJ153]: Policy number changed due to deletion of colliery spoil policy.

Comment [MS154]: 0359 (North York Moors Association) 0713- no new surface working at doves nest farm
Note - whilst it is not considered appropriate to include policy which would prevent surface infrastructure development at this location it is considered that the policy provides sufficient safeguards to ensure that any further development would be acceptable within the context of the highly constrained nature of this location.

Comment [MS155]: 0252 (York Potash) 0914- the inclusion of this criterion is not justified by the nppf Amend policy to remove reference for the need for new developments at existing mineral sites to deliver and improved impact on the special qualities of the National Park
Note - it is agreed that criterion i) should be revised to indicate that proposals should have 'no increased impact' rather than lead to a reduction in impact as this would be more in line with the objectives of relevant national policy

Policy Justification

5.145 Potash is identified as a mineral of local and national importance in the NPPF, which requires policies to be included for its extraction. There is however no requirement within national policy to maintain a certain level of potash reserves. Potentially viable resources of potash are understood to lie mainly beneath the North York Moors National Park. Where proposals for new potash (including polyhalite) mining activities are located within the National Park they will need to be considered in accordance with the requirements of the major development test. This includes extensions to the operating period or renewal applications for the existing mine sites at Boulby and Doves Nest Farm. For these reasons it is not considered appropriate to allocate proposed sites in the Minerals and Waste Joint Plan but to consider any new proposals against the policy requirements set out above.

- 5.146 The UK's only working potash mine is located at Boulby which is in the north eastern area of the North York Moors National Park. The mine has been producing potash since 1973, with mining currently occurring at depths of 800-1350m below ground with operations extending to 14km off-shore. In 2015 permission was granted for a second mine, located at Doves Nest farm near Whitby, for the extraction of polyhalite underneath the North York Moors National park, incorporating a 37km tunnel to convey the material to a handling facility at Wilton on Teesside. An associated export facility at Teesport was approved in 2015 under the NSIP process.
- 5.147 Rock salt is mined as a by-product of potash extraction at Boulby mine. The rock salt is transported by rail to Teesside from where it is either exported or transported to locations within the UK, with a small amount transported by road to local authorities for use on roads.

SA/SEA

Summary of assessment

Most SA objectives have negative effects resulting from application of the major development requirements, which significantly moderate effects, but may still allow some development in the National Parks and AONBs. Support for new development outside of designated landscapes (albeit subject to specific criteria and the development management policies) could lead to negative effects (with significant uncertainty) for most SA objectives. In addition, lateral extensions could lead to subsidence or could extend the time period in which Boulby and Dove Farm operate, with corresponding minor negative / uncertain sustainability effects. Effects, however, tend to be minor as they are mitigated by other policies in the Plan.

The economic and community vitality SA objectives report a mixture of uncertain, strongly positive and minor negative effects. This is because significant jobs could be provided, but tourism may suffer, depending on location. Positive effects are also noted for the changing population SA objective, as potash is an important resource for food production.

The climate change and resource use objectives show stronger negative effects, the former due to the factors such as possible transport of materials, loss of soils and habitat and the embodied carbon in infrastructure such as road connections, pipelines (if used) and buildings (with uncertainty noted about the configuration of future sites, and effects moderated to a degree by the sustainable design policy), the latter objective recognising a large scale extraction of a non-renewable resource (albeit a resource which has limited potential for substitution).

Minor negative effects are reported for the water quality SA objective, as the potash resource outside of the National Park includes a concentration of Source Protection Zones.

Recommendations This policy is already significantly mitigated through links to other policies in the plan. Monitoring of the plan should determine the extent to which this policy directs development to areas outside of the designated landscapes and what the effects of this might be.

Overall Summary of Reasons for Change

Minor revisions made to the policy in response to comments received at preferred options stage and to reflect the current position with proposals for a new polyhalite mine in the National Park.

Development of Policy M23: Supply of gypsum.

Part 1 - Issues and Options to Preferred Options

Policy id36: Supply of gypsum		
<i>Options presented at Issues and options stage</i>	Option 1: This option would support the principle of the extraction of natural gypsum subject to suitable proposals coming forward and would set out a range of environmental criteria against which proposals would be assessed.	
	Option 2: This option would not express support for the principle of working of natural gypsum.	
	Option 3: This option would operate independently of Options 1 and 2 above and would support the principle of continued supply of desulphogypsum from power stations in the Joint Plan area.	
	Option 4: This option would operate independently of Options 1 and 2 above and would not express support for the principle of continued supply of desulphogypsum from power stations in the Joint Plan area.	
What the SA told us		
Comparatively, Options 1 and 2 result in similar effects given that over the last few years natural gypsum has not been extracted in the Plan area. In the long-term, not expressly supporting the extraction of gypsum through Option 2 may have a minor negative impact on the economy should demand increase while supporting Option 1 would ensure that this is considered more favourably. The effects from the extraction of gypsum on environmental and social objectives would be location specific and commensurate to the scale of the building works/processing above ground as predominantly this mineral is mined underground. Options 3 and 4 also have negligible effects given that synthetic gypsum is a by-product from existing fossil fuel power stations although would have limited positive effects in terms of air quality, reducing waste and supporting the power stations economically.		
Number of consultation responses		
Total Number of comments against id:	3	
Question 90: Do you have an initial preference for either of the options presented above?	Option 1: 1	Option 4: 0
	Option 2: 0	Did Not Specify: 0
	Option 3: 1	None: 0
Question 91: Are there any alternative options the Authorities should consider in relation to the continuity of gypsum supply?	Number of respondents: 1 (1 Local Authority)	
Brief overview of consultation responses		
Key Messages Q90: Only very limited views were received in relation to which option respondents preferred and no additional comments were received.		
Key Messages Q91: One comment was received which considered the Plan should support employment opportunities at power stations, sustainable growth and the use of by-products. The continued supply of gypsum from power stations is covered by proposed Option 3 and so does not provide an added alternative option.		
SA of options including alternatives		
N/A		
Joint Authorities response to consultation responses		
It is agreed that provision of support for the economic benefits of minerals and waste development and the sustainable use of materials should be included in the Plan. This is likely to be relevant to a range of policy areas addressed in the Plan.		
Evidence base update		
No new evidence as of January 2015.		

Duty to Cooperate
Is this a Duty to Cooperate matter? No
Discussion around development of preferred options approach
Only one response was received in relation to the options for the supply of natural gypsum, with a preference for option 1. Of the options for supply of synthetic gypsum, again only one response was received, supporting option 3. Only limited differences between the approached was indicated by the SA. Overall it is considered that the inclusion of policy supporting the principle of extraction of natural gypsum, and the supply of desulphogypsum, would be more in line with national policy and the presumption in favour of sustainable development and the sustainable use of materials in line with Plan objectives.
Preferred policy approach – title changed to M24: Supply of gypsum
The extraction of natural gypsum and the supply of desulphogypsum will be supported where the proposal complies with the development management policies in the Plan.
<p><u>Supporting text</u></p> <p>The potential for gypsum deposits to dissolve in water means that their distribution is unpredictable and no specific information is available for the Plan area. No mining of natural gypsum has taken place in the Plan area since 1988, with the cessation of working at the former mine at Sherburn in Elmet. Permission for working at Sherburn Mine remains extant, although the workings are now flooded. There has been no indication of any commercial interest in reactivating workings or the opening of new gypsum mines in the Plan area. BGS have indicated that gypsum and anhydrite bearing units occur at depth under the NYMNPA area and as a result gypsum is unlikely to have formed and anhydrite is not considered to be an economic resource. Therefore, whilst it is considered relatively unlikely that proposals for further working will come forward during the plan period, gypsum is identified in national policy as one of a number of minerals of local and national importance which should be subject of local policy. Provision of policy support for the principle of development of gypsum resources, subject to compliance with other relevant policies in the Plan, would also be consistent with national policy objectives including the presumption in favour of sustainable development.</p> <p>Synthetic gypsum is also produced and supplied from power generation activity in the Plan area, as a by-product of the process of flue-gas desulphurisation. Supply of synthetic gypsum is consistent with objectives to preserve scarce natural resources and for the minimisation of waste. Where development associated with the supply of synthetic gypsum falls within the scope of the Plan then it is considered that support should be provided, subject to compliance with other relevant policies.</p>
Links to Objectives and Policies
<p><i>Link to Objectives:</i> Objective 5</p> <p><i>Links to other relevant policies in the Plan:</i> Id37: Safeguarding gypsum Id38: Safeguarding deep mineral resources</p>
SA/SEA
<p>Summary of assessment</p> <p><i>The consideration of future gypsum and DSG proposals against the development control policies should have broadly minor positive effects as future development will need to take account of a range of environment and amenity criteria. It will also have more major positive effects on the economic growth and changing population needs objectives as gypsum supply will be more secure going forward as both gypsum and DSG are supported. This will</i></p>

underpin future development due to gypsum's importance as a construction material. Two objectives reported mixed positive and negative effects. The 'minimising resource use' objective identified that support for gypsum would consume a primary natural resource on the one hand, but support for DSG would do the opposite in that it would save / offset consumption of primary gypsum. A similar effect was observed for the 'minimising waste objective' in that the policy might, though supporting gypsum, allow gypsum to be extracted at the expense of utilising waste DSG as a resource. However, The policy also supported DSG, so the market may play a role in optimising the balance between these two materials.

Recommendations

None

Part 2 - Preferred options to Publication

Consultation Responses to Preferred Options

Gypsum

- 5.148 Gypsum is a product of the evaporation of seawater and is used mainly in the manufacturing of plaster, plasterboard and cement. It is possible that demand for gypsum will increase in line with future development and economic growth.
- 5.149 Gypsum is found close to the surface and may be present across significant parts of the Joint Plan area although it is not currently mined, with a former mine at Sherburn in Elmet closing in 1988 although the permission remains extant. The mine workings are now understood to be flooded.
- 5.150 Synthetic gypsum is produced at Drax and Eggborough power stations as a by-product of the process of flue gas desulphurisation following the burning of coal. Moves towards greater use of lower carbon fuel for power generation may lead to reduction in output of synthetic gypsum in the longer term.
- 5.151 Gypsum is identified as a mineral of local and national importance in the National Planning Policy Framework, which requires policies to be included for its extraction.

Policy M24: Supply of gypsum – change title to M23: Supply of gypsum

The extraction of natural gypsum and the supply of desulphogypsum will be supported where the proposal complies with the development management policies in the Plan.

Main responsibility for implementation of policy: NYCC, NYMNPA and Minerals industry

Key links to other relevant policies and objectives

I01, I02, D01, D02, D03, D04, D05, D06, D07, D08, D09, D10, D11, D12	Objective 5
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Monitoring: Monitoring indicator 23 (see Appendix 3)

Comment [JJ156]: Policy number changed due to deletion of colliery spoil policy

Policy Justification

- 5.152 The potential for gypsum deposits to dissolve in water means that their distribution is unpredictable and no specific information is available for the Plan area. No mining of natural gypsum has taken place in the Plan area since 1988, with the cessation of working at the former mine at Sherburn in Elmet. Permission for working at Sherburn in Elmet Mine remains extant, although the workings are now flooded. There has been no indication of any commercial interest in reactivating workings or the opening

of new gypsum mines in the Plan area. BGS have indicated that gypsum and anhydrite bearing units occur at depth under the NYMNPA area and as a result gypsum is unlikely to have formed and anhydrite is not considered to be an economic resource. Whilst it is considered unlikely that proposals for further working will come forward during the plan period, provision of policy support for the principle of development of gypsum resources, subject to compliance with other relevant policies in the Plan, would be consistent with national policy objectives, including the presumption in favour of sustainable development.

5.153 Supply of synthetic gypsum (known as desulphogypsum) is consistent with objectives to preserve scarce natural resources and for the minimisation of waste. Where development associated with the supply of synthetic gypsum falls within the scope of the Plan then it is considered that support should be provided, subject to compliance with other relevant policies. The amount of synthetic gypsum produced is likely to reduce over time due to the move from coal to other forms of fuel at Drax Power Station and the potential closure of Eggborough Power Station in the future. It is therefore not considered appropriate to give specific priority, in the policy, to supply of synthetic gypsum over natural gypsum as this may limit potential to maintain overall supply of gypsum in the future.

SA/SEA

Summary of assessment The consideration of future gypsum and DSG proposals against the development control policies should have broadly neutral / insignificant effects as future development will need to take account of a range of environment and amenity criteria. It will also potentially have a strong positive effect on the economic growth and changing population needs objectives as gypsum supply will be more secure going forward as both gypsum and DSG are supported. This could underpin future development due to gypsum’s importance as a construction material, though it is acknowledged that there is currently little interest in gypsum development so effects could be lower.

Two objectives reported mixed positive and negative effects. The ‘minimising resource use’ objective identified that support for gypsum would consume a primary natural resource on the one hand, but support for DSG would do the opposite in that it would save / offset consumption of primary gypsum. A similar effect was observed for the ‘minimising waste objective’ in that the policy might, though supporting gypsum, allow gypsum to be extracted at the expense of utilising waste DSG as a resource. However, the policy also supported DSG, so the market may play a role in optimising the balance between these two materials.

Recommendations There was some uncertainty noted as to the volume of gypsum that will be extracted in the future and the supply of DSG. This should continue to be monitored.

Overall Summary of Reasons for Change

The policy has not been updated. Minor revisions to the supporting text are considered appropriate to provide further clarity on the proposed approach.

Development of Policy M24: Supply of vein minerals.

Part 1 - Issues and Options to Preferred Options

Policy id39: Supply of vein minerals

<i>Options presented at</i>	Option 1: This option would support the principle of the further development of resources of vein minerals in suitable locations and
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<i>Issues and options stage</i>	would identify criteria to be applied to the consideration of such applications, including the need to protect important habitats and wildlife, landscapes, heritage and tourism assets.
	Option 2: This option would not indicate support in principle for the development of vein minerals but would identify criteria to be applied to the consideration of such applications. Criteria could include the need to protect important nature conservation, landscape and tourism assets.
What the SA told us	
<p>The assessment shows that there are numerous negative effects associated with both options, with Option 1 displaying the possibility of major negative effects for biodiversity / geodiversity, climate change, resource use, waste generation and landscape. This is largely because vein minerals occur close to sensitive receptors (such as wildlife sites and designated landscapes) and extraction techniques can utilise a significant area of land, and extraction is essentially non-renewable and energy intensive.</p> <p>There are positive economic benefits associated with both options (with Option 1 performing the best), and Option 1 also has both positive and negative effects associate with community vitality.</p> <p>Recommendations</p> <p>While both options display broadly negative effects, Option 2 performs more favourably against the SA framework. However, the assessment notes significant potential for development of more comprehensive criteria which could lessen environmental effects under both options.</p>	
Number of consultation responses	
Total Number of comments against id:	8
Question 97: Do you have an initial preference for either of the options presented above?	Option 1: 2
	Option 2: 4
	Did Not Specify: 1
Question 98: Are there any alternative options the Authorities should consider in relation to the supply of vein minerals?	Number of respondents: 1
Brief overview of consultation responses	
<p>Key Messages Q97: The Plan should not support the extraction of vein minerals due to the overlap with such minerals and sensitive locations.</p> <p>Key Messages Q98: One suggestion was put forward which stated that any proposal for extraction of vein minerals should be subject to a satisfactory outcome of an Appropriate Assessment under the Habitats Regulations. <i>This has not been taken forward as an alternative as it can be applied to either Option and is not itself a different approach.</i></p>	
SA of options including alternatives	
N/A	
Joint Authorities response to consultation responses	
It is acknowledged that development of vein mineral resources could impact on important assets and designations and could, potentially require Appropriate Assessment under the Habitats Regulations. It is considered that these matters could be addressed through appropriate caveats/criteria in any preferred policy approach.	
Evidence base update	
No new evidence as of January 2015.	
Duty to Cooperate	

Is this a Duty to Cooperate matter? No

Discussion around development of preferred options approach

The majority of respondents supported Option 2. This approach is that the Plan should not support the extraction of vein minerals, in principle, due to the overlap these minerals have with sensitive areas.

Two respondents supported Option 1, but did not provide any comments. Four respondents supported option 2 including an AONB body and a Statutory Consultee. One comment was put forward against Option 2 which was that due to lack of commercial interest and the environmentally sensitive location of vein minerals the Plan should not support working of these minerals.

Under the SA recommendations both options display broadly negative effects but Option 2 performs more favourably against the SA framework. However, the assessment notes significant potential for development of more comprehensive criteria which could lessen environmental effects under both options.

There has been no new evidence put forward in relation to vein minerals, and no commercial interest shown in working the resource.

Based on the responses received and the results of the SA, Option 2 will be taken forward as it received the greatest support and was the one with the lesser negative effects on the environment. Because vein minerals are in some cases located close to important wildlife habitats an Appropriate Assessment may need to be undertaken as part of the planning application process. The overlap between vein minerals and areas designated as AONB may also mean that the major development test set out in national policy may have to be met.

Preferred policy approach – title changed to M25: Supply of vein minerals

Proposals for the extraction of vein minerals, including proposals for the reactivation of dormant permissions, will be determined in accordance with the development management policies in the Plan, having particular regard where relevant to any impacts on:

- i) important habitats and species**
- ii) protected landscapes**
- iii) heritage assets**
- iv) tourism assets**

Supporting text

National policy requires that mineral plans include policies for the extraction of mineral resources of local and national importance although, with the exception of fluorspar, vein minerals are not mentioned specifically.

A small amount of fluorspar, barytes and lead mineralisation occurs in association with other minerals, mainly Carboniferous limestone, within Harrogate Borough (to the west of Pateley Bridge) and Craven District (near Cononley, west of Skipton), as part of the North Pennine Orefield. The occurrences in the former area are located within the Nidderdale AONB and also lie within or in close proximity to areas designated as SPA and SAC.

There has been no known activity in terms of development of vein minerals for at least 15 years, although old dormant planning permissions still remain in the vicinity of both Greenhow Hill and Cononley for fluorspar extraction. Before these permissions could be reactivated they

would need to be subject to a review under the Review of Old Mining Permissions procedures introduced via the Environment Act 1995.

There is no evidence of any commercial interest in reactivation of workings or opening new workings in the Plan area, or any indication of any future requirements.

The significant environmental constraints that exist in the western part of Harrogate Borough, together with the absence of any apparent commercial interest in these deposits in the Plan area means that it would not be appropriate to support the principle of further working in the Plan. If any proposals do come forward then they would need to be assessed against the relevant development control policies. Proposals for working within the AONB may need to meet the major development test and there may also be need for Appropriate Assessment under the Habitats Regulations.

Links to Objectives and Policies

Link to Objectives:

Objective 5

Objective 9

Links to other relevant policies in the plan

Id40: Safeguarding vein minerals

Id58: Presumption in favour of sustainable minerals and waste development

Id59: Local amenity and cumulative impacts

Id62: Minerals and waste development in the Green Belt

Id63: Landscape

Id64: Biodiversity and geodiversity

Id65: Historic environment

Id66: Water environment

Id68: Sustainable design, construction and operation of development

Id72: Coal mining legacy

SA/SEA

Summary of assessment

This policy does not provide support for the extraction of vein minerals in the plan area however should development come forward and gain consent, a number of negative impacts could result particularly in relation to the environmental SA objectives. This is largely because vein minerals occur close to sensitive receptors (such as wildlife sites and designated landscapes) and extraction techniques can utilise a significant area of land and can be energy intensive. There may be positive economic benefits associated with this policy should new vein minerals development come forward and gain consent. An element of uncertainty is noted throughout the assessment as any proposal would be considered in line with the development control policies in the Plan which are not yet finalised.

Recommendations

No mitigation proposed.

Part 2 - Preferred options to Publication

Consultation Responses to Preferred Options

Vein Minerals

5.154 Vein minerals in the form of fluorspar, barytes and lead mineralisation occur in association with other minerals within parts of Craven District, Richmondshire District and Harrogate Borough, as part of the North Pennine Orefield.

5.155 Historic working has comprised a combination of both surface and underground mining and planning permissions still remain in the vicinity of Greenhow Hill and Cononley for fluorspar extraction, although these would have to be subject to a mineral review and a new set of planning conditions determined before working could take place, as these sites are currently classified as dormant.

Policy M25: Supply of vein minerals – policy title changed to M2: Supply of vein minerals	
Proposals for the extraction of vein minerals, including proposals for the reactivation of dormant permissions, will be determined in accordance with the development management policies in the Plan, having particular regard where relevant to any impacts on:	
<ul style="list-style-type: none"> i) important habitats and species; ii) protected landscapes; iii) heritage assets; iv) tourism assets; v) transport infrastructure 	
Main responsibility for implementation of policy: NYCC, NYMNPA, CYC and Minerals industry	
Key links to other relevant policies and objectives	
<i>I01, I02, D01, D02, D04, D05, D06, D07, D08, D09, D11, D12</i>	<i>Objectives 5, 9</i>
Monitoring: Monitoring indicator 24 (see Appendix 3)	

Comment [JJ157]: 0132 Pendle Borough Council 0005 - suggest that 'transport infrastructure' should be added to the list of considerations in the Policy. Note – added to policy

Comment [JJ158]: Policy number changed due to deletion of policy for colliery spoil

Policy Justification

- 5.156 National policy requires that mineral plans include policies for the extraction of mineral resources of local and national importance although, with the exception of fluorspar, vein minerals are not mentioned specifically.
- 5.157 A small amount of fluorspar, barytes and lead mineralisation occurs in association with other minerals, mainly Carboniferous limestone, within Harrogate Borough (to the west of Pateley Bridge) and Craven District (near Cononley, west of Skipton), as part of the North Pennine Orefield. The occurrences in the former area are located within the Nidderdale AONB and also lie within or in close proximity to areas designated as SPA and SAC.
- 5.158 There has been no known activity in terms of development of vein minerals for at least 15 years, although old dormant planning permissions still remain in the vicinity of both Greenhow Hill and Cononley for fluorspar extraction.
- 5.159 There is no evidence of any commercial interest in reactivation of workings or opening new workings in the Plan area, or any indication of any future requirements.
- 5.160 The significant environmental constraints that exist in the western part of Harrogate Borough, together with the absence of any apparent commercial interest in these deposits in the Plan area means that it would not be appropriate to express specific support in the Plan for the principle of further working. If any proposals do come forward then they would need to be assessed against the relevant development management policies. Proposals for working within the AONB may need to meet the major development test and there may also be need for Appropriate Assessment under the Habitats Regulations.

SA/SEA

<p>Summary of assessment</p> <p>This policy does not provide support for the extraction of vein minerals in the plan area however should development come forward and gain consent, a number of negative impacts could result particularly in relation to the environmental SA objectives. This is largely because vein minerals occur close to sensitive receptors (such as wildlife sites and designated landscapes) and extraction techniques can utilise a significant area of land and can be energy intensive. However, these are all mitigated down to low and possibly insignificant levels due to development management policies elsewhere in the plan, or the protections referred to in the policy. There may be positive economic benefits associated with this policy should new vein minerals development come forward and gain consent.</p>
<p>Recommendations</p> <p>No mitigation proposed.</p>
<p>Overall Summary of Reasons for Change</p> <p>Pendle Borough Council suggested one addition to the policy which relates to impact on transport infrastructure, extra text has been added to the policy to reflect this taking into account the relatively remote locations of some former vein mineral workings and the correspondingly sparse road network.</p> <p>No other changes were suggested.</p>

Development of Policy M25: Borrow pits.

Part 1 - Issues and Options to Preferred Options

Policy id41: Borrow Pits	
<p><i>Options presented at Issues and options stage</i></p>	<p>Option 1: Support borrow pits where all the following criteria can be met:</p> <ul style="list-style-type: none"> • the site lies on, or immediately adjoins, the proposed construction scheme so that the mineral can be transported from the borrow pit to the point of use without transport on the public highway system; • the site can be landscaped and appropriately restored to an agreed end-use without the use of imported material other than that generated on the adjoining construction scheme; • the proposal meets all the criteria set out in other relevant Development Management policies.
	<p>Option 2: Only support borrow pits where the mineral cannot reasonably be supplied by existing quarries or alternative secondary or recycled sources within the area; or, the supply from such existing sources would be seriously detrimental to the amenities of the area due to the scale, location or timing of the development requiring the mineral and subject to criteria including:</p> <ul style="list-style-type: none"> • the site being on, or immediately adjoining, the proposed construction scheme so that the mineral can be conveyed from the borrow pit to the point of use without transport on the public highway system; • satisfactory landscaping and reclamation to an agreed end-use without the use of imported material other than that generated on the adjoining construction scheme; • the proposal meeting all the criteria set out in other relevant development policies.

What the SA told us	
<p>The assessment has shown that Option 1 would have positive effects in terms of reducing minerals transport miles and also in terms of ensuring that the most appropriate mineral can be sourced for the development. However, it would not help to reduce the overall use of minerals or to use more secondary and recycled minerals. Option 2 would have some, but fewer, benefits in terms of reducing minerals transport miles but would support the aim of reducing the use of primary minerals in favour of alternatives.</p>	
<p>Recommendations It is recommended that Option 2 should be followed but should include support for borrow pits where this would enable the most appropriate type of mineral to be sourced</p>	
Number of consultation responses	
Total Number of comments against id:	11
Question 101: Do you have an initial preference for either of the options presented above?	Option 1: 8
	Option 2: 2
Question 102: Are there any alternative options the Authorities should consider in relation borrow pits?	Number of respondents: 1 (SC/ 1 MWI/ Local Authorities)
Brief overview of consultation responses	
<p>Key Messages Q101: Option 1 is preferred as it helps reduce transport distances. There is some concern that using existing quarries to supply additional material would distort local markets and lead to conflicts with local communities regarding traffic routing. Limited support for option 2 was received. One respondent highlighted the potential biodiversity benefits of borrow pits, especially as a result of restoration to ponds.</p>	
<p>Key Messages Q102: One alternative option was suggested which was to discourage migrating quarries, this is not an option as such but should be taken into consideration when progressing this policy to Preferred Options.</p>	
SA of options including alternatives	
N/A	
Joint Authorities response to consultation responses	
<p>The support of the majority of respondents for Option 1 is noted and it is agreed that reliance on existing quarries could in some circumstances have impacts on local markets and impacts from traffic movements. Any tendency for borrow pits to become established as longer term quarries could be addressed by inclusion of suitable criteria in policy and through the development management process. Restoration and afteruse policy is addressed elsewhere in the Plan, including provision of support for biodiversity restoration in appropriate circumstances.</p>	
Evidence base update	
<p>Evidence updates as at January 2015</p> <p>The NPPG has been published since the consultation took place but there is no reference to borrow pits in the Guidance.</p> <p>An application for a borrow pit at Leeming Bar near Bedale, to support the construction of the Bedale, Aiskew and Leeming Bar bypass was granted in August 2014.</p> <p>A clay borrow pit to help build flood storage reservoirs at Eller Beck and Waller Hill Beck, which span the North Yorkshire and Yorkshire Dales National Park border, was granted in September 2014.</p>	
Duty to Cooperate	

Is this a Duty to Cooperate matter? No

Discussion around development of preferred options approach

Responses to the Issues and Options consultation suggested that Option 1 should be pursued as it is the most sustainable and would help reduce mineral transport miles.

Borrow pits can help conserve high quality mineral resources for the most appropriate end uses whilst relieving pressure on landbanks. There is some concern from industry that using existing quarries to supply additional material for large construction projects would distort local markets and lead to conflicts with local communities regarding traffic routing so use of borrow pits would prevent this.

The Minerals Product Association raised concerns about allowing borrow pits close together which form a migrating quarry and suggested that some text be included in the Joint Plan which will discourage migrating quarries. This is not an alternative option but should be considered during the development of the policy.

Whilst the SA of the initial options supported Option 2 as it provided greater encouragement to the use of alternatives to primary minerals, it suggested a caveat that policy should support borrow pits where it would enable the most appropriate type of mineral to be sourced.

Taking into account both the initial SA and responses to the Issues and Options consultation it is proposed that a modified option, based on Option 1 but providing encouragement for sourcing of mineral from secondary or recycled materials where practical, be taken forward. It is considered that text regarding migrating quarries can be included in the supporting text.

Preferred policy approach – title changed to M26: Borrow pits

Proposals for borrow pits will be supported where the required mineral cannot practicably be supplied by secondary or recycled material of appropriate specification and from a source in close proximity to the construction project, and; where all the following criteria can be met:

- **The site lies on, or immediately adjoins, the proposed construction scheme so that mineral can be transported from the borrow pit to the point of use without transport on the public highway system;**
- **The site can be landscaped and appropriately restored within an agreed timescale and to an agreed end-use without the use of imported material other than that generated on the adjoining construction scheme;**
- **The proposal meets all the relevant criteria set out in other relevant development control policies in the Plan.**

Suggested text

Borrow pits are mineral workings used to supply material solely in connection with a specific construction or engineering project. They are typically located on the site of, or immediately adjacent to, the project to avoid or reduce traffic associated with importation of minerals on public roads. Sometimes the voids created are backfilled with surplus or unusable material from the project and the land restored under a much shorter timescale than for a conventional quarry. Often, they can be restored within the timescale of the associated construction works. In some circumstances, borrow pits can represent a sustainable form of development in that they help reduce transportation impacts compared with supply from other sources. They can also help prevent sterilisation of the resource, help ensure higher quality materials are not used for a lower grade use and also help reduce the need for new or expanded conventional quarries.

However, sustainable management of resources also suggests that, where practicable, secondary or recycled materials should be used in preference to primary minerals. The possibility of sourcing secondary or recycled material should therefore be considered before proposals are brought forward for a borrow pit. Use of such materials (provided they can meet the necessary specification for the works) would only be likely to present a significant overall benefit compared with supply from a borrow pit if the secondary or recycled sources are located in relatively close proximity to the project, in order to avoid the need for road haulage over long distances. Where borrow pits are proposed information should be provided to demonstrate the relationship between the proposal and the specific project to be served. Borrow pits should not be used to serve the wider market for minerals and it is likely that any permissions granted will be limited on that basis.

Links to Objectives and Policies

Link to Objectives

Objective 5

Objective 7

Links to other relevant policies in the Plan

Id01: Broad geographical approach to supply of aggregates

Id04: Overall distribution of sand and gravel provision

Id05: Landbanks for sand and gravel

Id06: Safeguarding of sand and gravel

Id07: Provision of crushed rock

Id08: Maintenance of landbanks for crushed rock

Id09: Safeguarding crushed rock

Id11: Building sand delivery

Id12: Magnesian limestone delivery

Id13: Unallocated extension to existing aggregate quarries

Id14: Supply of alternatives to land won primary aggregates

Id17: Continuity of supply of clay

Id19: Safeguarding of clay

Id58: Presumption in favour of sustainable minerals and waste development

Id59: Local amenity and cumulative impacts

Id60: Transport of minerals and waste and associated traffic impacts

Id63: Landscape

Id64: Biodiversity and geodiversity

Id66: Water environment

Id67: Strategic approach to reclamation and afteruse

Id68: Sustainable design, construction and operation of development

Id69: Other key criteria for minerals and waste development

Id70: Developments proposed within Mineral Safeguarding Areas.

SA/SEA

Summary of assessment

This policy would have some positive impacts in terms of reducing transport miles, reducing climate change impacts and shortening supply chains resulting in positive economic effects and a positive contribution towards meeting the needs of a changing population. However, borrow pits would also have some negative effects, such as possible local effects on water quality, temporary generation of dust, loss of primary resources, and impacts on the historic environment, landscape or recreation. However, these effects are generally very short term and uncertain due to being dependent on location.

Recommendations

The existing development management criteria are considered sufficient to mitigate negative

effects to acceptable levels.

Part 2- Preferred options to Publication

Consultation Responses to Preferred Options

Borrow Pits

5.161 Borrow pits are mineral workings used to supply material solely in connection with a specific construction or engineering project. They are typically located on the site of, or immediately adjacent to, the project to avoid or substantially reduce traffic associated with importation of minerals on public roads. Sometimes the voids created are backfilled with surplus or unusable material from the project and the land restored under a much shorter timescale than for a conventional quarry. Often, they can be restored within the timescale of the associated construction works. In some circumstances, borrow pits can represent a sustainable form of development in that they help reduce transportation impacts compared with supply from other sources. They can also help prevent sterilisation of the resource, help ensure higher quality materials are not used for a lower grade use and also help reduce the need for new or expanded conventional quarries.

Policy **M26: Borrow pits** – policy title changed to **M25: Borrow pits**

Proposals for borrow pits where permission is required will be supported where the required mineral cannot practicably be supplied by secondary or recycled material of appropriate specification and from a source in close proximity to the construction project, and; where all the following criteria can be met:

- i) **The site lies on, or immediately adjoins, the proposed construction scheme so that mineral can be transported from the borrow pit to the point of use without significant use of the public highway system;**
- ii) **The site can be landscaped and restored to a high standard within an agreed timescale and to an agreed end-use without the use of imported material other than that generated on the adjoining construction project;**
- iii) **The proposal would be consistent with relevant development management policies in the Plan.**

Main responsibility for implementation of policy: NYCC, NYMNPA, CYC and Minerals industry

Key links to other relevant policies and objectives

D01, D02, D03, D04, D05, D06, D07, D09, D10, D11, D12 | *Objectives 5, 7*

Monitoring: Monitoring indicator 25 (see Appendix 3)

Comment [MS159]: 2172 (CPRE) 0746- encourages the use of secondary or recycled before granting permission for a Borrow pit. Noted

Comment [JJ160]: Policy number changed due to deletion of policy for colliery spoil.

Comment [MS161]: 0128 (YWT) 1171- potential to create valuable wildlife areas – Note the point about the type of restoration can be picked up at the planning application stage and agreed then.

Policy Justification

5.162 Principles for the sustainable management of resources suggest that, where practicable, secondary or recycled materials should be used in preference to primary minerals. The possibility of sourcing secondary or recycled material should therefore be considered before proposals are brought forward for a borrow pit. Use of such materials (provided they can meet the necessary specification for the works) would only be likely to present a significant overall benefit compared with supply from a borrow pit if the secondary or recycled sources are located in relatively close proximity to the project, in order to avoid the need for road haulage over long

distances. Where borrow pits are proposed information should be provided to demonstrate the relationship between the proposal and the specific project to be served. Borrow pits should not be used to serve the wider market for minerals and it is likely that any permissions granted will be limited on that basis.

5.163 The Town and Country Planning (General Permitted Development) (England) Order 2015 sets out where development is permitted without the requirement for a successful planning application. This includes the winning and working on land held or occupied with land used for the purposes of agriculture or any minerals reasonably necessary for agricultural purposes within the agricultural unit of which it forms part unless the site is within 25 metres from a metalled part of a trunk road or classified road. However this permitted development right does not include minerals that are moved to outside the land from which it was extracted and therefore, in these circumstances, proposals will be considered against the criteria set out in policy M26.

SA/SEA

Summary of assessment This policy would have some positive impacts in terms of reducing transport miles, reducing climate change impacts and shortening supply chains resulting in positive economic effects and a positive contribution towards meeting the needs of a changing population. However, borrow pits would also have some low level negative effects, such as possible local effects on water quality, temporary generation of dust, loss of primary resources, and impacts on the historic environment, landscape or recreation. However, these effects are generally very short term and uncertain due to being dependent on location.

Recommendations The existing development management criteria are considered sufficient to mitigate negative effects to acceptable levels.

Overall Summary of Reasons for Change

All of the respondents to this policy supported the approach.
 All of the suggestions in the comments are already covered in the policy, or other relevant policies in the Plan. It is not considered necessary to make specific reference to restoration for wildlife as this may not be appropriate in all cases.
 Minor editing of the policy wording is proposed for clarity.

Development of Policy W01: Moving waste up the waste hierarchy

Part 1 - Issues and Options to Preferred Options

id42 - Overall approach to the waste hierarchy	
<i>Options presented at Issues and options stage</i>	<p>Option 1: This option would help move waste up the waste hierarchy by:</p> <ul style="list-style-type: none"> • Supporting in principle proposals which enable the re-use, recycling and composting of waste and supporting the principle of recovery of waste where it can be demonstrated that it is not practicable to manage the waste further up the hierarchy. • Supporting provision of new capacity for the landfill of biodegradable waste only where it can be demonstrated that it is not practicable to manage the waste further up the hierarchy and there is insufficient landfill capacity in the area to meet identified needs. Incineration of waste without energy recovery would only be supported for the small scale incineration of specialised wastes arising in the area and where the scale of the

	<p>development would mean that energy recovery is not viable.</p> <ul style="list-style-type: none"> • In relation to inert waste, landfill would only be supported where it would facilitate a high standard of quarry reclamation in accordance with agreed reclamation objectives, or the substantial improvement of derelict or degraded land to a condition where it can be returned to agricultural productivity or other beneficial use. <p>OR</p> <p>Option 2: This option would be similar to Option 1 but would give stronger encouragement to dealing with waste further up the hierarchy by:</p> <ul style="list-style-type: none"> • Supporting in principle proposals which can demonstrate that the waste to be managed at the facility would be managed at the highest practicable level of the hierarchy appropriate to the type/s of waste to be dealt with. • Supporting provision of new capacity for the landfill of biodegradable waste only in exceptional circumstances where it can be demonstrated that it is the only practicable management option for the waste to be managed and there is insufficient capacity available within or outside the Plan area which could reasonably meet the need. Incineration of waste without energy recovery would only be supported for the small scale incineration of specialised wastes arising in the area and where the planning authority can be satisfied that the scale of the development would mean that energy recovery is not viable. • In relation to inert waste, landfill would only be supported where it would facilitate a high standard of quarry reclamation in accordance with agreed reclamation objectives, or the substantial improvement of derelict or degraded land to a condition where it can be returned to agricultural productivity or other beneficial use. <p>OR</p> <p>Option 3: This option would provide support in principle for proposals for a range of waste management methods where it can be demonstrated that the facility would help reduce reliance on landfill as a means of waste management. Support in principle would also be provided for new landfill of waste where it can be demonstrated that the proposal would meet a need for additional landfill capacity not identified at the time of preparation of the Plan, or it would facilitate a high standard of quarry reclamation in accordance with agreed reclamation objectives, or the substantial improvement of derelict or degraded land to a condition where it can be returned to agricultural productivity or other beneficial use.</p>
<p>What the SA told us</p>	
<p>Options 1 and 2 would encourage sustainable waste management by managing waste further up the waste hierarchy. Both options are likely to have positive effects in relation to resource consumption, waste management and the economy. Option 2 is likely to deliver this higher up the waste hierarchy but would have to be balanced against the practicability of doing so. Option 3 is identified to also have some positive environmental effects as well as positive effects for the economy in being more flexible over choice of waste management method used. However, it is considered that this approach would not effectively manage waste to deliver the maximum environmental benefits in comparison to Options 1 and 2. All 3 options are identified to have uncertain effects on the remaining environmental and social objectives given that the scales of the impacts would be determined in relation to the proximity and type of waste management facility.</p>	
<p>Number of consultation responses</p>	
<p>Total Number of comments against</p>	<p>42</p>

id:		
Question 103) Do you have a preference for any of the options presented above?	Number of respondents: 25	
	Option 1: 1 <i>MWI: 1</i>	Combination: 1 Opt. 1+2 <i>MWI: 1</i>
	Option 2: 16 <i>SC: 2</i> <i>Local Authorities: 2</i>	Did Not Specify: 2 <i>MWI: 1</i>
	Option 3: 5	None: 0
Question 104) Are there any alternative options the Authorities should consider in relation to the overall delivery of waste hierarchy objectives?	Number of respondents: 17 <i>SC: 0</i> <i>MWI: 0</i> <i>Local Authorities: 0</i>	
Brief overview of consultation responses		
Key Messages Q103:		
<i>Option 2</i>		
<ul style="list-style-type: none"> • Support maximum recycling, recovery and treatment and RDF • Emphasis upon multiple sites to reduce transport • Resource conservation should be favoured over energy recovery • Locate facilities near major waste producing areas • Option 2 is strongly recommended with the inclusion of additional wording (comment 1285) 		
<i>Option 3</i>		
<ul style="list-style-type: none"> • Provides greater flexibility • Eliminates incineration 		
<i>Option 1 and 2</i>		
<ul style="list-style-type: none"> • These options recognise that inert waste can be used for quarry restoration and land recovery 		
Overall Comments on the Options:		
<ul style="list-style-type: none"> • Options need to be more specific • Base options on a zero-waste economy • EfW facilities should use the heat generated • Landfilling of inert/processed C&D waste and restoration cannot be totally eliminated • Focus upon prevention, preparation for re-use and recycling • None of the options presented at I&O stage are supported as they are not supported by legislation or policy as they place the onus of delivering the waste hierarchy on the developer and not within the Plan. 		
Key Messages Q104:		
A range of alternative options were suggested in the responses, these are detailed in the 'Suggested new options Chapter 6 – Waste table' along with justification as to why they have or have not been taken forward. Any realistic alternatives have been summarised and worked up below:		
Proposed Options 4 and 5		
<ul style="list-style-type: none"> • EfW/incineration should only be supported if there are plans to use the heat generated. This is dealt with by amending Options 1 and 2 to reflect this approach. 		
<i>Suggested approach</i>		
<i>Proposed Option 4</i>		

This option would help move waste up the waste hierarchy by:

- *Supporting in principle proposals which enable the re-use, recycling and composting of waste and supporting the principle of recovery of waste where it can be demonstrated that it is not practicable to manage the waste further up the hierarchy.*
- *Supporting provision of new capacity for the landfill of biodegradable waste only where it can be demonstrated that it is not practicable to manage the waste further up the hierarchy and there is insufficient landfill capacity in the area to meet identified needs. Incineration of waste would only be supported if there were plans to use the heat generated.*
- *In relation to inert waste, landfill would only be supported where it would facilitate a high standard of quarry reclamation in accordance with agreed reclamation objectives, or the substantial improvement of derelict or degraded land to a condition where it can be returned to agricultural productivity or other beneficial use*

Proposed Option 5

This option would be similar to Option 1 but would give stronger encouragement to dealing with waste further up the hierarchy by:

- *Supporting in principle proposals which can demonstrate that the waste to be managed at the facility would be managed at the highest practicable level of the hierarchy appropriate to the type/s of waste to be dealt with.*
- *Supporting provision of new capacity for the landfill of biodegradable waste only in exceptional circumstances where it can be demonstrated that it is the only practicable management option for the waste to be managed and there is insufficient capacity available within or outside the Plan area which could reasonably meet the need. Incineration of waste would only be supported if there were plans to use the heat generated*
- *In relation to inert waste, landfill would only be supported where it would facilitate a high standard of quarry reclamation in accordance with agreed reclamation objectives, or the substantial improvement of derelict or degraded land to a condition where it can be returned to agricultural productivity or other beneficial use.*

Proposed Option 6

- *Incineration, energy recovery and disposal should be discouraged and not be supported.*

Suggested approach

This option would provide support in principle for facilities which enable re-use, recycling and composting of waste, however facilities for incineration, energy recovery and disposal would not be supported.

Proposed Options 7, 8 and 9

- *Incineration should be seen as the last resort. This is dealt with by amending Options 1, 2 and 3 to reflect this approach*

Suggested approach

Proposed Option 7

This option would help move waste up the waste hierarchy by:

- *Supporting in principle proposals which enable the re-use, recycling and composting of waste and supporting the principle of recovery of waste where it can be demonstrated that it is not practicable to manage the waste further up the hierarchy.*
- *Supporting provision of new capacity for the landfill of biodegradable waste only where it can be demonstrated that it is not practicable to manage the waste further up the hierarchy and there is insufficient landfill capacity in the area to meet identified needs. Incineration of waste would only be supported where no other methods are possible.*
- *In relation to inert waste, landfill would only be supported where it would facilitate a high standard of quarry reclamation in accordance with agreed reclamation objectives, or the substantial improvement of derelict or degraded land to a condition where it can be*

returned to agricultural productivity or other beneficial use.

Proposed Option 8

This option would be similar to Option 4 but would give stronger encouragement to dealing with waste further up the hierarchy by:

- *Supporting in principle proposals which can demonstrate that the waste to be managed at the facility would be managed at the highest practicable level of the hierarchy appropriate to the type/s of waste to be dealt with.*
- *Supporting provision of new capacity for the landfill of biodegradable waste only in exceptional circumstances where it can be demonstrated that it is the only practicable management option for the waste to be managed and there is insufficient capacity available within or outside the Plan area which could reasonably meet the need. Incineration of waste would only be supported where no other methods are possible.*
- *In relation to inert waste, landfill would only be supported where it would facilitate a high standard of quarry reclamation in accordance with agreed reclamation objectives, or the substantial improvement of derelict or degraded land to a condition where it can be returned to agricultural productivity or other beneficial use.*

Proposed Option 9

This option would provide support in principle for proposals for a range of waste management methods where it can be demonstrated that the facility would help reduce reliance on landfill as a means of waste management. Incineration of waste would only be supported where no other methods are possible.

Support in principle would also be provided for new landfill of waste where it can be demonstrated that the proposal would meet a need for additional landfill capacity not identified at the time of preparation of the Plan, or it would facilitate a high standard of quarry reclamation in accordance with agreed reclamation objectives, or the substantial improvement of derelict or degraded land to a condition where it can be returned to agricultural productivity or other beneficial use.

Proposed Option 10, 11 and 12

- *Biodegradable waste should not be landfilled. This is dealt with by amending Options 1, 2 and 3 to reflect this approach.*

Suggested approach

Proposed Option 10

This option would help move waste up the waste hierarchy by:

- *Supporting in principle proposals which enable the re-use, recycling and composting of waste and supporting the principle of recovery of waste where it can be demonstrated that it is not practicable to manage the waste further up the hierarchy.*
- *Landfill of biodegradable waste would not be supported. Incineration of waste without energy recovery would only be supported for the small scale incineration of specialised wastes arising in the area and where the scale of the development would mean that energy recovery is not viable.*
- *In relation to inert waste, landfill would only be supported where it would facilitate a high standard of quarry reclamation in accordance with agreed reclamation objectives, or the substantial improvement of derelict or degraded land to a condition where it can be returned to agricultural productivity or other beneficial use.*

Proposed Option 11

This option would be similar to Option 4 but would give stronger encouragement to dealing with waste further up the hierarchy by:

- *Supporting in principle proposals which can demonstrate that the waste to be managed at the facility would be managed at the highest practicable level of the hierarchy appropriate to the type/s of waste to be dealt with.*
- *Landfill of biodegradable waste would not be supported. Incineration of waste without*

energy recovery would only be supported for the small scale incineration of specialised wastes arising in the area and where the planning authority can be satisfied that the scale of the development would mean that energy recovery is not viable.

- *In relation to inert waste, landfill would only be supported where it would facilitate a high standard of quarry reclamation in accordance with agreed reclamation objectives, or the substantial improvement of derelict or degraded land to a condition where it can be returned to agricultural productivity or other beneficial use.*

Proposed Option 12

This option would provide support in principle for proposals for a range of waste management methods where it can be demonstrated that the facility would help reduce reliance on landfill as a means of waste management. Landfill of biodegradable waste would not be supported.

Support in principle would also be provided for new landfill of waste where it can be demonstrated that the proposal would meet a need for additional landfill capacity not identified at the time of preparation of the Plan, or it would facilitate a high standard of quarry reclamation in accordance with agreed reclamation objectives, or the substantial improvement of derelict or degraded land to a condition where it can be returned to agricultural productivity or other beneficial use.

Proposed Option 13

- *Waste should be dealt with as far up the hierarchy as possible provided this does not increase total carbon emissions.*

Suggested approach

Under this option the level of carbon emissions expected to be produced would be a key consideration, whilst also aiming to manage waste as far up the hierarchy as possible.

Proposed Option 14

- *Divert all waste away from landfill to be dealt with by other waste management methods.*

Suggested approach

This option would support diverting all waste away from landfill to be dealt with by other waste management methods.

One point raised through the alternative options which should be considered when progressing to the Preferred Options stage is that incineration should be the last resort, all recyclables etc. should be removed first and only residual waste be incinerated.

General Comments:

- Supports AWRP
- Landfilling of processed inert waste is less polluting and more sustainable than incinerating low-carbon value waste
- Provide a network of facilities providing high quality sorting and segregation
- Provide an alternative to AWRP

SA of options including alternatives

Summary of assessment

Most of the options put forward would encourage more sustainable waste management, to varying degrees, by managing waste higher up the waste hierarchy. This tends to result in a range of positive effects on the climate change, material resources and waste hierarchy objectives. There are also potential economic benefits, particularly where waste is managed higher up the waste hierarchy as this promotes a more 'circular economy' where waste is used as an economic resource. Other objectives often display more uncertain effects, as the waste facilities that might come on stream as a result of different options being pursued

have effects that are dependent on location.

Key exceptions to this pattern of impacts include options 3, 12 and 14, which although they seek to avoid landfilling waste, do not offer specific support for higher levels of the waste hierarchy (Option 9 is similar, though this includes a steer against incineration). As such it is felt that some of the benefits associated with other options, such as the promotion of a more circular materials economy, become more uncertain, and the capacity for amenity impacts becomes greater.

Revised Recommendations

The SA considers that the most sustainable approach would be to pursue Option 5. Option 13 could also be combined with option 5 or other options to maximise sustainability.

Joint Authorities response to consultation responses

The high level of support amongst some stakeholders for Option 2 is noted, as is the support from some stakeholders for the greater flexibility offered by Option 3. It is agreed that any approach should seek to move the area closer to a zero waste economy, in accordance with the vision and objectives for the Plan, but a degree of flexibility will need to be retained in order to ensure that an appropriate mix of facilities can be provided. It is also recognised that implementation of the waste hierarchy is an obligation which falls on the producers of waste and which needs to be addressed in strategic plans for waste but should not be addressed through development management policy. This distinction will need to be reflected in the wording of any waste hierarchy policy included in the Plan. It is agreed that the Plan should support the use of heat where EfW takes place as this helps maximise the benefits of energy recovery. It is not accepted that there should be a presumption against EfW as national policy and strategy acknowledges that this can form part of an appropriate mix of methods of waste management and can help move residual waste management up the hierarchy, although it is agreed that further large scale capacity should be linked to the delivery of useable heat to help ensure the maximum efficiency of the process. Similarly, whilst it is agreed that the Plan should contain policy to discourage the landfilling of biodegradable waste, it is not considered appropriate to include a presumption against as this may lack necessary flexibility to deal with waste management needs for waste which cannot be dealt with by other means.

Evidence base update

New national waste policy published October 2014 replaced PPS10. Development of Allerton Waste Recovery Park facility commenced late 2014. Planning permission for a large EfW facility (Southmoor Energy Recovery Centre) at Kellingley Colliery was granted in principle in early 2015.

Duty to Cooperate

Is this a Duty to Cooperate matter? No

Discussion around development of preferred options approach

A wide range of potential options were considered during development of this policy, although all options were broadly seeking to move waste management up the hierarchy, in line with national policy, with matters of detail differing between the various options. It is considered that any policy will need to be sufficiently flexible to enable a range of waste management methods to be supported, provided that they are consistent with the national policy objective of moving waste up the hierarchy. This will help ensure that needs for new waste management capacity can be met through a variety of waste processes and technologies thereby providing a degree of flexibility for developers and assist in stimulating the investment that is likely to be required. It is not considered practicable to support options which seek to preclude incineration of waste, as permission has already been granted for the Allerton Waste Recovery Park facility, on which work has not commenced. Other large scale EfW capacity on the Plan area has also recently been permitted, although

it is not yet known whether it will be implemented. It is also not considered practicable to support options which seek to preclude landfilling of waste, as evidence suggests that there is likely to be an ongoing need for landfilling of some waste which cannot be dealt with by other means. Such an approach is not inconsistent with movement of waste up the hierarchy, or a move towards a 'zero waste' objective in line with the Government's definition.

A further consideration in developing this policy is that it is accepted that a specific policy requirement cannot be placed on applicants to demonstrate that waste to be managed in any particular facility is to be managed at the highest practicable level of the hierarchy as there are other legislative provisions in place to help achieve this. The SA recommended that Option 5 be pursued, potentially combined with Option 13. Whilst it is acknowledged that factoring in total carbon emissions associated with a proposed technology could be beneficial in helping to demonstrate the overall benefits of moving waste up the hierarchy, it is considered that such an approach could also be difficult to assess and potentially unduly onerous and should not be a specific policy requirement, although in some cases developers may need to address this issue through the undertaking of an Environmental Assessment for some types or scales of waste development.

It is therefore considered that the preferred approach should be based on Option 5 (which reflects elements of Options 1 and 2).

Preferred policy approach – title changed to W01: Moving waste up the waste hierarchy

Proposals which help move management of waste up the waste hierarchy will be supported, with priority given to the delivery of development which would contribute to the minimisation of waste, the increased re-use and/or recycling of waste and to the delivery of waste treatment capacity which would contribute to the diversion of waste from landfill.

Further capacity for the large scale recovery of energy from waste will only be supported in line with Policy W04 and where any heat generated can be utilised as a source of low carbon energy.

The provision of new capacity for the landfill of biodegradable residual waste will be supported where it can be demonstrated that it is the only practicable option and sufficient permitted capacity within or in close proximity to the Plan area is not available. Proposals for the extension of time, where necessary at existing permitted biodegradable landfill sites with remaining void space, will be supported in principle in order to facilitate provision of adequate capacity for disposal of residual waste in line with identified needs.

Landfill of inert waste will only be supported where it would facilitate a high standard of quarry reclamation in accordance with agreed reclamation objectives, or the substantial improvement of derelict or degraded land where it can be demonstrated that the import of the waste is essential to bring the land back into beneficial use and the scale of the importation would not undermine the potential to manage waste further up the hierarchy.

Supporting justification

Encouraging the movement of waste up the waste hierarchy is a fundamental aspect of national policy and legislation for waste. Waste minimisation, reuse and recycling represent the top levels of the hierarchy and are the most preferable means of dealing with waste. Where practicable, these are generally the most efficient means of extracting value from waste as a resource. For some types of waste reuse or recycling is not practicable. For these, other forms of treatment are likely to be required in order to minimise the amount of

waste disposed of via landfill, which is at the bottom of the waste hierarchy. Treatment can include a wide range of processes and technologies which, in various ways, can extract additional value from waste, thus helping to turn it into a resource.

Waste which it is not practicable to deal with further up the hierarchy may also be capable of being used as a resource via the recovery of energy through various forms of thermal treatment processes, including incineration. Where recovery of energy is proposed, national policy encourages utilisation of heat generated, potentially in association with other power, in order to help ensure the most efficient use of the waste as a resource. The investment required to deliver utilisation of heat in association with recovery of energy from waste suggests that it is most likely to take place in association with relatively large schemes where economies of scale are likely to arise. Whilst there is significant permitted capacity for energy recovery in the Plan area any further proposals, consistent with other waste policies in the Joint Plan and with a capacity in excess of 75,000tpa, should be accompanied by information to demonstrate that the potential for heat utilisation has been considered and will be delivered where practicable. The Environment Agency has indicated that EfW schemes within 15km of large users of heat are more likely to have potential for heat utilisation.

Landfill represents the bottom of the hierarchy, although is likely to still be required for waste which cannot be dealt with by other means, and may be able to play an important role in the reclamation of mineral workings in the Plan area. Evidence suggests that, subject where necessary to the extension of time for completion of landfilling at existing biodegradable landfill sites in the area subject of time limited permissions, and depending on progress with implementation of permitted energy recovery capacity, there should be adequate capacity for biodegradable landfill. It therefore follows that, in line with the waste hierarchy, it would not be appropriate to support the development of new biodegradable landfill capacity in the Plan area unless there is clear justification and it is not practicable to utilise other suitable capacity outside the area.

Whilst diversion of inert waste from landfill can facilitate its beneficial use as a resource, inert landfill is less harmful to the environment as it does not decompose to generate greenhouse gasses to the same extent as biodegradable waste. It can also play an important role in improving the standard of reclamation of quarries in the Plan area as well as, in some cases, the improvement of derelict or degraded land. It is therefore appropriate in some circumstances to provide policy support in principle for this method of waste management.

Links to Objectives and Policies

Link to Objectives:

Objective 1

Links to other relevant policies in the Plan:

Id43: Strategic role of the Plan area in the management of waste

Id44: Meeting waste management capacity requirements - Local Authority Collected Waste

Id45: Meeting waste management capacity requirements - Commercial and industrial waste (including hazardous C&I waste)

Id46: Meeting waste management capacity requirements – construction, demolition and excavation waste (including CD&E waste)

Id47: Managing agricultural waste

Id48: Managing low level (non-nuclear) radioactive waste

Id49: Managing waste water (sewage sludge)

Id50: Managing power station ash

Id53: Waste management facility safeguarding

SA/SEA**Summary of assessment**

This policy would encourage sustainable resource management by prioritising the management of waste as high up the waste hierarchy as possible. This results in particularly positive effects in relation to resource consumption, soils, climate change, minimising waste generation and managing waste as high up the waste hierarchy as practicable, the economy and meeting the needs of a changing population. Uncertain effects or effects which have both positive and negative aspects have been recorded against several of the other environmental and social objectives as the scale of impacts would be determined by the nature and location of the particular waste management facility. One area where minor negative effects could occur on balance is in relation to water demand, as some recycling operations can be water intensive.

Recommendations

No mitigation is proposed as locational/development management issues will be dealt with under other policies in the Plan.

Part 2 - Preferred options to Publication**Consultation Responses to Preferred Options**

Introduction section of this Chapter not in Proforma

Moving waste up the waste hierarchy

- 6.17 The 'waste hierarchy' is a well-established policy tool supporting the more sustainable management of waste. Moving waste management practice up the waste hierarchy is a key objective of Government policy⁶ and needs to be reflected in the approach taken in local plans for waste. Minimisation of waste, re-use and then recycling represent the three highest levels of the hierarchy (see Figure 3 in Chapter 2).
- 6.18 Achieving the management of waste further up the hierarchy will involve the actions of a wide range of organisations and individuals, including the public, businesses, the waste management industry and waste management and planning authorities. The Plan is limited in its ability to influence generation of waste (although this is addressed where practicable in Policy D11 in Chapter 9 relating to sustainable design). It can play a role in moving waste up the hierarchy by encouraging and supporting development proposals which enable waste to be dealt with at higher levels of the hierarchy than is currently the case and by imposing a degree of restraint on other forms of development, such as landfill and incineration without energy recovery (which, as disposal options, represent the lowest level of the hierarchy), unless there is appropriate justification. Locational policies for waste can also play a role in helping move waste up the hierarchy through encouraging the co-location of complimentary waste activities. This is addressed later in policy W11 dealing with waste site identification principles. In combination, these actions will help ensure that waste management practice can continue to move further up the waste hierarchy and decisions by the Waste Planning Authorities in the area will be guided by the principles set out in Policy W01 below.

Policy W01: Moving waste up the waste hierarchy**Comment [MS162]:**

3748 (Meldgaard) 1217- EFW creates waste that needs to be managed. Recycling IBA meets a number of aims including contributing to net self-sufficiency and preserving landfill void and natural resources – Note, Is this comment more appropriate to W09 Managing Power Station Ash, could this Policy be amended to include reference to IBA from energy recovery facilities? Comment copied to W09 Policy Proforma

Comment [MS163]: 0342/1293 (Mone Bros)

This Policy appears to discriminate against the landfill of waste on derelict and degraded land by requiring it to pass a 'scale of importation' test when compared to quarry reclamation which does not require such a test. – Note - Reducing landfill is a key objective of national and local policy and in some cases may be an essential, appropriate and agreed element of quarry restoration. Where deposit of waste is proposed for the purposes of improving derelict or degraded land however, there is a need for balance between the benefits of bringing such land into beneficial use, and the scale of disposal needed to achieve this. The policy as drafted will help ensure that excessive volumes of waste are not disposed of in return for relatively limited benefits.

⁶ E.g. National Planning Policy for Waste (DCLG 2014)

<p>1) Proposals will be permitted where they would contribute to moving waste up the waste hierarchy through:</p> <p>i) the minimisation of waste, or; ii) the increased re-use, recycling or composting of waste, or; iii) the provision of waste treatment capacity and small scale proposals for energy recovery (including advanced thermal treatment technologies), which would help divert waste from landfill</p> <p>2) Further capacity for the large scale recovery of energy from waste (in excess of 75,000 tonnes annual throughput capacity), including through advanced thermal treatment technologies, will only be supported in line with Policy W04 and where any heat generated can be utilised as a source of low carbon energy or, where use of heat is not practicable, the efficient recovery of energy can be achieved.</p> <p>3) The provision of new capacity for the landfill of residual non-inert waste will only be permitted where it can be demonstrated that it is the only practicable option and sufficient permitted capacity within the Plan area is not available. Proposals for the extension of time, where necessary at existing permitted landfill sites with remaining void space, will be supported in principle, where necessary either;</p> <p>(i) To maintain capacity for disposal of residual waste, or; (ii) To achieve the satisfactory restoration of the site.</p> <p>4) Landfill of inert waste will be permitted where it would facilitate</p> <p>I) a high standard of quarry reclamation in accordance with agreed reclamation objectives, or; II) the substantial improvement of derelict or degraded land where it can be demonstrated that the import of the waste is essential to bring the derelict or degraded land back into beneficial use and the scale of the importation would not undermine the potential to manage waste further up the hierarchy.</p>	
<p>Main responsibility for implementation of policy: NYCC, CYC, NYMNPA and Waste Industry</p>	
<p>Key links to other relevant policies and objectives</p>	
<p>W03, W04, W05, W06, W07, W08, W09, W11, S03, D01, D05, D10</p>	<p>Objective 1</p>
<p>Monitoring: Monitoring indicator 26 (see Appendix 3)</p>	

Comment [MS164]: 2180 (Peel) 0800, 0127/1074 (Harworth Estates)- Recovery of heat energy should not be limited to large scale facilities. – Note, The current approach has been retained as a requirement for large scale facilities but the supporting text has been amended to clarify that all EfW facilities are encouraged to utilise heat generated.

2180 (peel) 0800- ATT Energy recovery facilities such pyrolysis and gasification should be recognised in the Policy – Note, Policy and Supporting Text amended in line with suggestion.

The Para should refer to the ‘efficient recovery of energy’ not the ‘efficient use of electrical energy’ – Note, Text amended in line with suggestion

Comment [MS165]: 0075 (Bradford BC) 0900- The term ‘Biodegradable residual waste’ should be changed to ‘residual waste’ – Note, Text amended in line with suggestion

Policy Justification

- 6.19 Waste minimisation, reuse and recycling and composting (where relevant quality protocols are met) represent the higher levels of the hierarchy and are the preferred means of dealing with waste. These are generally the most efficient means of extracting value from waste as a resource. For some types of waste, reuse, recycling or composting is not practicable. For these, other forms of treatment or recovery are likely to be required in order to minimise the amount of waste disposed of via landfill, which is at the bottom of the waste hierarchy
- 6.20 Waste which it is not practicable to deal with through the higher levels of the hierarchy (known as ‘residual waste’, which refers to waste which cannot be re-used,

recycled, composted or put to beneficial use in some other way) may also be capable of being used as a resource via the recovery of energy through various forms of thermal treatment processes, including incineration and Advanced Thermal Treatment (ATT) technologies, such as gasification and pyrolysis. Where recovery of energy is proposed, national policy encourages utilisation of heat generated, potentially in association with other power, in order to help ensure the most efficient use of the waste as a resource. All proposals for facilities which recover energy from waste are encouraged to make provision for utilisation of the heat produced as an energy source. However, the investment required to undertake this suggests that it is most likely to take place in association with relatively large schemes where economies of scale are likely to arise. There is significant permitted (but not yet operational) capacity for energy recovery in the Plan area. Any further proposals, consistent with other waste policies in the Joint Plan and with a capacity in excess of 75,000tpa, should be accompanied by information to demonstrate that the potential for heat utilisation has been considered and will be delivered where practicable. The figure of 75,000tpa is considered to represent a reasonable threshold that is consistent with the approach to defining larger scale facilities within the Yorkshire and Humber Waste Position Statement produced by all Waste Planning Authorities in the Yorkshire and Humber area. The Environment Agency has indicated that EfW schemes within 15km of large users of heat are more likely to have potential for heat utilisation. Where use of heat is not practicable, it is appropriate to support the maximum recovery of electrical energy that, in order to help ensure the efficient use of waste as a resource.

Comment [MS166]: 2180 (Peel) 0820 – Check consistency between thresholds used in I01 – Note, Use of 75,000tpa as a threshold for 'large scale' clarified. Use of 250,000tpa as a threshold in I01 removed, so no longer an inconsistency.

- 6.21 Landfill represents the bottom of the hierarchy, although it is likely to still be required for waste which cannot be dealt with by other means, and may be able to play an important role in the reclamation of mineral workings in the Plan area. Achievement of a high standard of reclamation, potentially including importation of suitable materials, is addressed in Policy D10 Reclamation and afteruse. Evidence suggests that, subject where necessary to the extension of time for completion of landfilling at existing non-inert landfill sites (such as those receiving biodegradable waste) with time limited permissions in the area, and depending on progress with implementation of permitted energy recovery capacity, there should be adequate capacity for biodegradable landfill. It therefore follows that, in line with the waste hierarchy, it would not be appropriate to support the development of new biodegradable landfill sites in the Plan area unless there is clear justification in terms of any unmet needs.
- 6.22 Whilst diversion of inert waste from landfill can facilitate its beneficial use as a resource, inert landfill is less harmful to the environment as it does not decompose to generate greenhouse gasses to the same extent as biodegradable waste. It can also play an important role in improving the standard of reclamation of quarries in the Plan area as well as, in some cases, the improvement of derelict or degraded land. It is therefore appropriate in some circumstances to provide policy support in principle for this method of waste management.

SA/SEA

Summary of assessment This policy would encourage sustainable resource management by prioritising the management of waste as higher up the waste hierarchy. This results in particularly positive effects in relation to resource consumption, soils, climate change, minimising waste generation and managing waste as high up the waste hierarchy as practicable, the economy and meeting the needs of a changing population. Uncertain effects or effects which have both positive and negative aspects have been recorded against several of the other environmental and social objectives as the scale of impacts would be determined by the nature and location of the particular waste management facility.

Some objectives, such as biodiversity, climate change and soils also show strong indirect global effects as the policy in effect reduces the carbon and land footprint of many of the products that we use that currently end up reaching the end of their life in landfill. One area where minor negative effects could occur on balance is in relation to water demand, as some recycling operations can be water intensive (though the assessment is quite uncertain in relation to this).

Recommendations No mitigation is proposed as locational/development management issues will be dealt with under other policies in the Plan.

Overall Summary of Reasons for Change

Peel Environmental Ltd made a number of comments against this Policy and its supporting text including:

- Amend Policy to reference 'efficient recovery of energy' as opposed to 'efficient use of electrical energy'
- Include reference to ATT technologies within the Policy and Supporting text

These comments have been accepted and the text has been changed to reflect this.

Peel Environmental Ltd suggest that the Policy limits the utilisation of heat from Energy recovery to 'large scale' facilities. This comment is not accepted as it is reasonable to assume economies of scale play a role and requiring all energy recovery facilities to utilise heat produced would be unreasonable. However, the supporting text has been amended to clarify that all energy recovery facilities are encouraged to utilise heat produced, whereas, large scale facilities would only be supported where consideration of the utilisation of heat is demonstrated and would be delivered where practicable.

Peel Environmental Ltd have also suggest that there is a potential inconsistency regarding use of 75,000 tpa as a threshold for 'large scale' facilities when compared to 'major facilities' in Policy I01 which uses the threshold 250,000 tpa. The use of 75,000tpa as a reasonable threshold has been clarified in the supporting text. The use of 250,000tpa as a threshold in I01 has been removed.

Bradford MBC suggested removing the word 'biodegradable' from the term 'landfill of biodegradable residual waste' in the Policy, as not all residual waste is biodegradable. This suggestion was accepted and the text amended.

Mone Bros Ltd commented that the Policy appears to discriminate against the landfill of inert waste on derelict and degraded land by requiring additional criteria to be met compared to quarry reclamation. Reducing landfill is a key objective of national and local policy and in some cases may be an essential, appropriate and agreed element of quarry restoration. Where deposit of waste is proposed for the purposes of improving derelict or degraded land however, there is a need for balance between the benefits of bringing such land into beneficial use, and the scale of disposal needed to achieve this. The policy as drafted will help ensure that excessive volumes of waste are not disposed of in return for relatively limited benefits.

Further changes have been made to the first paragraph of the Policy to help clarify the approach to be taken to support movement of waste management up the hierarchy.

Development of Policy W02: Strategic role of the Plan area in the management of waste

Part 1 - Issues and Options to Preferred Options

id43 - Strategic role of the Plan area in the management of waste					
Options presented at Issues and options stage	<p>Option 1: This option would seek to ensure that capacity is provided across the Plan area at a level sufficient to meet identified needs for waste arising in the area (i.e. a level that would allow net self-sufficiency to be achieved where practicable) whilst allowing for current known levels of imports to continue. This would exclude more specialised management needs including capacity for landfilling and/or treatment of hazardous waste and low level non-nuclear radioactive waste and other specialised provision which can only be met on a wider geographical basis.</p> <p>OR</p>				
	<p>Option 2: This option would acknowledge that significant export movements of waste already take place across the Plan area boundary and, for those waste streams or facility types for which a potential capacity gap has been identified, would assume that existing cross-border export movements would continue to operate in conjunction with existing and planned capacity in the area. Where necessary, this approach could also seek opportunities to use existing or planned capacity elsewhere in order to meet any additional un-met requirements. This option would assume that imports of waste into the area would continue broadly in line with recent levels.</p> <p>AND</p>				
	<p>Option 3: This option would follow the same approach as for Option 1 or 2 but would in addition make an express commitment that the Plan would make provision for the management of waste arising within that part of the Yorkshire Dales National Park falling within NYCC (other than for local scale re-use and recycling facilities which it may be practicable to provide in the National Park area).</p>				
What the SA told us					
<p>Whilst Option 1 would have positive effects in terms of reducing transport and associated emissions and in supporting the economy and jobs, it is likely to have negative effects on the environment and communities in the Plan area. Option 2 however would have positive effects on the environment (though would increase the potential for impacts from longer distance journeys) and communities but may restrict opportunities for managing waste further up the hierarchy.</p> <p>Option 3 would have positive effects on the Yorkshire Dales National Park which, on balance due to the nature of the Park, would be more significant than any increases in negative effects in the Plan area and would also provide more opportunities for efficiencies.</p>					
Number of consultation responses					
Total Number of comments against id:	29				
Question 105) Do you have a preference for any of the options presented above?	Number of respondents: 20				
	<table border="1"> <tr> <td>Option 1: 3 SC: 1 Local Authorities: 2</td> <td>Combination: 3 Opt 1+3: 2 MWI: 1 Opt 2+3: 1 Local Authorities: 1</td> </tr> <tr> <td>Option 2: 8 MWI: 1</td> <td>Did Not Specify: 1 Local Authorities: 1</td> </tr> </table>	Option 1: 3 SC: 1 Local Authorities: 2	Combination: 3 Opt 1+3: 2 MWI: 1 Opt 2+3: 1 Local Authorities: 1	Option 2: 8 MWI: 1	Did Not Specify: 1 Local Authorities: 1
	Option 1: 3 SC: 1 Local Authorities: 2	Combination: 3 Opt 1+3: 2 MWI: 1 Opt 2+3: 1 Local Authorities: 1			
Option 2: 8 MWI: 1	Did Not Specify: 1 Local Authorities: 1				

	Option 3: 3	None: 2
Question 106) Are there any alternative options the Authorities should consider in relation to the strategic role of the Plan area in the management of waste?	Number of respondents: 9 SC: 0 MWI: 1 Local Authorities: 0	
Brief overview of consultation responses		
Key Messages Q105:		
<i>Option 1:</i>		
<ul style="list-style-type: none"> • Greatest possible advantage in terms of reducing transport of waste • Accepts that specialist waste, and other streams, may be met outside Plan area 		
<i>Option 2:</i>		
<ul style="list-style-type: none"> • Minimise imports of waste • Export waste to neighbouring areas, develop an option that provides for this • Provide recycling and recovery facilities throughout the Plan area • Self-sufficiency may not always result in the most sustainable waste management 		
<i>Option 3:</i>		
<ul style="list-style-type: none"> • Co-ordinate waste management with neighbouring authorities to minimise cost • Need should be proved when approving a waste facility 		
<i>Option 1+3:</i>		
<ul style="list-style-type: none"> • Supports proximity principle and net self-sufficiency • Greater consideration of C&I waste management • The market ultimately determines the commercial case for new infrastructure 		
<i>Option 2+3:</i>		
<ul style="list-style-type: none"> • Waste needs to be exported out of the Yorkshire Dales National Park 		
General Comments on Options:		
<ul style="list-style-type: none"> • Potential over-provision of incineration capacity • Opposes AWRP • Allow landfill and land restoration to meet sustainability objectives • Clarify the amount of waste imported/exported from the Plan area 		
Key Messages Q106:		
A range of alternative options were suggested in the responses, these are detailed in the 'Suggested new options Chapter 6 – Waste table' along with justification as to why they have or have not been taken forward. Any realistic alternatives are summarised and worked up below:		
Proposed Option 4		
<ul style="list-style-type: none"> • Waste should be exported before considering building new waste facilities, and new waste facilities will only be supported provided it can be proven there is a lack of capacity at existing facilities in the Joint Plan area and adjoining areas, and any new facilities need to be of a scale to meet local needs. 		
<i>Suggested approach</i>		
<i>This option would seek to increase the amount of waste exported and would only support the development of new facilities in the Plan area where it can be shown that the waste cannot be managed at facilities elsewhere and where the facility is of a scale to meet local needs.</i>		
Proposed Option 5		
<ul style="list-style-type: none"> • Seek to minimise the importation of waste. 		
<i>Suggested approach</i>		

This option would be similar to Option 2 but, with the exception of waste from the Yorkshire Dales National Park, would not make any allowance for imports to the Plan area

General:

- Supports movement of waste by rail
- Utilise land restoration sites for landfilling Excavation waste
- Recognise its value and plan for utilising waste as a resource

SA of options including alternatives

Summary of assessment

Whilst Option 1 would have positive effects in the Plan Area in terms of reducing transport miles and associated emissions (particularly in comparison to Option 2) and in supporting the economy and jobs, it is likely to have negative effects on most of the environment and community SA objectives. This is because it may require additional facilities with additional impacts. Option 2 essentially would maintain the status quo in terms of how waste is dealt with in the Plan Area as it would assume that exports and imports would continue in line with current levels. This would largely result in neutral effects on the Plan area and would derive a greater benefit from achieving economies of scale in waste management than would be achieved under option 1.

Option 3 would largely maintain the status quo in terms of how waste is managed from the National Park, and this would have mainly neutral effects on the Plan Area and modest benefits for the Yorkshire Dales as it will allow the special qualities of the National Park to be maintained.

Option 4 would have some benefits for the Plan Area in the short and medium term, but would also export a range of negative impacts to areas outside of the Plan Area. Some benefits in terms of resource use might be achieved through greater economies of scale through this option, while effects of major negative significance would be likely to occur in relation to transport, air pollution and climate change. The option would also export jobs to other areas.

Option 5 may result in some benefits for the plan area in terms of the environmental and community SA objectives due to the reduced requirement for waste management facilities in the plan area. These impacts may however be displaced to authorities outside of the plan area.

Recommendations

It is recommended that a combination of Options 1 and 2 which would enable facilities to be provided for in the plan area where this would lead to sustainability benefits such as reduced transportation distances) be followed along with Option 3.

Joint Authorities response to consultation responses

The support of the majority of consultees to Option 2 is noted. It is considered that any policy approach should be consistent with the national policy objective of dealing with waste near to where it arises and therefore should reflect a net self-sufficiency approach as far as practicable. However, it is acknowledged that commercial considerations will continue to play a significant role in determining where waste is actually managed and that cross boundary movements (both imports and exports) will continue to occur. Any policy approach will therefore need to incorporate a degree of flexibility to accommodate this. It is not considered reasonable to require need to be proven in most cases, provided proposals are consistent with any strategic approach incorporated in the Plan. Such an approach would be in line with national policy. The approach for individual waste streams is addressed under separate policy topic areas.

Evidence base update
New national waste policy published October 2014 replaced PPS10. Development of Allerton Waste Recovery Park facility commenced late 2014.
Duty to Cooperate
Is this a Duty to Cooperate matter? Yes
At a general level addressing the implications of significant cross boundary movements of waste requires cooperation with other relevant WPAs.
Discussion around development of preferred options approach
Evidence suggests that there is potential to increase the extent to which the area is self-sufficient in its ability to manage waste arising within it and such an approach would be likely to assist delivery of the proximity principle and community responsibility in the management of waste. It is acknowledged however that cross boundary movements of waste will continue to occur in response to operation of the market and in order to meet specialised requirements. Flexibility for this needs to be acknowledged in any policy. Whilst the SA recommended that Option 1 be combined with option 2 it is considered that such an approach could lead to a dilution of the net self-sufficiency principle expressed through Option 1 and be less consistent with national policy.
It is considered that it would be appropriate to include provision for management of waste arising in the Yorkshire Dales National Park, essentially in line with current arrangements, into any policy as this is likely to represent the most practicable and sustainable approach to meeting the needs of this area and is supported through the SA.
The preferred approach is therefore a combination of Options 1 and 3.
Preferred policy approach – title changed to W02: Strategic role of the Plan area in the management of waste
Support will be given to proposals for additional waste management capacity needed to achieve net self-sufficiency in the management of waste at a level equivalent to expected arisings in the plan area over the plan period.
Where it is not practicable to provide specific capacity on the Plan area, including capacity for the landfilling of hazardous waste and the management of low level non-nuclear radioactive waste, as well as for other specialist provision which can only be met on a wider geographical basis, including reprocessing capacity for LACW and C&I waste, capacity requirements will be met principally through exports from the Plan area.
Provision of capacity within the Plan area shall include provision for waste arising in the Yorkshire Dales National Park, with the exception of mining and quarrying waste and small scale waste arisings which can be appropriately managed at facilities within the National Park.
Supporting justification
National policy supports the principle of managing waste in proximity to where it arises and encourages community responsibility in the management of waste. At the same time it needs to be acknowledged that commercial considerations and operation of the market play a fundamental role in determining the actual pattern of movement of waste for management, and in most cases administrative boundaries have little influence on this. Evidence gathered

during preparation of the Plan indicates that cross-boundary movements, both imports and exports, have taken place in recent years and it is expected that such movements will continue in response to market and other factors outside the control of the planning authorities. Planning for a 'net self-sufficiency' approach can help balance these factors through, where practicable, the making of provision for waste management capacity at a level equivalent to expected future arisings in the area. This can help ensure that additional capacity can be delivered within the plan area to achieve the local management of waste, whilst acknowledging that a degree of import and export movements are likely to continue, with exports from the plan area in effect being balanced by flexibility for the area to receive an element of imports from elsewhere. Such an approach also reflects the fact that, for certain specialist waste streams, such as hazardous waste for landfill and LLR waste requiring management at specialist facilities, both of which only arise in very small quantities in the Plan area, it is unlikely to be practicable to deliver specific capacity in the area. Similar considerations apply to re-processing capacity for many types of recyclate, which are often exported to nationally or regionally significant facilities receiving waste from a wide range of sources and for which specific provision in the Plan area may not be realistic.

As part of the evidence base for the Plan, a review of the current or emerging approach to self-sufficiency within waste planning authority areas adjoining the Plan area, or which have recently exported significant amounts of waste to the area, has been undertaken. This suggests that all these areas have in place, or are intending to, plan on the basis of net-self sufficiency (or equivalent) for their area. This in turn indicates that it is unlikely that a significantly increased level of exports to the Plan area will occur in the future, as other areas plan for more capacity to meet their own equivalent arisings. Further evidence work indicates that areas currently receiving exports from the Plan area do not envisage significant problems in such movements continuing to occur over the foreseeable future, suggesting that an approach of net self-sufficiency for the Plan area is likely to be adequate and appropriate in meeting future waste management needs.

A specific consideration for the Joint Plan authorities is the relationship between the Plan area and the adjacent Yorkshire Dales National Park. Local Authority Collected Waste arising in the YDNP (with the exception of the that part of the Park falling within Cumbria) is collected by North Yorkshire Waste Collection Authorities and managed by NYCC as the Waste Management Authority and a distinction is not drawn by the WCAs or WMA between waste arising inside or outside the YDNP area. It is therefore managed alongside waste arising in the Joint Plan area and this position is expected to continue over the plan period. The waste capacity needs study undertaken as part of the evidence base for the Joint Plan was prepared in partnership with the YDNP and reflected capacity requirements for waste arising in the YDNP within the study. These are in turn reflected where relevant in the approach to future capacity requirements in the Joint Plan. Nevertheless, it is likely to be practicable for some waste arising in the YDNP to be managed in the Park and it is expected that where appropriate this will be addressed in the new Local Plan for the YDNP. A memorandum of understanding between the Joint Plan authorities and the YDNP has been drafted to reflect this agreed position.

Links to Objectives and Policies

Link to Objectives:

Objective 2

Objective 4

Objective 6

Objective 7

Links to other relevant policies in the Plan:

Id42: Overall approach to the waste hierarchy

Id44: Meeting waste management capacity requirements - Local Authority Collected Waste

Id45: Meeting waste management capacity requirements - Commercial and industrial waste (including hazardous C&I waste)
Id46: Meeting waste management capacity requirements – construction, demolition and excavation waste (including CD&E waste)
Id47: Managing agricultural waste
Id48: Managing low level (non-nuclear) radioactive waste
Id49: Managing waste water (sewage sludge)
Id50: Managing power station ash
Id51: Overall locational principles for provision of new waste capacity
Id52: Waste site identification principles
Id53: Waste management facility safeguarding

SA/SEA

Summary of assessment

This policy would have positive effects in the Plan Area in terms of reducing transport miles and associated emissions and in supporting the economy and jobs, however it is likely to have negative effects on most of the environment and community SA objectives. This is because it may require additional facilities to ensure that waste capacity is equivalent to total arisings with the additional impacts that these would bring. In terms of providing capacity within the plan area to deal with waste arising in the Yorkshire Dales National Park this would largely maintain the status quo in terms of how waste is managed from the National Park, and this would have mainly neutral effects on the Plan Area and modest benefits for the Yorkshire Dales as it will allow the special qualities of the National Park to be maintained.

Recommendations

No mitigation is proposed.

Part 2- Preferred options to Publication

Consultation Responses to Preferred Options

Strategic role of the Plan area in the management of waste

- 6.23 A particular consideration is the role the Plan area plays in the management of waste over the wider North Yorkshire sub-region (i.e. the Plan area together with the adjacent Yorkshire Dales National Park (YDNP) which is a separate waste planning authority area).
- 6.24 There are currently no significant waste management facilities in the YDNP and national policy constraints suggest that this position is unlikely to change. NYCC, as Waste Disposal Authority, has a responsibility for the management of LACW collected from the majority of the YDNP⁷ and this waste is currently dealt with mainly within the NYCC area. It is expected that this arrangement will need to continue over the plan period and is reflected in future waste management capacity requirements for the Plan area. This approach has been acknowledged in the waste arisings and capacity evidence project undertaken by the four Authorities. Waste generated in the Redcar and Cleveland part of the North York Moors National Park has been allowed for in the Tees Valley Minerals and Waste Core Strategy (adopted in 2011). Memoranda of understanding with the YDNPA and Redcar and Cleveland Borough Council have been agreed to reflect these principles.

⁷ i.e. the area excluding that part of the YDNP located within Cumbria

- 6.25 A view also needs to be taken on the extent to which the Plan area can or should seek to be self-sufficient in capacity to manage waste arising in the area, or whether greater reliance on exports to facilities elsewhere should be planned for. Evidence suggests that, in terms of overall waste volumes, the area already exhibits a relatively high degree of self-sufficiency in capacity. However, information also indicates that there are a number of particular aspects in which the area is more reliant on capacity elsewhere. This includes landfill and some treatment of hazardous waste, management of some LLR waste, and; final reprocessing capacity for C&I and LACW⁸.
- 6.27 Environment Agency data indicates that in 2014 the North Yorkshire Sub-region imported a minimum of 212,000 tonnes of waste. However, the actual figure is likely to be higher due to the lack of detail on the origin of some waste arisings. Almost half of the waste known to be imported in 2014 arose within the North East Region and over one third was received from Sub-regions within Yorkshire & Humber. Leeds WPA was the highest single importer of waste with 20,000 tonnes. In the same year the Sub-region exported 473,000 tonnes of waste, over half of which was managed at sites within Yorkshire & Humber, i.e. in West Yorkshire, Hull and Humber area and South Yorkshire, with the Leeds and Hull WPA areas being the largest individual export destinations. Areas to the north, particularly Redcar & Cleveland, Middlesbrough and Stockton on Tees also received waste. However, data suggests that there are significant annual variations in the scale of movements between areas and this limits the potential to establish a comprehensive understanding of current and likely future waste flows.
- 6.28 More recent information indicates that a range of LACW waste types are currently sent for final management at locations outside of the Joint Plan area. Examples include materials or items such as: asbestos, automotive and household batteries, glass, paper, wood, chemicals, ferrous and non-ferrous metal, textiles, engine and cooking oil and cooling appliances. These are transported to a range of adjoining authority areas for final processing including the Council areas of Leeds, Bradford, County Durham, Darlington, Middlesbrough and Hartlepool, the East Riding and Doncaster, as well as some more distant locations including Sunderland, Preston, Bury, Salford, Sheffield, West Midlands, Lincolnshire, Cambridgeshire and Norfolk. As noted in the Yorkshire and Humber Waste Position Statement 2016 final reprocessing capacity for many waste types is subject of regional or national scale markets, with the Yorkshire and Humber area containing the largest concentration of glass and metal reprocessors in England.
- 6.29 The range of other WPA areas that LACW from the Plan area is currently transported to demonstrates the complexity of the waste management market that exists. Such complexity is likely to continue to exist over the Plan period, although the amount of household waste exported for management is expected to reduce when the Allerton Waste Recovery Park facility becomes operational.
- 6.30 Approximately 86% of hazardous waste arising within the Joint Plan area in 2014 was ultimately managed outside the Joint Plan area, with West Yorkshire and the Tees Valley being the main export destinations. In the same year relatively small amounts of hazardous waste were imported into the Plan area from a range of other WPAs, including Leeds, and Wakefield.

Comment [MS167]: 2180 (Peel) 0802 (PE) Para 6.27 appears to be inconsistent with the Urban Vision Report (May 2015) i.e. the 2015 Report states that 246,438 tonnes of waste was exported whilst Para 6.27 suggests that 334,000 tonnes was exported. This needs clarification. – Note, ensure this Para is in line with the updated UV Report when published

⁸ Initial separation and sorting of materials for recycling takes place within the Plan area, for example, in association with the operation of waste transfer activities, and at HWRCs. However, it is likely that a substantial amount of final reprocessing of materials to be recycled takes place outside the Plan area.

6.31 Government policy⁹ encourages communities to take responsibility for their waste arisings and sets out a requirement to ensure that waste can be disposed of or, in the case of mixed municipal waste collected from private households, recovered at the nearest appropriate installation. Reducing the need for transport of waste over long distances can often be the most sustainable arrangement, for example in terms of reducing the environmental or local amenity impacts of traffic movements. However, there is no specific requirement in national policy for an area to be self-sufficient in capacity to manage its own waste and policy acknowledges that management of waste outside the administrative boundary of the area may be the most appropriate solution, for example where it would minimise the overall transport of waste or help use existing infrastructure effectively¹⁰. Nevertheless, increasing the capability of the area to manage the waste that arises within it is an important sustainability consideration that should be addressed in the Plan. As a result the approach in the Plan is to seek a move towards a position of ‘net self-sufficiency’, as explained in more detail in the justification for Policy W02 below.

Policy W02: Strategic role of the Plan area in the management of waste

- 1) Support will be given through the allocation of sites and the grant of planning permission for the additional waste management capacity needed to help achieve net self-sufficiency in capacity at a level equivalent to expected arisings in the Plan area, by 31 December 2030.
- 2) Provision of capacity within the Plan area shall include provision for waste arising in the Yorkshire Dales National Park, with the exception of mining and quarrying waste and small scale waste arisings which can be appropriately managed at facilities within the National Park.
- 3) Except as provided for in 2) above, where a facility is proposed to manage waste arising from mainly outside the Plan area it will not be supported unless it can be demonstrated that the facility would represent the nearest appropriate installation for the waste to be managed.
- 4) Proposals which would help meet unforeseen needs for the management of specific waste streams arising in the Plan area but not specifically identified or provided for in the Joint Plan, will be permitted where they would be in line with the requirements of Policies W10 and W11.

Main responsibility for implementation of policy: NYCC, CYC, NYMNPA and Waste Industry

Key links to other relevant policies and objectives

W01, W03, W04, W05, W06, W07, W08, W09, W10, W11, I01, S03, D01, D04, D05	Objectives 2, 4, 6, 7
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Monitoring: Monitoring indicator 27 (see Appendix 3)

Policy Justification

6.33 National policy encourages community responsibility in the management of waste.

Comment [MS168]: 3696/0021- the policy should do more to increase recycling – Note, Policy W01 supports moving mgmt. of waste up the waste hierarchy i.e. towards recycling.

0121 (EA)1329 - The Policy needs to clarify the approach to hazardous waste landfills. Does the Policy rule out Haz. Landfills or just use this as an example? – Note, the Policy does not rule out new capacity for Haz. Waste Landfills or other specialised provision but it would be appropriate to revise the Policy and supporting text to clarify the approach and to ensure that a suitably positive approach to meeting future needs is established..

2180 (Peel) 0801 Due to the uncertainty over arisings of waste and commercial control over movement of waste this Policy should include a greater degree of flexibility. – Note, This is addressed in a revision to the third paragraph of the Policy and relevant supporting text

Comment [JW169]: 2771 (Kent CC) 0872 – It is not clear that net self-sufficiency is to be attained by 2030. – Note - it is agreed that this should be clarified in the Policy.

⁹ E.g. National Planning Policy for Waste (DCLG 2014)

¹⁰ A further consideration is the requirement, contained in the EU Waste Framework Directive, for waste to be disposed of and, in the case of recovery of mixed municipal waste, recovered in the nearest appropriate installation

At the same time it needs to be acknowledged that commercial considerations and operation of the market play a fundamental role in determining the actual pattern of movement of waste for management, and in most cases administrative boundaries have little influence on this. Evidence gathered during preparation of the Plan indicates that cross-boundary movements, both imports and exports, have taken place in recent years and it is expected that such movements will continue in response to market and other factors outside the control of the planning authorities.

- 6.34 Planning for a 'net self-sufficiency' approach can help ensure that a suitable level of provision is made, by planning for waste management capacity at a level equivalent to expected future arisings in the area. This can help ensure that additional capacity can be delivered within the Plan area over the period to 31 December 2030 to achieve the local management of waste, whilst acknowledging that a degree of import and export movements are likely to continue, with exports from the Plan area in effect being offset by flexibility for the area to receive an element of imports from elsewhere, although it is recognised that levels of waste imports and exports may not always balance.

Such an approach also reflects the fact that, for certain specialist waste streams, including hazardous waste for landfill and LLR waste requiring management at specialist waste water treatment facilities, wider geographical markets for waste management exist. Similar considerations apply to final re-processing capacity for many types of recyclate, which are often exported to nationally or regionally significant facilities receiving waste from a wide range of sources. In this respect the Yorkshire and Humber area has the highest concentration nationally of glass and metal processing capacity, as referenced in the Yorkshire and Humber Waste Position Paper. However, if arisings of specialist waste streams were to increase significantly, this may justify the provision of facilities in the Plan area and proposals for these would be addressed through the requirements of Policies W10 and W11 and other relevant policies in the Plan as appropriate.

- 6.35 As part of the evidence base for the Plan, a review of the current or emerging approach to self-sufficiency in waste management capacity within waste planning authority areas adjoining the Plan area, as well as for those which have recently exported significant amounts of waste to the area, has been undertaken. This suggests that all these areas are, or are intending to, plan on the basis of net self-sufficiency (or equivalent) for their area. This in turn indicates that it is unlikely that a significantly increased level of imports into the Plan area will occur in the future, as other areas plan for more capacity to meet their own equivalent arisings. Further evidence work indicates that areas currently receiving exports from the Plan area do not envisage significant problems in such movements continuing to occur over the foreseeable future. Together, these factors indicate that an approach of net self-sufficiency for the Plan area is likely to be adequate and appropriate in meeting future waste management needs.

- 6.36 The waste capacity needs study undertaken as part of the evidence base for the Joint Plan was prepared in partnership with the YDNP and reflected capacity requirements for waste arising in the YDNP within the study. These are in turn reflected in the approach to future capacity requirements in the Joint Plan. Nevertheless, it is likely to be practicable for some waste arising in the YDNP to be managed in the Park and it is expected that where appropriate this will be addressed in the new Local Plan for the YDNP. A memorandum of understanding between the Joint Plan authorities and the YDNPA reflects this agreed position.

SA/SEA

Comment [JJ170]: 2180 (Peel) 0801
Suggested additional text 'It is recognised that waste will continue to be imported from outside of the plan area and that the levels of waste imports and exports may not necessarily always balance.' – Note, this comment is accepted and the supporting text has been amended.

"Where a facility is proposed to manage waste arisings mainly outside the plan area, it will not be supported unless it can be demonstrated that the facility would represent the nearest appropriate installation for the waste to be managed'. – Note, This Comment is accepted and the text has been included in the Policy.

Comment [JW171]: This sentence has been added to meet the concerns of comment 3846/1928 above.

<p>Summary of assessment This policy would have a range of mainly minor and often mixed effects on the SA objectives. In particular, while there are outright positive effects on the economy and population needs objectives as a result of provision of jobs and ensuring that an effective waste management system operates, minor negative effects are observed across most of the other SA objectives as cumulatively allocated sites plus further planning permissions are likely to exhibit residual effects on objectives after they have been controlled by other policies in the plan (for instance land will be used up, traffic will be generated, buildings will be built and impacts such as dust and odour may occur at low levels). Some objectives also report indirect positive impacts such as biodiversity and soils, as a result of decreased carbon and land footprints. Some sites such as waste transfer sites exhibit significant positive effects on transport, so this also shows up in this assessment which notes both positive and negative effects for transport. In terms of providing capacity within the plan area to deal with waste arising in the Yorkshire Dales National Park this would largely maintain the status quo in terms of how waste is managed from the National Park, and this would have mainly neutral effects on the Plan Area and modest benefits for the Yorkshire Dales as it will allow the special qualities of the National Park to be maintained.</p>
<p>Recommendations No further mitigation is proposed.</p>
<p>Overall Summary of Reasons for Change</p>
<p>This Policy and supporting text has been revised to provide additional clarity on the strategic role of the Plan area in the management of waste and to ensure that it presents a suitably positive position in relation to delivery of capacity needed to help ensure that net self-sufficiency is achieved,</p>

Development of Policy W03: Meeting waste management capacity requirements – Local Authority Collected Waste

Part 1 - Issues and Options to Preferred Options

<p>Id44 - Meeting waste management capacity requirements - local authority collected waste</p>	
<p><i>Options presented at Issues and options stage</i></p>	<p>Option 1: This option would support provision of adequate capacity for, and promote community responsibility in, management of LACW through:</p> <ul style="list-style-type: none"> • Identifying the Allerton Park and Harewood Whin sites as strategic locations over the plan period for the management of LACW, including supporting the principle of an extension of time for disposal of waste via landfill in order to ensure utilisation of remaining capacity. In the case of the Harewood Whin site any proposals for new capacity involving built development would need to be judged against any relevant national and local green belt policy. • Supporting the delivery of additional transfer station capacity for LACW to serve the needs of the City of York, Selby and Ryedale districts and, in addition, for Harrogate Borough if the Allerton Waste Recovery Park permission is not implemented. • Providing support in principle for proposals which would deliver increased capacity for the recycling, reprocessing and composting of LACW where this would reduce reliance on export of waste from the Plan area for recycling or reprocessing and subject to compliance with locational and other relevant policies to be identified in the Plan. • Supporting improvements to the Household Waste Recycling Centre network subject to compliance with locational and other relevant policies to be identified in the Plan. <p>OR</p>

	<p>Option 2: This option would represent a less targeted approach and would seek to provide more flexibility for the delivery of any new capacity required for managing LACW. This would be achieved by providing support in principle for the development of new capacity identified as necessary by the relevant Waste Management Authorities. It would need to be demonstrated that any such capacity is consistent with relevant national policy as well as any relevant policies in the Plan relating to moving waste up the hierarchy and the strategic role of the Plan in the management of waste, as well as relevant locational and development control policies in the Plan.</p>
What the SA told us	
<p>There is some uncertainty as to the sustainability effects of both options. This is largely because it is not known where all local authority collected waste management facilities would be located under the options.</p> <p>Although uncertain, there is potential for minor negative effects in relation to biodiversity, water, soils, air, the historic environment, landscape and community vitality under both options. In some cases, however, Option 2 may slightly lessen negative effects as it will potentially result in lower transport impacts as there is potentially more locational flexibility. There are also a number of positive effects. In particular, both options make a strong positive contribution to sustainable waste management and achieving sustainable economic growth.</p>	
Number of consultation responses	
Total Number of comments against id:	29
Question 108) Do you have a preference for either of the options presented above?	Number of respondents: 19
	Option 1: 4 <i>Local Authorities: 3</i>
	Combination: 2 <i>Local Authorities: 1</i>
	Option 2: 9 <i>MWI: 1</i>
Did Not Specify: 1	
None: 3	
Question 109) Taking into account that planning permission has already been granted for the Allerton Waste Recovery Park facility, which would provide for the management of residual LACW, are there any alternative options relating to meeting capacity requirements for LACW the Authorities should consider?	<p>Number of respondents: 10 <i>SC: 0</i> <i>MWI: 0</i> <i>Local Authorities: 0</i></p>
Brief overview of consultation responses	
<p>Key Messages Q108:</p> <p><i>Option 1:</i></p> <ul style="list-style-type: none"> • The targeted approach provides greater certainty • Development at Harewood Whin should take account of green belt policies and commitments made by the LPA to cease operations and reinstate the site by 2017 • Clarify which bodies will contribute towards costs of implementing strategic waste facilities <p><i>Option 2:</i></p> <ul style="list-style-type: none"> • HBC only supports Option 2 if AWRP is developed • Flexibility in delivering infrastructure • Option 2 is too vague and needs to be extended, based upon a modular localised approach 	

- Support facilities which manage waste locally
- Is supported as provides greater flexibility but do not agree with the current wording or the approach to the waste hierarchy.
- Current policy wording is too vague and inadequate

Options 1+2:

- Extensions to landfill sites is preferred over a new waste incinerator
- Waste transfer capacity is required

General comments on the Options:

- Present alternative options to AWRP if it does not proceed
- Given the rural nature of the area a combination of the options may be appropriate.

Key Messages Q109:

A range of alternative options were suggested in the responses. These are detailed in the 'Suggested new options Chapter 6 – Waste table' along with justification as to why they have or have not been taken forward. Many Consultees suggested having a 'Plan b' in case AWRP did not go ahead. However, development of the AWRP facility has now commenced so this approach has been discounted. Any realistic alternatives are summarised and worked up below:

Proposed Option 3

- Combine Options 1 and 2 to give support to permitted facilities, but also provide an element of flexibility if some of the permitted facilities are not operational.

Suggested approach

This option would combine Options 1 and 2 to give support to permitted facilities but also provide an element of flexibility if some of the permitted facilities were not operational.

Wording:

This option would support provision of adequate capacity for, and promote community responsibility in, management of LACW through:

- *Identifying the Allerton Park and Harewood Whin sites as strategic locations over the plan period for the management of LACW, including supporting the principle of an extension of time for disposal of waste via landfill in order to ensure utilisation of remaining capacity. In the case of the Harewood Whin site any proposals for new capacity involving built development would need to be judged against any relevant national and local green belt policy.*
- *Supporting the delivery of additional transfer station capacity for LACW to serve the needs of the City of York, Selby and Ryedale districts and, in addition, for Harrogate Borough if the Allerton Waste Recovery Park permission is not implemented.*
- *Providing support in principle for proposals which would deliver increased capacity for the recycling, reprocessing and composting of LACW where this would reduce reliance on export of waste from the Plan area for recycling or reprocessing and subject to compliance with locational and other relevant policies to be identified in the Plan.*

Supporting improvements to the Household Waste Recycling Centre network subject to compliance with locational and other relevant policies to be identified in the Plan.

Support in principle would also be given for the development of other new capacity identified as necessary by the relevant Waste Management Authorities. It would need to be demonstrated that any such capacity is consistent with relevant national policy as well as any relevant policies in the Plan relating to moving waste up the hierarchy and the strategic role of the Plan in the management of waste, as well as relevant locational and development control policies in the Plan.

General:

- Incineration facilities should be located close to population and/or commercial centres

- and utilise CHP
- Opposed to AWRP

SA of options including alternatives

Summary of assessment

There is some uncertainty as to the sustainability effects of all 3 options. This is largely because it is not known where all local authority collected waste management facilities will be located under the options.

Although uncertain, there is potential for minor negative effects in relation to biodiversity, water, soils, air, the historic environment, landscape and community vitality under all options. In some cases, however, Options 2 and 3 may slightly lessen negative effects as they will potentially result in lower transport impacts as there is potentially more locational flexibility. There are also a number of positive effects. In particular, all options make a strong positive contribution to sustainable waste management and achieving sustainable economic growth, and there are climate change benefits associated with providing the supporting capacity to move waste up the waste hierarchy.

Revised Recommendations

The sustainability appraisal has observed a slight preference for Option 3 as this combines the benefits of Option 1 and Option 2.

Joint Authorities response to consultation responses

The preference of the majority of respondents for the flexibility provided in Option 2 is noted. However, it is also acknowledged that the more specific guidance provided through option 1 may also be beneficial. The support of some respondents for a combination of the two options is also noted. It is agreed that any further development at the Harewood Whin site would need to take account of Green Belt designation. Clarification of which bodies will contribute to the costs of implementing strategic waste facilities is not considered appropriate as it is not directly relevant to development of the Plan. The overall locational approach to provision of waste management capacity and the movement of waste up the hierarchy are addressed in other policy areas in the Plan.

Evidence base update

New national waste policy published October 2014 replaced PPS10. Development of Allerton Waste Recovery Park facility commenced late 2014. Permission for a new transfer station for LACW in the Ryedale area was granted in late 2014 and is expected to be operational by 2017. Planning permission for additional transfer capacity for York (at the Harewood Whin site) was granted in 2015.

Duty to Cooperate

Is this a Duty to Cooperate matter? Yes.

At a general level management of LACW may involve export of some waste to other WPA areas.

Discussion around development of preferred options approach

Since Issues and Options consultation the award of a new contract for the management of residual municipal waste arising in the Plan area, and the commencement of construction of a major new waste recovery park (AWRP facility), has provided much greater certainty about the expected arrangements for future management of LACW. Planning permission has also been granted for new transfer station capacity for the Ryedale area and for York, meaning that a significant gap in the transfer network for LACW only exists in the Selby area. Notwithstanding the higher degree of certainty that now exists about proposed arrangements for managing LACW in the area, it is recognised that some further infrastructure may be considered necessary or desirable to help ensure that an adequate overall network exists and to help allow the area to be as self-sufficient as practicable, taking in to account other preferred policy in the Plan.

Whilst it is noted that the SA indicates a slight preference for Option 3 (ie a combination of Options 1 and 2), it is considered that Option 1 already contains an element of flexibility to support the delivery of additional capacity (not currently identified) whilst providing more certainty as to the overall approach to management of LACW that is expected.

The preferred approach is therefore based on Option 1.

Preferred policy approach

Net self-sufficiency in capacity for management of Local Authority Collected Waste will be maximised through:

- 1) Identification of the Allerton Park (WJP08) and Harewood Whin (WJP11) sites as strategic allocations over the plan period for the management of LACW. Where necessary, proposals to extend the time period for continued waste management operations at these sites over the plan period and the development of other appropriate waste management infrastructure will be supported in principle subject, in the case of the Harewood Whin site, to consistency with relevant national and local green belt policy.**
- 2) Delivery of additional transfer station capacity for LACW to serve the needs of Selby district through the allocation of a site at Common Lane, Burn (WJP16). Proposals for development of transfer capacity for LACW at this site or at an alternative location consistent with Policies W10 and W11 will be supported in principle.**
- 3) Subject to compliance with Policies W10 and W11 and the development management policies in the Plan, supporting in principle proposals for:**
 - increased capacity for the recycling, reprocessing and composting of LACW where this would reduce reliance on export of waste from the Plan area for recycling or reprocessing;**
 - Improvements to the Household Waste Recycling Centre network**
- 4) LACW will be exported for management where sufficient capacity cannot be provided within the area.**

Supporting text

Substantial progress has been made in recent years in reducing the amount of Local Authority Collected Waste that is landfilled, with a corresponding increase in recycling, composting and other forms of treatment.

Local Authority Collected Waste is dealt with at a range of existing facilities in the Plan area and substantial capacity for its management is already in place. From 2018 capacity will be sufficient for management of residual LACW in order to secure diversion from landfill of over 95% for this waste stream, and a recycling rate for household waste of over 50%. This would enable national and local targets for recycling and landfill diversion to be met. As well as providing a strategically important location for recycling and recovery, the wider Allerton park site (adjacent to the AWRP facility) contains a significant proportion of the remaining permitted capacity for biodegradeable landfill in the Plan area, capable of receiving LACW and other waste which cannot be diverted from landfill. Therefore the overall Allerton Park complex is likely to remain a strategically important location for the management of LACW and other similar waste during the plan period and it is appropriate to identify and protect it in the Plan as a strategic location. The landfill operation is subject of a permission which is due

to expire in 2018 and support in principle for an extension of time for this permission is provided in Policy W03.

Similarly the Harewood Whin site, near York, plays an important strategic role in management of LACW via a range of processes and contains the majority of remaining operational biodegradable landfill capacity in the Plan area alongside the Allerton Park site. It is also subject of temporary permissions which are likely to need renewing during the plan period and it is considered appropriate to identify and protect it in the Plan as a strategic location, with support in principle for continued operations. As this site is located in the Green Belt, any further development would need to be consistent with relevant Green Belt policy.

Whilst extensive new infrastructure requirements for management of LACW during the Plan period are not expected (subject to commissioning of the AWRP facility), it is expected that further transfer station capacity will be needed to serve Selby District. A site for this at Burn Airfield has been submitted in response to earlier consultation and is allocated in the Plan. It is also considered appropriate to support the principle of development of other capacity and/or improvements to the network of facilities for management of LACW where this could help increase the extent to which the area is self-sufficient in capacity and move waste up the hierarchy, in line with the strategic approach. In all cases where further development is involved, it will be necessary for proposals to be consistent with other relevant policies in the Plan, including Policies W10 and W11 establishing locational principles and site identification criteria for new waste facilities.

Links to Objectives and Policies

Link to Objectives:

Objective 1

Objective 2

Objective 6

Objective 7

Links to other relevant policies in the Plan:

Id42: Overall approach to waste hierarchy

Id43: Strategic role of the Plan area in the management of waste

Id51: Overall locational principles for provision of new waste capacity

Id53: Waste management facility safeguarding

SA/SEA

Summary of assessment

For this policy Allerton Park (WJP08), Harewood Whin (WJP11) and Common Lane Burn (WJP16) have been assessed separately as part of the site assessment process as they each have quite different sustainability impacts.

Supporting additional proposals for recycling, reprocessing and composting may also generate new facilities with potential environmental and community effects (though these effects will be reduced by policies W10 and W11 as well as the development management policies). Similarly, supporting improvements to the Household Waste Recycling network may result in new development. Again, the effects of this development are considered to potentially involve minor effects on the environment and community objectives that will be reduced by development management policies. The effects on the environmental and community objectives are considered to range from insignificant to minor negative.

This policy is likely to have strong benefits on the economy SA objective. It will generate jobs and promote low carbon resources from what previously would have been considered waste. It will also reduce the costs associated with alternative disposal in landfill. There are also

strong benefits for the minimising resources and waste hierarchy SA objectives as this development is essential for reducing waste.

Recommendations

Mitigation has been proposed in relation to Allerton Park (WJP08), Harewood Whin (WJP11) and Common Lane Burn (WJP16) in the Site Assessment Report.

Part 2 - Preferred options to Publication

Consultation Responses to Preferred Options

Meeting future waste management needs

- 6.37 To help with planning for waste it is necessary to make some assumptions about the scale of future arisings that may need to be dealt with and the waste management capacity expected to be available over the Plan period. As mentioned earlier, work on this has been commissioned to support preparation of the Plan. This work provides a useful benchmark but the position with regard to future capacity needs is complicated by a number of factors including:
- The scale of future arisings may be influenced by a wide range of matters such as the economy, technological changes and changes in behaviour of waste producers and these cannot be predicted with any certainty
 - Waste management policy and practice has been going through a period of rapid change in recent years and this may continue
 - There are significant limitations in availability of data relating to current arisings and management of some waste streams (the main exceptions being LACW and hazardous waste)
 - Data on waste management capacity is not comprehensive and is subject to change over short time periods, for example as new permissions are granted or expire.
- 6.38 Together, these and other factors mean that it is not practicable to plan for future waste management capacity with a high degree of precision, suggesting that it will be necessary to include a degree of flexibility in the Plan.
- 6.39 The work commissioned by the Authorities uses two sets of scenarios, one about possible changes in amounts of waste arising over the Plan period and the other about how waste management practice may change over the same time, and compares these against available information on waste management capacity in the area. This can be used to give an indication of the potential scale of any 'capacity gap' between potential requirements and current capacity.
- 6.40 The main focus of the work has been on waste streams other than LACW, particularly C&I and CD&E wastes. The York and North Yorkshire Waste Partnership have utilised available data to provide a forecast projection of Local Authority Municipal Solid Waste¹¹ for the Plan area up to and beyond the plan period. The current projections predict an increase of over 99,000 tonnes in arisings over the period from 2015/16 to 2039/40. Over the period to 2030 (i.e. around the end date for the Joint Plan) the projected increase is about 70,000 tonnes¹². Provision has been made to manage this projected increase in LACW arisings over the Plan period.

Comment [JJ172]: 2180 (Peel) 0803
Disagree with the assumptions made and suggest an alternative approach is adopted. The quantitative evidence provided in the Urban Vision Report for growth has been adjusted based on qualitative assumptions. The C&I waste growth is contrary to the most recently published government forecasting (Oct 2013). Forecasted C&I waste recycling rates should be reduced as there is no clear evidence for those chosen. See the Summary of Response for details. – *Note, The Updated UV Report includes a new C&I Recycling Scenario and a potential new C&I Growth methodology.*

¹¹ Municipal Solid Waste is a key element of LACW

¹² York and North Yorkshire Waste Partnership_Data, further information provided in the NYCC Waste Evidence Paper (2015)

6.41 A new contract for managing residual LACW in the NY sub-region has recently been procured and work has commenced on construction of a new waste recovery facility, known as the Allerton Waste Recovery Park, (AWRP) which would enable delivery of targets agreed under the current Municipal Waste Management Strategy for York and North Yorkshire¹³. It is therefore not proposed to review the approach to dealing with residual LACW as part of preparation of the Minerals and Waste Joint Plan. The proposed AWRP facility has been designed to accommodate expected growth in arisings of residual LACW over the period to 2040. Residual waste refers to waste which cannot be re-used, recycled, composted or put to beneficial use in some other way.

6.42 Since work on arisings and capacity evidence was first commissioned by the Authorities, potential scenarios have been updated in an Addendum Report (2015). This is to help ensure that the modelling work takes into account more up to date information and to reflect responses received on the original scenarios during consultation at Issues and Options stage. The updated scenarios¹⁴ are;

Scenarios relating to growth:

Waste Stream	Growth	Minimised Growth	Comment
LACW	Varies between +0.8% and +2.9% per annum	As for Growth scenario	Reflects modelling work already undertaken by the York and North Yorkshire Waste Partnership
Commercial	0% per annum	-1% per annum 2015 to 2021 then 0% per annum to 2030	Growth scenario assumes that growth from increasing business activity would be offset by waste reduction initiatives. Minimised Growth scenario assumes that impact of reduction initiatives reduces over time as there is little scope for further change
Industrial	0% per annum	-1% per annum	Growth scenario assumptions as per commercial waste. Minimised Growth assumes impact of continued rebalancing of the sub-regional economy away from manufacturing etc. towards service sector
CD&E	+1% per annum 2015-2021 then +0.5% per annum to 2030	0% per annum	Growth scenario assumes higher rate of growth as sub-regional economy recovers from recession but that rate of growth will not be sustained in the longer term Minimised Growth scenario assumes any growth pressures are balanced by minimisation initiatives

Table 5: Growth scenarios

Scenarios relating to waste management practice:

Comment [JW173]: Update with new document Name and Date

Comment [JW174]: If still the case in the Updated UV Report, this Table needs to state that 'C&I waste is increasing but not when calculated per head of population' as was discussed at Peel Meeting on 4.5.16. Ensure this is stated in the Updated UV Report and the wording in the Plan reflects this.

¹³ The AWRP facility will include a range of processes including mechanical treatment, anaerobic digestion, energy from waste recovery and incinerator bottom ash recycling

¹⁴ The scenarios summarised here are taken from the North Yorkshire Sub-region Waste Arisings and Capacity Addendum Report (Urban Vision, 2015)

6.43 These involve making broad assumptions about how waste could be managed in future, such as through increased recycling and recovery of energy, to help move waste management further up the waste hierarchy. Under all scenarios it is assumed that management of residual LACW will be through the AWRP facility (which would enable achievement of an overall rate of diversion from landfill of over 95%, including a household waste recycling rate in excess of 50%) and it is therefore not shown in the table below.

Waste Stream	Maximised Recycling	Median Recycling	Comment
C&I	10% non-recyclable waste to landfill by 2020 75% recycling of the remainder by 2020 with 85% recycled by 2030; balance to energy recovery	10% non-recyclable waste to landfill by 2020 65% recycling of the remainder by 2020 with no further improvement thereafter; 35% to energy recovery by 2030;	Current estimate for C&I recycling rate for NY sub-region is between 55% and 58%
CD&E	75% recycling by 2020 with no further improvement thereafter	60% recycling by 2020 with no further improvement thereafter	Current estimate for CD&E recycling rate for NY sub-region is 39% although likely to be substantially greater than this for the construction and demolition element of the CD&E stream

Table 6: Waste management practice scenarios

6.44 The evidence-based scenarios referred to above can, when considered in relation to current estimated waste management capacity, be used to generate higher and lower estimates of the scale of any potential waste management ‘capacity gaps’ that may occur over the period to 2030. This in turn can help with making assumptions about the scale of any new provision we need to plan for.

6.45 The following table summarises the potential capacity gaps identified for the key waste management capacity types. Taking into account the scenarios presented in Tables 5 and 6 above, the capacity gaps presented below are based on the following assumptions:

- 1) Local Authority Collected Waste is managed in accordance with growth assumptions developed by the York and North Yorkshire Municipal Waste Partnership and measures already implemented or being implemented, including the Allerton Waste Recovery Park facility (currently under construction).
- 2) Waste growth reflects the ‘Growth’ scenario assumptions identified in Table 5 above. This is to help ensure that a worst case assumption in terms of future waste volumes is planned for and to reduce the risk of any under-provision in the Plan.
- 3) Recycling capacity requirements are based on the ‘Maximised Recycling’ scenarios, with landfill capacity requirements based on the ‘Median Recycling’ scenarios. This is to help ensure that improved recycling performance is not

Comment [JW175]: This section will be amended to better reflect the process by which capacity gaps were reached. The Updated UV Report will include a clear set of tables indicating the key data elements. This will be replicated in this section as succinctly as possible.

Comment [JW176]: This section to be updated in light of output of updated waste evidence project (in progress)

restricted through lack of provision in the Plan, whilst adequate provision for landfill capacity is made in the event that recycling rates do not reach the levels envisaged under the maximised recycling scenarios during the plan period. It also helps provide more flexibility in the overall provision that is made.

4) Energy recovery capacity at the Allerton Waste Recovery Park comes on stream to help meet additional requirements for energy recovery for C&I waste.

5) Extensions of time are sought and permitted for a continuation of landfilling at existing landfill sites in the Plan area for non-inert non-hazardous waste but which are currently subject of time limited permissions expiring during the plan period.

6.46 It should also be noted that the capacity gap figures presented in Table 7 below are based on an assumption that all relevant waste arising in the area is managed in the Plan area, in accordance with the principle of net self-sufficiency in capacity for the management of waste. In practice it is likely that some waste will continue to be exported in accordance with current or future market circumstances. As a result of this approach and the assumptions used about recycling and landfill rates (as summarised in paragraph 6.45 above) the figures presented in Table 7 are considered to contain an additional element of flexibility in terms of the scale of provision to be made.

Waste capacity type and stream	Estimated maximum annual capacity gap 2020 (tonnes)	Estimated maximum annual capacity gap 2025 (tonnes)	Estimated maximum annual capacity gap 2030 (tonnes)
Recycling (C&I and LACW)	nil	nil	26,423
Recycling (CD&E)	249,119	277,177	287,680
Landfill (CD&E)	nil	100,327	117,717
Landfill (hazardous)	8,683	8,946	9,217

Table 7: Main capacity gaps

6.47 Based on available information and the assumptions set out in paragraphs 6.45 and 6.46, no overall capacity gaps are identified for landfill of C&I waste and LACW, energy recovery, composting or transfer, although as indicated later in this chapter, provision of further capacity for these forms of waste management may be justified in certain circumstances, including in order to provide an appropriate overall geographical network of facilities.

6.48 The information above has been used to help develop policies to ensure that adequate provision is made for management of the various waste streams arising in the Joint Plan area. These are presented in the following sections. With regard to LACW the information below is also supplemented by information provided by the North Yorkshire and York Waste Disposal Authorities.

Local Authority Collected Waste (LACW)

6.49 Local Authority Collected Waste (LACW) includes waste collected from households and a range of other waste from municipal sources, as well as commercial and industrial waste of similar composition collected by or on behalf of local authorities.

6.50 Substantial progress has been made in recent years in achieving the more

Comment [MS177]: 2180 (Peel) 0853:- Point 4 does not accord with national policy, para 3 of the NPPW states only operational capacity should be included when identifying facilities that meet need. The identification of future requirement should be recalculated based on the operational facilities only – Note, the Updated UV Report should only include operational facilities in capacity (with exception of AWRP) Update this section when updated Report published

Comment [MS178]: 2180 (Peel) 0853- Para 6.46 is not flexible as it does not account for waste imported in to the Plan area. – Note, Review the updated UV Report, this has been raised as an issue and the UV Report should include explanatory text which can be replicated here.

Comment [MS179]: (PE) After taking into account concerns regarding importation of waste and the assumptions underlying the scenarios, it is considered that the data in Table 7 does not represent a ‘worst case scenario’ – Note, As agreed at a meeting with Peel, the introduction of a new C&I scenario helps address this concern. Text to be amended in accordance with Updated UV Report.

sustainable management of LACW. When the new AWRP facility is fully operational (expected in early 2018) this will help deliver a step change in diversion of residual LACW from landfill, as well as a further increase in the rate of recycling of this waste stream. A four year waste treatment framework (2015-2019) is in place with a number of private waste management operators to manage York and North Yorkshire LACW prior to AWRP becoming fully operational. If AWRP were to be delayed or failed to become fully operational, these contracts would be re-tendered before they expire. Any requirements for additional infrastructure in the Plan area arising from such a scenario would if necessary, be addressed through a review of the site allocations in the Joint Plan.

6.51 Notwithstanding the expected position when the AWRP facility becomes operational, other new or improved infrastructure is expected to be required during the Plan period to help move management of LACW up the waste hierarchy and deliver more local solutions for its management.

Policy W03: Meeting waste management capacity requirements - Local Authority Collected Waste

Net self-sufficiency in capacity for management of Local Authority Collected Waste will be maximised through:

- 1) Identification of the Allerton Park (WJP08) and Harewood Whin (WJP11) sites as strategic allocations over the Plan period for the management of LACW. Proposals to extend the time period for continued waste management operations at these sites over the Plan period and the development of other appropriate waste management infrastructure will be permitted subject, in the case of the Harewood Whin site, to consistency with relevant national and local Green Belt policy.
- 2) Delivery of additional transfer station capacity for LACW to serve the needs of Selby District through the allocation of a site at Common Lane, Burn (WJP16). Proposals for development of transfer capacity for LACW at this site or at an alternative location consistent with Policies W10 and W11 will be permitted.
- 3) Permitting proposals for:
 - a. increased capacity for the recycling and treatment of LACW where this would reduce reliance on export of waste from the Plan area and the development would be consistent with the site locational and identification principles in Policies W10 and W11;
 - b. Improvements to the Household Waste Recycling Centre network.
- 4) Proposals for development of the sites referred to in 1) and 2) above will be required to take account of the key sensitivities and incorporate the necessary mitigation measures that are set out in Appendix 1.

Main responsibility for implementation of policy: NYCC, CYC, NYMNPA and Waste Industry

Key links to other relevant policies and objectives

W01, W02, W10, W11, S03, D01, D05 | Objectives 1, 2, 6, 7

Monitoring: Monitoring indicator 28 (see Appendix 3)

Comment [MS180]: 0121(EA) 1330- The Plan should clarify what constitutes 'residual waste' – Note, Residual waste is defined in para 2.76, this has been reiterated in para 6.41 above.

Comment [JW181]: This statement regarding the AWRP contingency plan has been agreed with NYCC Waste Management Team

Comment [MS182]: 2841/0041- Waste management facilities should be localised to minimise transport – Note, No changes proposed, economies of scale limit the use of small scale localised EfW facilities, and EfW has been chosen as the final disposal route for LACW in NYCC and CYC.

3846/ 1929- EfW facilities encourage waste production, discourage recycling and lead to increase imports of waste – Note, Comment noted but no change proposed. AWRP has been procured to meet LACW projected arisings for NYCC and CYC and includes a recycling element.

3720/0451, 1097/0378- Additional waste transfer capacity should be provided in Selby to reduce waste volumes managed at Harewood Whin – Note, A site for transfer capacity in the Selby area is allocated in the Plan.

3542/1108, 3742/2056, 3745/2256, 3451/2253, Harewood Whin operations should be restricted to current operational boundaries. – Note, Comment noted but no change proposed. Site Allocation process to determine site boundaries.

0129 (Yorwaste) 0921- It is noted that only transfer stations in York and Selby are referred to in the Policy. It is our understanding each WCA will require a transfer station, including Ryedale where no facility currently exists – Note, Taking into account existing facilities of facilities with planning permission, an additional site is only required for the Selby area - this is subject of an allocation in the Plan

Comment [MS183]: 0075 (Bradford) 0901- check consistency of referencing 'net-self sufficiency' and 'self-sufficiency' – Note, Comment accepted, Supporting text amended, Policy W04 and W05 Updated.

Policy Justification

- 6.52 Substantial progress has been made in recent years in reducing the amount of Local Authority Collected Waste that is landfilled, with a corresponding increase in recycling, composting and other forms of treatment.
- 6.53 Local Authority Collected Waste is dealt with at a range of existing facilities in the Plan area and substantial capacity for its management is already in place. When fully operational the AWRP facility will provide sufficient capacity for management of residual LACW in order to secure diversion from landfill of over 95% for this waste stream, and a recycling rate for household waste of over 50%. This will enable national and local targets for recycling and landfill diversion to be met and exceeded. As well as providing a strategically important location for recycling and recovery, the wider Allerton Park site (adjacent to the AWRP facility) contains a significant proportion of the remaining permitted capacity for biodegradable landfill in the Plan area, capable of receiving LACW and other waste which cannot be diverted from landfill. Although the progress being made in diverting waste from landfill may mean that the landfill capacity within the site is not required to meet needs arising the Plan area, it is considered important to support the retention of the facility to provide flexibility in the Joint Plan. The overall Allerton Park complex is therefore likely to remain a strategically important location for the management of LACW and other similar waste during the plan period and it is appropriate to identify and protect it as such in the Plan. The landfill operation is subject of a permission which is due to expire in 2018 and support in principle for an extension of time for this permission is provided in Policy W03.
- 6.54 Similarly the Harewood Whin site, near York, plays an important strategic role in management of LACW via a range of processes and the site also contains the majority of remaining operational biodegradable landfill capacity in the Plan area alongside the Allerton Park site. It is also subject of temporary permissions which may need extending during the Plan period and it is considered appropriate to identify and protect the existing site area in the Joint Plan as a strategic location, with support in principle for continued operations. As this site is located in the Green Belt, any further development would need to be consistent with relevant Green Belt policy.
- 6.55 Whilst extensive new infrastructure requirements for management of LACW during the Plan period are not expected (subject to commissioning of the AWRP facility), a requirement for further transfer station capacity to serve Selby District has been identified in order to facilitate movement of waste to the AWRP facility. A site for this at Burn Airfield has been submitted in response to earlier consultation and is allocated in the Joint Plan. It is also considered appropriate to support the principle of development of other capacity and/or improvements to the network of facilities for management of LACW where this could help increase the extent to which the area is net self-sufficient in capacity and move waste up the hierarchy, in line with the strategic approach, or in other respects result in a more efficient overall network. In all cases where further development is involved, it will be necessary for proposals to be consistent with other relevant policies in the Joint Plan, including Policies W10 and W11 which establish locational principles and site identification criteria for new waste facilities.
- 6.56 During preparation of the Joint Plan a number of potential allocations were put forward for sites which could manage a combination of LACW and C&I waste, due to the similarity between these streams and the ways in which they need to be managed. A number of these are allocated in the Joint Plan and they have been identified in the following Policy W04 dealing with C&I waste, although their expected

dual role should be noted in the context of Policy W03¹⁵.

SA/SEA

Summary of assessment For this policy Allerton Park (WJP08), Harewood Whin (WJP11) and Common Lane Burn (WJP16) have been assessed separately as part of the site assessment process as they each have quite different sustainability impacts.

Supporting additional proposals for recycling, reprocessing and composting may also generate new facilities with potential environmental and community effects (though these effects will be reduced by policies W10 and W11 as well as the development management policies). Similarly, supporting improvements to the Household Waste Recycling network may result in new development. Again, the effects of this development are considered to potentially involve minor effects on the environment and community objectives that will be reduced by development management policies. The effects on the environmental and community objectives are considered to range from insignificant to minor negative.

This policy is likely to have strong benefits on the economy SA objective. It will generate jobs and promote low carbon resources from what previously would have been considered waste. It will also reduce the costs associated with alternative disposal in landfill. There are also strong benefits for the minimising resources and waste hierarchy SA objectives as this development is essential for reducing waste.

Recommendations Mitigation has been proposed in relation to Allerton Park (WJP08), Harewood Whin (WJP11) and Common Lane Burn (WJP16) in the Site Assessment appendix.

Overall Summary of Reasons for Change

Bradford MBC suggested that the Plan needs to ensure consistency when referencing 'net-self-sufficiency'. The Supporting text has been amended to ensure this is the case.

The Environment Agency suggested that the Plan should clarify what constitutes 'residual waste'. A definition of Residual waste has been provided in the introductory section which reiterates an earlier definition provided in the Context Chapter.

Development of Policy W04: Meeting waste management capacity requirements – Commercial and iNdustrial waste (including hazardous C&I waste)

Part 1 - Issues and Options to Preferred Options

Id45 - Meeting waste management capacity requirements - Commercial and Industrial waste (including hazardous C&I waste)

<i>Options presented at Issues and options stage</i>	<p>Option 1: This option would support provision of adequate capacity for, and promote community responsibility in, management of C&I waste through:</p> <ul style="list-style-type: none"> • Providing support in principle for proposals which would deliver increased capacity for the recycling and/or reprocessing and the treatment of C&I waste where this would reduce reliance on export of waste from the Plan area for recycling or reprocessing and subject to compliance with locational
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¹⁵ Sites which are expected to play a role in management of both C&I and LACW include WJP08, WJP11, WJP13, WJP15, WJP16, WJP17, WJP18 and WJP19.

	<p>and other relevant policies to be identified in the Plan.</p> <ul style="list-style-type: none"> • Supporting the delivery of additional transfer station capacity for C&I waste where it can be demonstrated that additional provision would contribute to the objective of dealing with waste in proximity to where it arises. • Providing capacity for recovery of energy from C&I waste through a combination of spare capacity within the Allerton Waste Recovery Park facility if developed and supporting in principle the delivery of additional energy recovery capacity for suitable C&I waste, where the planning authority can be satisfied that the facility would be appropriately scaled to meet the needs for management of residual C&I waste arising in the area and it can be demonstrated that the waste to be recovered cannot be practicably dealt with further up the waste hierarchy. The scale of any additional capacity required will be dependent on implementation of the AWRP facility, as well as assumptions made about waste growth but is unlikely to require provision of more than one additional facility. • No specific additional provision for landfill capacity for non-hazardous C&I waste will be made although support would be provided in principle for an extension of the time period for the utilisation of remaining void space at existing sites subject of time limited permissions. • Landfill capacity for hazardous C&I waste requiring landfill would be met through provision outside the Plan area. <p>AND</p>				
	<p>Option 2: This option would be the same as Option 1 but would, additionally, provide support in principle for proposals for the management of C&I waste arising outside the area where it can be demonstrated that the development would be consistent with the locational and other relevant policies in the Plan and additionally, for proposals for the recovery of waste, it can be demonstrated that the facility in the location proposed would represent the nearest appropriate installation for the waste to be dealt with.</p>				
<p>What the SA told us</p>					
<p>Options 1 and 2 would both provide significant benefits for the effective and sustainable management of Commercial and Industrial waste in line with the waste hierarchy and minimising waste to landfill. Both would also be positive for minimising the use of resources and creating positive effects for the economy in line with reducing costs associated with landfill, provision of energy from waste and the production of recycled materials. Option 2, is likely to have more positive implications in relation to transportation of waste given that it would support management of C&I arising from outside of the Plan area where it can be demonstrated that the location proposed would present the nearest appropriate installation for the waste to be dealt with. Overall, this would help to minimise journeys/mileage in relation to waste processing. The majority of other environmental and social effects are uncertain given that they would depend upon the scale, location and type of waste facilities to be developed, although negative effects may potentially be greater under Option 2 as more waste would be being managed in the Plan area.</p>					
<p>Number of consultation responses</p>					
<p>Total Number of comments against id:</p>	<p>17</p>				
<p>Question 110) Do you have a preference for either of the options presented above?</p>	<table border="1"> <tr> <td colspan="2" data-bbox="630 1776 1192 1805"> <p>Number of respondents: 14</p> </td> </tr> <tr> <td data-bbox="630 1805 914 1883"> <p>Option 1: 4 MWI: 1 Local Authorities: 1</p> </td> <td data-bbox="914 1805 1192 1883"> <p>Combination: 3 MWI: 1 Local Authorities: 2</p> </td> </tr> </table>	<p>Number of respondents: 14</p>		<p>Option 1: 4 MWI: 1 Local Authorities: 1</p>	<p>Combination: 3 MWI: 1 Local Authorities: 2</p>
<p>Number of respondents: 14</p>					
<p>Option 1: 4 MWI: 1 Local Authorities: 1</p>	<p>Combination: 3 MWI: 1 Local Authorities: 2</p>				

	Option 2: 3 SC: 2	Did Not Specify: 0
		None: 4
Question 111) Are there any alternative options the Authorities should consider in relation to meeting capacity requirements for C&I waste?	Number of respondents: 3 SC: 0 MWI: 0 Local Authorities: 0	
Brief overview of consultation responses		
Key Messages Q110)		
<p><i>Option 1:</i></p> <ul style="list-style-type: none"> <i>Option 1 adheres to proximity principle and prevents the importation of waste</i> <p><i>Option 2:</i></p> <ul style="list-style-type: none"> <i>Option 2 provides the most flexible approach</i> <i>Option 2 would reduce overall waste transportation miles as authority boundaries would not override managing waste at the nearest appropriate installation</i> <i>Importation of waste allows management through the most sustainable approach</i> <p><i>Options 1+2:</i></p> <ul style="list-style-type: none"> <i>Provides the most flexible approach</i> <p><i>General Comments on the Options:</i></p> <ul style="list-style-type: none"> <i>Too great a reliance upon the delivery of AWRP</i> <i>Evidence of C&I capacity requirements and scenarios are unduly complex</i> <i>Future capacity requirements of C&I should plan for as much recycling and recovery as possible</i> <i>Should not place requirement on developers to demonstrate waste cannot be dealt with further up the waste hierarchy</i> <i>Neither option supported due to management of C&I waste at AWRP and the importation of waste from outside the Plan area</i> <i>Hazardous C&I waste management at AWRP is in conflict with the Sustainability Appraisal objectives</i> 		
Key Messages Q111)		
<p>A range of alternative options were suggested in the responses, these are detailed in the 'Suggested new options Chapter 6 – Waste table' along with justification as to why they have or have not been taken forward. Any realistic alternatives are summarised and worked up below:</p> <p>Proposed Option 3</p> <ul style="list-style-type: none"> Should not support any new facilities which will deal with C&I waste. <p><i>Suggested approach</i> <i>Under this option new facilities for managing C&I waste would not be supported.</i></p> <p>Proposed Option 4</p> <ul style="list-style-type: none"> Hazardous waste should be managed at source unless it is necessary to do otherwise and so would be restrictive in relation to the provision of any new facilities. <p><i>Suggested approach</i> <i>This option supports the management of hazardous waste at source where practicable.</i></p>		
General)		
<ul style="list-style-type: none"> Ensure businesses can recycle waste 		

- Cease importation of C&I waste and restrict Harewood Whin capacity

SA of options including alternatives

Summary of assessment

Options 1 and 2 would both provide significant benefits for the effective and sustainable management of Commercial and Industrial waste in line with the waste hierarchy and minimising waste to landfill. Both would also be positive for minimising the use of resources and creating positive effects for the economy in line with reducing costs associated with landfill, provision of energy from waste and the production of recycled materials. Option 2 is likely to have more positive implications in relation to transportation of waste given that it would support management of C&I arising from outside of the Plan area where it can be demonstrated that the location proposed would present the nearest appropriate installation for the waste to be dealt with. Overall, this would help to minimise journeys/mileage in relation to waste processing. The majority of other environmental and social effects are uncertain given that they would depend upon the scale, location and type of waste facility to be implemented, although negative effects may potentially be greater under Option 2 as more waste would be being managed in the Plan area.

Option 3 has a number of negative effects, particularly for areas adjacent to the plan area as environmental, social and economic effects are transplanted to other areas, particularly in the long term. Meanwhile, objectives related to transport, air pollution and climate change and the economy also show heightened longer term effects, though these apply for the Plan Area. Option 4 also has largely negative effects (with a few exceptions, such as the mixed positive and negative effects associated with the economy and community vitality SA objectives) caused mainly because self-sufficiency in managing hazardous waste would bring impacts that were previously exported back into the Plan Area, albeit at a relatively low level.

Revised Recommendations

On balance, and assuming that it can be effectively demonstrated to be consistent with other proposals within the plan, it is considered that Option 2 could be the most sustainable.

Joint Authorities response to consultation responses

The lack of a clear preference from respondents is noted. Since completion of Issues and Options consultation a decision to proceed with the AWRP development has been taken and the Plan cannot influence this matter. It is agreed that planned capacity for C&I waste should take into account expected future increases in recycling and recovery rates. It is agreed that there should not be a specific requirement placed on developers to demonstrate that waste cannot be dealt with further up the hierarchy. It will not be possible for the Plan to prevent importation of C&I waste, even if further provision for C&I capacity is not made in the Plan, as the market will influence the extent to which this happens.

Evidence base update

New national waste policy published October 2014 replaced PPS10. Development of Allerton Waste Recovery Park facility commenced late 2014. Planning permission for a major merchant energy recovery facility (Southmoor Energy Recovery Centre) was granted in early 2015. Permission has also been granted for an AD facility in York.

Duty to Cooperate

Is this a Duty to Cooperate matter? Yes.

At a general level management of C&I waste may involve movements of waste across the plan area boundary.

Discussion around development of preferred options approach

No clear preference emerged from the consultation process or the SA of options, although

the latter gave some support for allowing flexibility by planning for some importation of waste. In this respect it is noted that permission has been granted recently for substantial new merchant energy recovery capacity in the area which could lead to increased levels of importation of waste, including C&I waste, in future although the precise role that such facilities could play in future, if built, is not yet known. It is considered that, where development would be consistent with other relevant policies in the Plan, particularly those aimed at moving waste up the hierarchy and managing waste in proximity to where it arises, it could be appropriate to provide support in principle for facilities which are intended, primarily, to manage waste arising outside the area. However, taking into account the recent commencement of construction of the AWRP facility, which includes large scale Energy from Waste capacity, as well as the recent grant of permission for the Southmoor Energy Park, it is not considered that, if the later facility is built, it would be necessary or appropriate to support the grant of permission for further large scale EfW capacity for management of C&I waste arising outside the area, unless it would represent the nearest appropriate installation for the waste to be recovered.

The preferred approach is therefore based on Options 1 and 2 (modified).

Preferred policy approach – title changed to W04: Meeting waste management capacity requirements Commercial and Industrial waste (including hazardous C&I waste)

1) Capacity requirements for management of C&I waste will be provided through:

- i) Supporting proposals which would deliver increased capacity for the recycling and/or reprocessing and the treatment of C&I waste, particularly where this would reduce reliance on export of waste from the Plan area
- ii) Supporting the delivery of additional transfer station capacity for C&I waste where it can be demonstrated that additional provision would contribute to the objective of dealing with waste in proximity to where it arises.
- iii) Providing strategic scale capacity for recovery of energy from C&I waste through a combination of spare capacity within the Allerton Waste Recovery Park facility and, if developed, the Southmoor Energy Centre and former Arbre Power Station site and supporting in principle the delivery of additional energy recovery capacity for suitable C&I waste, where the planning authority can be satisfied that the facility would be appropriately scaled to meet unmet needs for management of residual C&I waste arising in the area. Subject to construction of the permitted large scale treatment capacity at Southmoor Energy Recovery Centre and/or the former Arbre Power Station site, support will not be given to proposals for large scale energy recovery for C&I waste where the waste to be recovered would arise mainly outside the Plan area, unless it can be demonstrated that the facility would represent the nearest appropriate installation for the waste to be recovered.

2) Additional capacity to help meet requirements for management of C&I waste is provided through site allocations for:

Allocations for recycling, transfer and treatment of C&I waste:

Land at Halton East, near Skipton (WJP13)
 Land at Skibeden, near Skipton (WJP17)
 Land at Allerton Park, near Knaresborough (WJP08)
 Land at Seamer Carr, near Scarborough (WJP15)
 Land at Common Lane, Burn (WJP16)
 Land at Pollington (WJP22)
 Land at Fairfield Road, Whitby (WJP19)
 Land at Harewood Whin, Rufforth (WJP11)

Proposals for development of these sites will be supported subject to compliance with the development management policies in the Plan.

3) No site specific provision for additional landfill capacity for non-hazardous C&I waste is identified although provision of additional capacity for landfill of non-hazardous non-inert C&I waste, as well as for an extension of the time period for the utilisation of remaining void space at existing landfill sites subject of time limited permissions, will be supported in principle where it can be demonstrated that the waste to be landfilled cannot practicably be dealt with further up the waste hierarchy and that there is insufficient permitted capacity within the Plan area. Any further unmet requirements for landfill capacity which cannot be met within the Plan area will be met through export.

Capacity for hazardous C&I waste requiring landfill will be met through provision outside the Plan area.

Supporting justification

Substantial capacity for management of C&I waste arising in the area already exists and significant further capacity has the benefit of planning permission but has not yet been implemented. Nevertheless, evidence produced during preparation of the Plan suggests that the area is reliant on export of waste for final recycling and reprocessing capacity and for the treatment of hazardous waste in particular. Provision of support for additional capacity (as identified in Table 4) could help reduce reliance on exports and help contribute to the area being net self-sufficient in capacity for this waste stream, although it is likely that the specialised nature of some C&I waste will mean that continued reliance on exports for some waste will be required. Discussions with waste planning authorities receiving exports from the Plan area suggest that the potential exists for such exports to continue if necessary. Although there is adequate transfer capacity already in place in the Plan area, the provision of additional capacity could assist with managing waste in proximity to where it arises, as well as helping to minimise overall transport impacts associated with waste movements, including for those wastes which need to be exported for management outside the Plan area.

A number of proposed allocations for management of C&I waste have been put forward for consideration during preparation of the Plan. In some cases these are considered suitable for allocation and are identified and supported in the Policy. Applications for development of these sites for the proposed use will need to be considered against other relevant policies, including the development management policies in Chapter 9. Due to the similarity between some elements of the LACW and C&I waste streams, some sites currently play a role in managing both and this position is expected to continue. Sites proposed for allocation for C&I waste may therefore also provide capacity for an element of the LACW waste stream and vice versa. Whilst this helps provide a degree of flexibility in provision it also means that it is not possible to quantify the precise scale of capacity that could be provided for one stream in particular. Evidence suggests that sites proposed for allocation would make a substantial contribution towards closing the capacity gap for recycling of C&I and LACW waste combined, although development of other (unallocated) capacity is also supported in the Policy to provide further flexibility and help ensure that the objectives of the Plan can be met.

New anaerobic digestion capacity has recently been permitted at the North Selby Mine site. If developed, this facility would provide adequate capacity to meet expected requirements for relevant C&I wastes.

Subject to implementation of the additional energy recovery capacity in the Southmoor Energy Centre and/or former Arbre Power Station sites, it is not expected that there will be any shortfall in energy recovery capacity to meet any likely future needs over the plan period.

These sites and the site at North Selby Mine are identified in the Plan as committed sites¹⁶ and are proposed to be safeguarded under Policy S03. In these circumstances it is not considered appropriate to support the principle of further large scale energy recovery capacity for the area in order to meet needs arising within it. For the purposes of this policy it is considered appropriate to use a threshold of 75,000tpa as an indicator of large scale, in line with the threshold used to identify strategically significant facilities in the Waste Position Paper for Yorkshire and Humber¹⁷. However, it may be appropriate to support the principle of further large scale capacity where it can be demonstrated that the facility would represent the nearest appropriate installation for recovery of the waste, in line with relevant legislation, and the proposal is otherwise compliant with relevant policies in the Plan. Any such proposals will also be expected to provide for utilisation of heat in accordance with Policy W01.

It is unlikely that there will be a requirement for significant new capacity for landfill of C&I waste over the plan period, taking into account current capacity and expected increases in diversion from landfill over the plan period. However, this assumption is partly dependent on extensions of time being granted for continued landfilling at existing sites with time limited permissions, where necessary. It is appropriate to support this in principle in the Plan to meet the needs for disposal of waste which cannot be managed in other ways, as well as for new landfill capacity where there is appropriate justification and subject to compliance with other relevant criteria in the Plan. Notwithstanding this approach, there is some uncertainty about the potential for new landfill sites for biodegradable waste to be developed within the Joint Plan area as a result of the impact of pollution control constraints. A number of existing sites in the area, with planning permission for biodegradable landfill, have not received environmental permits from the Environment Agency as a result of pollution control concerns, particularly where landfill would take place within existing or former quarries where there is a risk that important groundwater resources could be affected. There is potential for such constraints to affect a substantial number of quarry voids in the Plan area, thus significantly limiting the scope for new biodegradable landfill capacity in the area should it be required. It is however considered that any remaining requirements for landfill of C&I waste can be met, where necessary, by export from the area, taking into account the extent of existing permitted capacity for landfill elsewhere within Yorkshire and Humber and the adjacent Tees Valley area.

Landfill of hazardous waste requires specialist facilities which are limited in occurrence nationally and which do not exist in the Plan area. The very small scale of arisings, in the area, of hazardous waste requiring landfill means that it will not be practicable for specific provision to be made in the area. Hazardous waste for landfill is currently exported to a range of destinations and contact with relevant waste planning authorities suggests that there is potential for such exports to continue where necessary.

Proposals for new capacity for management of C&I waste will also need to demonstrate compliance with other relevant policies in the Plan, including the development management policies in Chapter 9.

Links to Objectives and Policies

Link to Objectives:

Objective 1

Objective 2

Objective 6

Objective 7

Links to other relevant policies in the Plan:

Id42: Overall approach to waste hierarchy

¹⁶ i.e. they already have planning permission for the development for which they have been put forward.

¹⁷ Yorkshire and Humber Waste Planning Authorities July 2014.

Id43: Strategic role of the Plan area in the management of waste
Id51: Overall locational principles for provision of new waste capacity
Id53: Waste management facility safeguarding

SA/SEA

Summary of assessment

This policy has both positive and negative effects in relation to many of the objectives. This is because it supports the management of waste higher up the waste hierarchy and away from landfill, which has benefits in terms of reducing the land take and amenity impacts of simply landfilling waste, though the facilities for waste management higher up the waste hierarchy will themselves have a land footprint or amenity impacts.

Some effects are outright positive, for instance strong positive effects were noted for the minimising resource use and minimising waste objectives. Other impacts were related to the transport of waste, for which there are benefits through reducing reliance on exporting waste for recycling and/or reprocessing (resulting in shorter journeys), while there are lesser negative effects associated with exporting hazardous waste. This results in mixed effects for the transport, air quality and climate change objectives.

Positive effects were noted for the economy objective (due to the greater local focus being more cost effective for industry and supporting local jobs) and the changing population objective (as there may be benefits such as increased energy security). Elsewhere in the assessment uncertainty was noted as effects were seen as highly dependent on location.

A potential effect was noted in relation to community vitality and health and wellbeing. This is because hazardous waste will be managed outside of the Plan Area, which will in effect mean that some small scale noise and traffic effects may be exported and also negative perceptions of any properties close to hazardous waste sites may endure. However, such disposal sites are often remote from community receptors so the effect is considered insignificant.

Recommendations

Most negative effects are moderated by the development management policies. No further mitigation is proposed.

Part 2 - Preferred options to Publication

Consultation Responses to Preferred Options

Commercial and Industrial (C&I) Waste

6.56 There is no predicted overall gap in recycling, energy recovery or landfill capacity (other than hazardous landfill capacity) for C&I waste over the Plan period under any of scenarios considered although, as for LACW, policy support for further infrastructure is appropriate in order to help maximise the potential for net self-sufficiency in capacity and help meet needs for particular waste types not directly identified in the needs assessment. Waste capacity modelling work to support the Plan has indicated a gap in capacity for physical and chemical treatment of some waste, up to an estimated maximum of around 125,000 tonnes per annum by 2030, as well as for smaller amounts of specialist high temperature incineration, which is currently exported from the Plan area for management. This is likely to include C&I waste.

Comment [JJ184]:
 3748(Meldgaard)1218 - The waste stream status of IBA arising from AWRP needs to be clarified, and if it is C&I the Policy needs to make reference to it. – *Note, Pre-App Advice has been sought with NYCC regarding an IBA Facility at Allerton Park. Update section based upon how this progresses. TN confirmed IBA from AWRP is C&I. Amend Supporting Text to recognise this.*

Comment [JJ185]: 0075 (Bradford) 0902- check consistency of referencing 'net self-sufficiency' and 'self-sufficiency' – *Note, comment accepted and text amended.*

- 6.57 Some specialist recycling needs and final reprocessing of some bulk recyclate materials such as paper, card, glass, plastic and metals, originating at recycling facilities in the Plan area, is also likely to be met by capacity at regionally and nationally significant reprocessing facilities outside the Plan area, through economies of scale.
- 6.58 C&I waste (along with other key waste streams such as LACW and CD&E waste) contain an element of hazardous waste, which requires management at specialist facilities. A capacity gap for hazardous landfill of around 25,000 tonnes per annum by 2030 has been identified and there is no dedicated hazardous landfill capacity in the Plan area.
- 6.59 The scale of any further requirements for energy recovery and anaerobic digestion capacity for C&I waste is dependent partly on the commissioning of the AWRP proposal (see LACW section above), which could also provide some capacity for energy recovery from C&I waste over the plan period. Since the grant of permission for the AWRP facility, permission has been granted for other energy recovery capacity in the Plan area (the Southmoor Energy Centre development and a scheme at the former ARBRE power station site, both located in Selby District), although these have not yet been implemented. Permission was also granted in 2014 for a substantial anaerobic digestion facility at the former North Selby Mine site in the City of York, although this too has not yet been implemented. If some or all these proposed developments become operational they have the potential to add significantly to the overall scale and range of capacity in the area for the treatment and recovery of energy from C&I waste (and potentially other waste streams).
- 6.60 Monitoring of the development of any operational capacity at one or more of these permitted sites for C&I waste will therefore be needed and any strategically significant implications addressed as part of any subsequent review of the Plan.

Policy W04: Meeting waste management capacity requirements - Commercial and Industrial waste (including hazardous C&I waste)

1) Net self-sufficiency in capacity for management of C&I waste will be supported through:

- i) Permitting proposals which would deliver increased capacity for the recycling and treatment of C&I waste, Particularly where this would reduce reliance on export of waste from the Plan area and the development would be consistent with the site locational and identificational principles in Policies W10 and W11;**
- ii) Permitting proposals for additional transfer station capacity for C&I waste where it can be demonstrated that additional provision would help reduce overall impacts from road transport of waste and the development would be consistent with the site locational and identification principles in Policies W10 and W11;**
- iii) Providing large scale capacity for recovery of energy and anerobic digestion for C&I waste through a combination of spare capacity within the Allerton Waste Recovery Park facility (WJP08) and, the Southmoor Energy**

Comment [MS186]: 127 (UK Coal/Harworth estates) 1075 North Selby Mine should be referenced in the Policy under Part 1 iii) – *Note, This issue will be reconsidered and potentially amended based upon the updated Waste Capacity Requirements Report*

<p>Centre (WJP03), and former ARBRE Power Station (WJP25) and North Selby Mine anaerobic digestion (WJP02) sites, which are identified in the Plan as allocated sites for these uses. The development of the WJP02 site will only be permitted where it would be consistent with the principles of including land in the York Green Belt;</p>	
<p>iv) Permitting additional energy recovery capacity for C&I waste where the planning authority can be satisfied that the facility would be appropriately scaled to meet unmet needs for management of residual C&I waste arising in the area and the development would be consistent with the site locational and identification principles in Policies W10 and W11;</p>	
<p>v) Subject to energy recovery capacity becoming operational at the allocated sites referred to in part iii) of this Policy, permission will not be granted for further large scale energy recovery for C&I waste where the waste to be recovered would arise mainly outside the Plan area, unless it can be demonstrated that the facility would represent the nearest appropriate installation for the waste to be recovered and the development would be consistent with site locational and identification principles in Policies W10 and W11;</p>	
<p>2) Provision of capacity for management of C&I waste is also supported through site allocations for recycling, transfer and treatment of C&I waste at</p>	
<p>Land at Halton East, near Skipton (WJP13) Land at Tancred, near Scorton (WJP18) Land at Skibeden, near Skipton (WJP17) Land at Allerton Park, near Knaresborough (WJP08) Land at Seamer Carr, near Scarborough (WJP15) Land at Common Lane, Burn (WJP16) Land at Pollington (WJP22) Land at Fairfield Road, Whitby (WJP19) Land at Harewood Whin, Rufforth (WJP11)</p>	
<p>Proposals for development of the allocated sites referred to in 1) and 2) above will be required to take account of the key sensitivities and incorporate the necessary mitigation measures that are set out in Appendix 1.</p>	
<p>Main responsibility for implementation of policy: NYCC, CYC, NYMNPA and Waste Industry</p>	
<p>Key links to other relevant policies and objectives</p>	
<p>W01, W02, W10, S03, D01</p>	<p>Objectives 1, 2, 6, 7</p>
<p>Monitoring: Monitoring indicator 29 (see Appendix 3)</p>	
<p>Policy Justification</p>	
<p>6.61 Substantial capacity for management of C&I waste arising in the area already exists and significant further capacity has the benefit of planning permission but has not yet been implemented. Evidence produced during preparation of the Plan suggests that there is no predicted overall gap in annual capacity for recycling, energy recovery or composting of C&I waste. Notwithstanding this position, it is known that in recent years some C&I waste has been exported from the Plan area for management and more specialised recycling. Providing support for additional capacity in the Plan area could therefore reduce reliance on exports and maximise the potential for the area to</p>	

Comment [JJ187]: Additional provision to help increase net self-sufficiency in capacity for management of C&I waste is made through site allocations for:
 Allocations for energy recovery and/or recycling, transfer and treatment of C&I waste: * Southmoor Energy Centre site at Kellingley Colliery (planning permission granted), * Land at North Selby Mine (planning permission granted), Land at former Arbre Power Station (planning permission granted)
 Allocations for recycling, transfer and treatment of C&I waste: Land at Hillcrest, Harmby (WJP01), Land at Halton East, near Skipton (WJP13), Land at Skibeden, near Skipton (WJP17), Land at Allerton Park, near Knaresborough (WJP08), Land at Seamer Carr, near Scarborough (WJP15), Land at Common Lane, Burn (WJP16), Land at Pollington (WJP22), Land at Fairfield Road, Whitby (WJP19), Land at Harewood Whin, Rufforth (WJP11)

Proposals for development of sites referred to in 1) above will be required to take account of the key sensitivities and incorporate the necessary mitigation measures that are set out in Appendix 1.

1) No site specific provision for additional landfill capacity for non-hazardous C&I waste is identified although provision of additional capacity for landfill of non-hazardous non-inert C&I waste, as well as...

Comment [JJ188]: 0129 (Yorwaste) 0922- Further clarification required on transfer facilities in the Plan area i.e. an absence of a transfer facility in the Ryedale area – Note, Planning permission has been granted for a Waste Transfer facility in the Ryedale District. Notwithstanding this, the Policies in the Plan do not preclude the development of further transfer station capacity in these areas should suitable proposals come forward.

Comment [MS189]: 3542/1109- Harewood Whin (WJP11) should be removed from this Policy as a recent planning application has been called in by the SoS – Noted

3720/0452, 1097/0442- the inclusion of this site seem logical but must be done under strict controls – Note, Comment noted but to change suggested

Comment [JJ190]: 0120 (Historic England) 0122- The Policy needs to provide certainty about what will and will not be permitted on allocated sites. Suggested additional text 'PROPOSALS FOR THE DEVELOPMENT OF THESE SITES WILL BE REQUIRED TO TAKE ACCOUNT OF THE KEY SENSITIVITIES AND INCORPORATE THE NECESSARY MITIGATION MEASURES THAT ARE SET OUT IN APPENDIX 1' – Note, Agreed, policy text amended.

be self-sufficient in capacity for this waste stream. This is reflected in the positive and flexible approach to permitting further capacity for management of C&I waste, as set out in Parts i)-v) of the Policy. Proposals coming forward under these criteria will also be expected to demonstrate compliance with Policy W10 addressing Overall locational principles for provision of waste capacity and Policy W11 dealing with Waste site identification principles.

- 6.62 The area is likely to remain reliant on export of hazardous C&I waste requiring landfill and for the treatment of some hazardous waste, for which it is unlikely to be practicable to provide specific management facilities in the Plan area, as a result of economies of scale or other factors. Liaison with waste planning authorities which have recently received exports from the Plan area suggest the potential exists for such exports to continue if necessary. Although there is adequate overall transfer capacity for C&I waste already in place in the Plan area, the provision of additional infrastructure could assist with enhancing the geographical network of facilities, thereby helping minimise overall transport impacts associated with waste movements, including for wastes which need to be exported for management outside the Plan area.
- 6.63 Whilst the main focus of the AWRP facility is on the management of LACW, it is also expected that it could be able to provide some capacity for the recovery of C&I waste over the Plan period. However, planning permission has been granted recently for substantial additional energy recovery capacity at the Southmoor Energy Centre and former ARBRE Power Station sites (both in Selby district). These permissions have not yet been implemented but the potential capacity at these sites could be significant in meeting unforeseen needs for recovery of C&I waste arising in the area, providing flexibility in the Plan. In view of the strategic significance of the capacity they could provide, these sites are allocated in the Plan and they are also safeguarded under Policy S03. Unimplemented planning permission also exists for a substantial anaerobic digestion at the former North Selby Mine site in York. This facility would also have the potential to contribute to availability of a range of technologies for recovery of C&I waste arising in the area and this site is also allocated and safeguarded in the Plan. The North Selby Mine site is located within the general extent of York's Green Belt. The emerging York Local Plan will continue to designate this land as Green Belt and therefore any future proposals on this site will need to comply with national and local Green Belt policy.
- 6.64 In these circumstances it is not considered appropriate to support the principle of further large-scale recovery capacity in the area where the waste proposed to be managed would arise mainly outside the Plan area, unless it can be demonstrated that the facility would represent the nearest appropriate installation for recovery of the waste, in line with relevant legislation. Any such proposals will also be expected to provide for the utilisation of heat in accordance with Policy W01 and be consistent with the requirements of Policies W10 and W11 in order to meet needs arising within it. For the purposes of this policy it is considered appropriate to use a threshold of 75,000tpa as an indicator of large scale, in line with the threshold used to identify strategically significant facilities in the Waste Position Statement for Yorkshire and Humber¹.
- 6.65 A number of proposed allocations for management of C&I waste have been put forward for consideration during preparation of the Plan. In some cases these are considered suitable for allocation to help maximise the potential for net self-sufficiency in capacity and provide a range of opportunities and locations for management of this waste and are identified and supported in the Policy. Applications for development of these sites for the proposed use will need to be considered against other relevant policies, including the development management

Comment [JJ191]: 0130(LCC)1206 & BMDC) The Policy should indicate where hazardous waste will be managed, including details of landfill sites and likely amounts – *Note, The supporting text has been amended to include reference to where hazardous waste is managed outside of the Plan area*
0075 (Bradford) 0904- clarify where. – *Note, The supporting text has been amended to include reference to where hazardous waste is managed outside of the Plan area*

policies in Chapter 9. Due to the similarity between some elements of the LACW and C&I waste streams, some sites currently play a role in managing both and this position is expected to continue. Sites proposed for allocation for C&I waste may therefore also provide capacity for an element of the LACW waste stream and vice versa. Whilst this helps provide a degree of flexibility in provision it also means that it is not possible to quantify the precise scale of capacity that could be provided for any one stream in particular.

- 6.66 It is unlikely that there will be a requirement for new capacity to landfill non-hazardous C&I waste over the plan period, taking into account permitted capacity and expected increases in diversion from landfill, although there is potential for a small capacity gap at the end of the Plan period. However, a large proportion of remaining capacity for landfill of non-inert waste is concentrated in two sites (the Allerton Park and Harewood Whin landfills). Both sites are subject of time limited planning permissions expiring during the early part of the Plan period. These key sites are allocated in the Plan under Policy W03 and W04, reflecting their potential role for both LACW and C&I waste, to help ensure that their longer term potential is maintained for landfill of residual waste which cannot be dealt with by other means.
- 6.67 There is some uncertainty, given pollution control constraints, about the potential for new landfill sites for biodegradable waste to be developed in the Plan area if necessary. A number of existing sites in the area, with planning permission for biodegradable landfill, have not received environmental permits from the Environment Agency as a result of pollution control concerns, particularly where landfill would take place within existing or former quarries where there is a risk that important groundwater resources could be affected. There is potential for such constraints to affect a substantial number of quarry voids in the Plan area, thus significantly limiting the scope for new biodegradable landfill capacity in the area should it be required. Should an unforeseen requirement for landfill of C&I waste arise, which cannot be met through permitted capacity in the Plan area, this may need to be met by export from the area. Evidence suggests there is significant existing permitted capacity for landfill elsewhere in the Yorkshire and Humber¹⁸.
- 6.68 Landfill of hazardous C&I waste requires specialist facilities which are limited in number nationally and do not exist in the Plan area. The small scale of arisings of hazardous waste in the area expected to require landfill means that it is unlikely that proposals will come forward for specific provision to be made in the area, although the Joint Plan does not preclude such development where appropriate. In recent years hazardous waste for landfill has been exported to a range of destinations, including in the Tees Valley and in West Yorkshire. Contact with relevant waste planning authorities and collaboration through the Yorkshire and Humber Technical Advisory Body suggests that there is significant capacity in these areas¹⁹. Sites with Hazardous landfill capacity within these areas represent the Nearest Appropriate Installation for the management of this waste.
- 6.69 Proposals for new capacity for management of C&I waste will also need to demonstrate compliance with other relevant policies in the Plan, including the development management policies in Chapter 9.

SA/SEA

Summary of assessment. This policy has both positive and negative effects in relation to many of the objectives. This is because it supports the management of waste higher up the

¹⁸ Yorkshire and Humber Waste Position Statement (Feb 2016)

¹⁹ Sites in Yorkshire and Humber with capacity for landfill of hazardous waste include Bradley Park Landfill in West Yorkshire, Gallymoor Landfill in the East Riding Council area and Winterton South Landfill in North Lincolnshire. Further capacity for hazardous landfill exists in the Tees Valley.

waste hierarchy and away from landfill, which has benefits in terms of reducing the land take and amenity impacts of simply landfilling waste, though the facilities for waste management higher up the waste hierarchy will themselves have a land footprint or amenity impacts (though this will largely be controlled by the development management policies and locational principles in the plan).

Some effects are outright positive, for instance strong positive effects were noted for the minimising resource use and minimising waste objectives. Other impacts were related to the transport of waste, for which there are benefits through reducing reliance on exporting waste for recycling and/or reprocessing (resulting in shorter journeys), while there are lesser negative effects associated with exporting hazardous waste. This results in mixed effects for the transport, air quality and climate change objectives.

Positive effects were noted for the economy objective (due to the greater local focus being more cost effective for industry and supporting local jobs) and the changing population objective (as there may be benefits such as increased energy security). Elsewhere in the assessment uncertainty was noted as effects were seen as highly dependent on location.

A potential effect was noted in relation to community vitality and health and wellbeing. This is because hazardous waste will be managed outside of the Plan Area, which will in effect mean that some small scale noise and traffic effects may be exported and also negative perceptions of any properties close to hazardous waste sites may endure. However, such disposal sites are often remote from community receptors so the effect is considered insignificant.

Recommendations Most negative effects are moderated by the development management policies down to low levels. However, it is recommended that a strong pursuit of the duty to co-operate is adopted to ensure that hazardous waste sites in neighbouring authorities maintain strong protection against any negative effects from hazardous waste disposal, as waste may in part come from this Plan Area.

Overall Summary of Reasons for Change

Bradford MBC suggested that the Plan needs to ensure consistency when referencing 'net self-sufficiency'. The Policy has been amended to ensure this is the case.

Bradford MBC and Leeds CC request that the Plan indicates where hazardous waste is managed when exported. The supporting text has been amended to include reference to where hazardous waste is managed outside of the Plan area.

Historic England provided comments against all policies which made reference to allocated sites, suggesting that text be included to provide certainty about what will and will not be permitted on allocated sites. The suggested wording provided has been included and reference to compliance with Development Management policies has been removed.

Development of Policy W05: meeting waste management capacity requirements – Construction, Demolition and Excavation waste (including hazardous CD&E waste)

Part 1 - Issues and Options to Preferred Options

**Id46 - Meeting waste management capacity requirements
- Construction, demolition and excavation waste (including hazardous CD&E waste)**

<p><i>Options presented at Issues and options stage</i></p>	<p>Option 1: This option would support provision of adequate capacity for, and promote community responsibility in, management of CD&E waste through:</p> <ul style="list-style-type: none"> • Providing support in principle for proposals which would deliver increased capacity for the recycling of CD&E waste, with priority being given to facilities which would manage the construction and demolition element of CD&E waste. An indicative additional target capacity of up to 300,000tpa could be delivered. Provision of new capacity for recycling of CD&E waste would need to be consistent with locational and other relevant policies to be identified in the Plan. i. Supporting the delivery of additional transfer station capacity for C&D waste where it can be demonstrated that additional provision would contribute to the objective of dealing with waste in proximity to where it arises ii. Supporting additional landfill capacity for non-hazardous CD&E waste where it can be demonstrated that the waste to be landfilled cannot practicably be dealt with further up the waste hierarchy and that there is insufficient permitted capacity in the Plan area or, in the case of inert waste, it would facilitate a high standard of quarry reclamation in accordance with agreed reclamation objectives, or the substantial improvement of derelict or degraded land to a condition where it can be returned to agricultural productivity or other beneficial use. Support would also be provided in principle for an extension of the time period for the utilisation of remaining void space at existing sites subject of time limited permissions. • Landfill capacity for hazardous CD&E waste requiring landfill would be met through provision outside the Plan area. <p>AND</p> <p>Option 2: This option would be the same as Option 1 but would, additionally, provide support in principle for proposals for the import for landfill of inert CD&E waste arising outside the area where it can be demonstrated that the importation and deposit of the waste is needed to achieve mineral site reclamation in accordance with agreed objectives.</p>
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What the SA told us

Under both options it is possible, although uncertain, that there could be negative effects on the environment and communities through provision of new facilities, whilst positive effects would be realised in relation to managing waste further up the waste hierarchy and using resources efficiently.

Option 2 would potentially increase negative effects relating to transport through importing wastes from elsewhere but in turn this may result in greater positives through facilitating high quality reclamation of former quarries.

Number of consultation responses

<p>Total Number of comments against id:</p>	<p>12</p>	
<p>Question 112) Do you have a preference for either of the options presented above?</p>	<p>Number of respondents: 12</p>	
	<p>Option 1: 4 SC: 1 Local Authorities: 1</p>	<p>Combination: 4 MWI: 1 Local Authorities: 2</p>
	<p>Option 2: 1</p>	<p>Did Not Specify: 3 SC: 1 MWI: 2</p>
	<p>None: 0</p>	

<p>Question 113) Are there any alternative options the Authorities should consider in relation to meeting capacity requirements for CD&E waste?</p>	<p>Number of respondents: 0 <i>SC: 0</i> <i>MWI: 0</i> <i>Local Authorities: 0</i></p>
<p>Brief overview of consultation responses</p>	
<p>Key Messages Q112)</p>	
<p><i>Option 1:</i></p> <ul style="list-style-type: none"> • This Option is more positive in terms of waste transportation miles <p><i>Option 2:</i></p> <ul style="list-style-type: none"> • Has the potential to increase the negative effects of transporting waste through imports <p><i>Options 1+2:</i></p> <ul style="list-style-type: none"> • Supports managing this waste stream further up the waste hierarchy <p><i>General comments on the Options:</i></p> <ul style="list-style-type: none"> • Support solutions which maximise CD&E waste minimisation and recovery • Greater encouragement of CD&E waste recovery schemes in quarries would result in improved restoration and help meet the Plans objectives • No preference expresses as both are positive in allowing restoration of quarry voids with inert waste dedicated for that need rather than relying upon national capacity for landfill space. Any assistance the MPAs can give to encourage recovery schemes in quarries would be appreciated and these contribute to improved restoration and meet plan objectives. 	
<p>Key Messages Q113)</p>	
<p>No specific comments were submitted against this question, but a comment was submitted against id51 which is applicable to this section, this is summarised below:</p>	
<p>Proposed Option 3</p> <ul style="list-style-type: none"> • Develop an alternative option for hazardous waste which would be restrictive in relation to provision of any new facilities. 	
<p><i>Suggested approach</i></p>	
<p><i>This Option supports the management of hazardous CD&E waste at source where practicable.</i></p>	
<p>SA of options including alternatives</p>	
<p>Summary of assessment</p>	
<p>Under both options 1 and 2 it is possible, although uncertain, that there could be negative effects on the environment and communities through provision of new facilities, whilst positive effects would be realised in relation to managing waste further up the waste hierarchy and using resources efficiently.</p>	
<p>Option 2 would potentially increase negative effects relating to transport through importing wastes from elsewhere but in turn this may result in greater positives through facilitating high quality reclamation of former quarries.</p>	
<p>Option 3 would, in addition to the effects of other options, have a number of uncertain or minor negative effects. This is generally due to the effect that creating capacity to deal with hazardous construction materials would have on the plan area, for instance if a new specialist landfill facility is needed to be built, which through its use of land and its potential to generate negative public perceptions, would have a range of environmental, social and economic effects depending on location.</p>	

<p>Revised Recommendations</p> <p>It is recommended that on balance Option 2 would be more sustainable as it would provide greater opportunity for securing enhancements to former quarries. There is considerable uncertainty over the effects of climate change on option 3, which if pursued should be considered</p>
<p>Joint Authorities response to consultation responses</p> <p>The support of respondents for Option 1 or a combination of Options 1 and 2 is noted. It is agreed that policies in the Plan should provide support for moving waste further up the hierarchy. This is also addressed in specific policy dealing with this topic. Whilst it is noted that some respondents were concerned about the transport implications of supporting the principle of importation of inert CD&E waste, it is considered that the potential benefits of helping to secure the effective reclamation of mineral working sites may override this, subject to consideration of specific transportation impacts on a case by case basis, which would be addressed through development control policy in the Plan.</p>
<p>Evidence base update</p> <p>New national waste policy published October 2014 replaced PPS10.</p>
<p>Duty to Cooperate</p> <p>Is this a Duty to Cooperate matter? Yes</p> <p>At a general level management of C&D waste arising in the Plan area may involve cross boundary movements of waste.</p>
<p>Discussion around development of preferred options approach</p> <p>There is significant potential to move management of CD&E waste up the waste hierarchy, including encouraging the use of elements of this waste streams as an alternative to primary aggregate minerals, as encouraged by proposed minerals supply policies in the Plan. The provision of support in the Plan for delivery of new infrastructure to help meet identified needs and to help ensure provision of a comprehensive network of facilities is considered desirable. It is also considered that there is no clear basis for seeking to resist the principle of importation of inert waste into the Plan area for quarry reclamation purposes, where this could help achieve agreed reclamation objectives. Such an approach would be in the interests of the sustainable supply of minerals and maintaining the quality of the environment of the Plan area. It is also considered that it would be appropriate to support the principle of using inert waste for the improvement of derelict or regarded land as this could also represent a sustainable use for the material and would be in line with the proposed overall policy approach to the waste hierarchy. Taking into account the findings of the initial SA the preferred approach is therefore based on a combination of Options 1 and 2.</p>
<p>Preferred policy approach – title changed to W05: Meeting waste management capacity requirements Construction, Demolition and Excavation waste (including hazardous CD&E waste)</p>
<p>1) Capacity requirements for management of CD&E waste will be provided through:</p> <ul style="list-style-type: none"> i. Supporting proposals which would deliver increased capacity for the recycling of CD&E waste. ii. Supporting the delivery of additional transfer station capacity for CD&E waste where it can be demonstrated that additional provision would contribute to the objective of dealing with waste in proximity to where it arises. iii. Supporting provision of additional landfill capacity for non-hazardous non-inert CD&E waste where it can be demonstrated that the waste to be landfilled cannot practicably be dealt with further up the waste hierarchy and that there is insufficient permitted capacity in the Plan area. Landfill of inert CD&E waste, including such waste arising outside the Plan area, will be supported where it would facilitate a high standard of quarry reclamation in accordance with

- agreed reclamation objectives, or the substantial improvement of derelict or degraded land to a condition where it can be returned to a beneficial use.
- iv. Supporting the principle of an extension of the time period for the utilisation of remaining void space at existing CD&E landfill sites subject of time limited permissions.
 - v. Capacity for hazardous CD&E waste requiring landfill will be met through provision outside the Plan area.

2) Additional capacity to help meet requirements for management of CD&E waste is provided through site allocations for:

Allocations for recycling of CD&E waste:

**Land at Potgate Quarry, North Stainley (WJP23)
 Land at Allerton Park, near Knaresborough (WJP08)
 Land at Darrington Quarry, Darrington (MJP27)
 Land at Barnsdale Bar, Kirk Smeaton (MJP26)
 Land at Went Edge Quarry, Kirk Smeaton (WJP10)
 Land at Whitewall Quarry, Norton (MJP13)
 Land at Duttons Farm, Upper Poppleton (WJP05)**

Proposals for development of these sites will be supported subject to compliance with the development management policies in the Plan.

Allocations for landfill of inert CD&E waste:

**Land at Brotherton Quarry, Burton Salmon (WJP21)
 Land at Tancred Quarry, Scorton (WJP18)**

Proposals for development of these sites will be supported subject to compliance with the development management policies in the Plan.

Allocations for landfill of inert CD&E waste:

**Land at Duttons Farm, Upper Poppleton (WJP05)
 Land adjacent to former Escrick brickworks, Escrick (WJP06)**

- **Proposals for landfill at these sites will only be supported as a means of enabling reclamation of any mineral workings developed in connection with allocations MJP52 and MJP55 and subject to compliance with development management policies in the Plan.**

Supporting justification

CD&E waste arises in significant quantities in the Plan area and future growth and development activity, particularly within the more urbanised parts, is likely to lead to substantial quantities continuing to arise over the plan period. There is high potential for some elements of this waste stream to be reused or recycled, sometimes at the point of arising, for example in association with demolition and re-development activity. Evidence suggests that reuse or recycling of suitable CD&E waste already takes place at a relatively high rate (estimated at c.64% for the Construction and Demolition element managed in the area²⁰). In many cases such material does not enter the wider waste market. Management of CD&E waste in this way at the point of arising is usually the most sustainable option and often may take place without a specific need for grant of planning permission.

²⁰ Waste Arisings and Capacity requirements Addendum Report (Urban Vision and 4Resources 2015)

A need for additional capacity for management of CD&E waste has been identified in evidence work for the Plan. This includes a requirement for both additional recycling capacity and a small amount of additional landfill capacity (see Table 4). Sustainability principles suggest that such waste should only be landfilled where it is not practicable to manage it further up the waste hierarchy. Where landfill is required, there are a number of existing sites in the Plan area with permission for this activity. Consultation with the minerals industry suggests that there have been increasing difficulties in sourcing suitable wastes for quarry reclamation purposes, whilst ensuring a high standard of quarry reclamation remains an important objective of national planning policy and an objective of the Joint Plan. Should additional landfill capacity be required it is appropriate to direct this towards the reclamation of minerals workings, of which there are a substantial number in the Plan area. In some cases it may also be appropriate to use suitable inert waste to improve the quality of derelict or degraded land, to enable it to be brought back into beneficial use and such an approach is also in line with the proposed policy W01 relating to the waste hierarchy.

Hazardous CD&E waste requiring landfill as the only realistic management option arises only in small quantities in the Plan area. There is no hazardous landfill capacity in the area and the small volumes of such waste arising suggest that provision of capacity in the area is unlikely to be practicable. Such waste is currently exported and consultation with other relevant WPAs suggests that there is likely to be potential for such exports to continue over the plan period.

A number of proposed allocations for management of CD&E waste have been put forward for consideration during preparation of the Plan. Some of these are considered suitable for allocation and are identified and supported in the Policy. Applications for development of these sites for the proposed use will need to be considered against other relevant policies, including the development management policies in Chapter 9. The allocations identified should, if implemented, enable forecast requirements for management of CD&E waste to be met during the Plan period, although development of other (unallocated) capacity for management of CD&E waste is also supported in the Policy to help provide flexibility and support delivery of the objectives of the Plan.

Links to Objectives and Policies

Link to Objectives:

Objective 1
Objective 2
Objective 4
Objective 6
Objective 7

Links to other relevant policies in the Plan:

Id42: Overall approach to waste hierarchy
Id43: Strategic role of the Plan area in the management of waste
Id51: Overall locational principles for provision of new waste capacity
Id53: Waste management facility safeguarding

SA/SEA

Summary of Assessment

This policy has a range of mixed effects. Many SA objectives report both minor positive and negative effects because while new facilities may be built to support the policy (impacting on biodiversity and generating dust, noise, local traffic and carbon), utilising CD&E waste to regenerate land or for quarry restoration will often restore degraded land, which, depending on the restoration proposed, could bring a range of sustainability benefits. The 'restoration' aspect of this policy is the key reason why a strong positive effect is noted for the soils and

land SA objective.

In a similar way some objectives noted both a neutral effect and a positive effect, largely because policies elsewhere in the Plan would mitigate for any negative effects, but the positive effects of quarry restoration would still occur. This occurs with the historic environment and landscape objectives.

Other strong positives are noted for the minimising resources and minimising waste SA objectives, which identified that more recycling of CD&E waste would reduce demand for new materials to be extracted and also reduce demand for disposal of materials. This can add value to what was once a waste, bringing economic benefits.

A potential effect was noted in relation to community vitality and health and wellbeing. This is because hazardous CD&E waste will be managed outside of the Plan Area, which will in effect mean that some small scale noise and traffic effects may be exported and also negative perceptions of any properties close to hazardous waste sites may endure. However, such disposal sites are often remote from community receptors so the effect is considered insignificant.

Recommendations

No further mitigation is proposed.

Part 2 - Preferred options to Publication

Consultation Responses to Preferred Options

Construction, Demolition and Excavation (CD&E) Waste

CD&E waste is generated in large quantities, with estimated 2014 arisings in excess of 800,000 tonnes. The majority of these materials are inert, although some biodegradable and hazardous materials can also occur. Capacity for managing CD&E waste is often provided alongside capacity for other waste streams. Whilst this can increase the overall range of management options for these materials, it can also make it difficult to identify definitively the capacity currently available for this specific waste stream and hence the exact size of any potential capacity gap. However, the Waste Arisings and Capacity Assessment (2016) identifies an expected capacity gap for recycling under all scenarios considered, up to a maximum of approximately 470,000 tonnes per annum in the highest case scenario, based on available capacity for managing CD&E waste only. Recycling of CD&E waste tends to be more economically viable at localised facilities due to the costs of transporting lower value, higher density wastes. It can also be achieved by mobile plant working at demolition sites, as well as at fixed facilities, thus providing a range of routes by which it can be achieved.

6.71 There is no overall gap in transfer capacity for CD&E waste. However, as with other waste streams policy support for further capacity is justified in order to provide opportunities for enhancement of the geographic network and to help reduce overall impacts from road transport of waste.

6.72 Hazardous construction and demolition waste, such as asbestos and asbestos

contaminated waste, is currently exported for landfill and this remains the only management option for this waste.. As with other hazardous waste requiring landfill, it is not likely to be practical to provide this within the Plan area and information suggests that existing management routes are likely to remain available for such waste.

- 6.73 There is a forecast shortfall in capacity for landfill of non-hazardous C&D waste, particularly from 2022, with a maximum annual gap of around 186,000 tonnes per annum by 2030 in the highest case scenario. However, there may be more potential for increased use of this waste as a resource, to reduce the need for landfill further (for example by using it as a resource in engineering projects) and this management route should also be supported for this waste stream. If rates of recycling nearer to that modelled in the higher recycling scenario included in the waste arisings and capacity assessment are achieved, then the requirement for capacity for landfill of non-hazardous CD&E waste could be significantly less, reaching a maximum of around 96,000 tonnes per annum by 2030. The support for retention of landfill capacity at Allerton Park and Harewood Whin sites, provided through Policies W03 and W04, could also play a role in helping to provide landfill needs for this waste stream if required.

Policy W05: Meeting waste management capacity requirements - Construction, Demolition and Excavation waste (including hazardous CD&E waste)

1) Net self-sufficiency in capacity for management of CD&E waste will be supported through:

- i. Permitting proposals which would deliver increased capacity for recycling of CD&E waste where the development would be consistent with the site locational and identification principles in Policies W10 and W11;
- ii. Permitting proposals for additional transfer station capacity for CD&E waste where it can be demonstrated that additional provision would help reduce overall impacts from road transport of waste and the development would be consistent with the site locational and identification principles in Policies W10 and W11;
- iii. Permitting proposals for additional landfill capacity for CD&E waste where it it would be consistent with the principles set out in Policy W01 parts 3) and 4);
- iv. Permitting proposals for extending the time allowed to use remaining void space at existing CD&E landfill sites that are the subject of time-limited permissions;

2) Provision of capacity for management of CD&E waste is also supported through site allocations for:

- i) **Allocations for recycling of CD&E waste:**
 - Land at Potgate Quarry, North Stainley (WJP23)
 - Land at Allerton Park, near Knaresborough (WJP08)
 - Land at Darrington Quarry, Darrington (MJP27)
 - Land at Barnsdale Bar, Kirk Smeaton (MJP26)
 - Land at Went Edge Quarry, Kirk Smeaton (WJP10)
 - Land at Duttons Farm, Upper Poppleton (WJP05)
- ii) **Allocations for landfill of inert CD&E waste:**

Comment [JJ192]: 0075 (Bradford) 0903- check consistency of referencing 'net-self sufficiency' and 'self-sufficiency' – *Note, text amended accordingly*

Reference to CD&E waste in-situ may be useful – *Note, clarify this comment*

Comment [MS193]: 0129(Yorwaste) 0923-Why are Harewood Whin, Seamer Carr, Whitby and Tancred not referenced in this policy as they currently undertake CD&E waste management – *Note, Supporting text amended to reflect that some sites will manage a range of waste streams, including CD&E waste*

0342 (Mone Bros) 1294- Request that Eggborough Sandpit is added to list of allocated sites in Section 2 – *Note, Sufficient information has not been submitted in order to consider this site for allocation.*

**Land at Brotherton Quarry, Burton Salmon (WJP21)
 Land at Duttons Farm, Upper Poppleton (WJP05)
 Land adjacent to former Escrick Brickworks, Escrick (WJP06)**

Proposals for landfill at sites WJP05 and WJP06 will only be permitted as a means of enabling reclamation of any mineral workings developed in connection with allocations MJP52 and MJP55 as relevant.

Sites MJP26, MJP27, WJP10 and WJP05 are located in the Green Belt and any development will need to comply with relevant national and local Green Belt policy.

Proposals for development of the allocated sites for recycling or landfill referred to in 2) above will be required to take account of key sensitivities and incorporate the necessary mitigation measures that are set out in Appendix 1.

3) Proposals for development of the sites referred to in 2) above will be required to take account of the key sensitivities and incorporate the necessary mitigation measures that are set out in Appendix 1.

Main responsibility for implementation of policy: NYCC, CYC, NYMNPA and Waste Industry

Key links to other relevant policies and objectives

<i>M22, W01, W02, W10, S03, D01, D07, D09, D10</i>	<i>Objectives 1, 2, 4, 6, 7</i>
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Monitoring: Monitoring indicator 30 (see Appendix 3)

Comment [JJ194]: 0120 (Historic England) 0123The Policy needs to provide certainty about what will and will not be permitted on allocated sites. Suggested Rewording **PROPOSALS FOR THE DEVELOPMENT OF THESE SITES WILL BE REQUIRED TO TAKE ACCOUNT OF THE KEY SENSITIVITIES AND INCORPORATE THE NECESSARY MITIGATION MEASURES THAT ARE SET OUT IN APPENDIX 1.** Delete **Proposals for development of these sites will be supported subject to compliance with the development management policies in the Plan.** – Note, The suggested text has replaced the DM policies text.

(Historic England) WJP06 needs to undertake an evaluation regarding impact upon a number of heritage assets – Note, No Change, action on this comment to be taken by RP.

Policy Justification

- 6.74 CD&E waste arises in significant quantities in the Plan area and future growth and development activity, particularly within the more urbanised parts, is likely to lead to substantial quantities continuing to arise over the plan period. There is high potential for some elements of this waste stream to be reused or recycled, sometimes at the point of arising, for example in association with demolition and re-development activity. In many cases such material does not enter the wider waste market. Managing CD&E waste in this way is usually the most sustainable option and often may take place without a specific need for grant of planning permission. Policy M11 supports the separation and maximum recovery of materials with potential for re-use to recycling as aggregate, where they are produced during demolition activity or as part of other waste management activity.
- 6.75 A need for additional capacity for management of CD&E waste has been identified in evidence for the Plan. This includes a requirement for both additional recycling capacity and some additional landfill capacity, although the scale of additional requirements cannot be defined precisely and also depends on future rates of recycling which can be achieved, suggesting a need for some flexibility in the Joint Plan. Provision of additional infrastructure for recycling of CD&E waste is supported through the positive approach set out in Part 1) i) of the Policy and could reduce the need for landfill of this waste stream. Proposals coming forward under this part of the Policy could be at a range of scales provided that they would be consistent with Policy W10 addressing Overall locational principles for provision of waste capacity and consistent with Policy W11 dealing with Waste site identification principles. Where sites considered suitable in principle for recycling of CD&E waste have been proposed for consideration, these are allocated in the Plan to provide further

opportunities for the delivery of additional capacity. The combined capacity in these allocations would significantly reduce the projected capacity gap. Applications for development of these sites for the proposed use will be considered against other relevant policies including the development of management policies in Chapter 9. It should be noted that a number of other sites allocated in the Joint Plan may also be able to play some role in managing CD&E waste alongside other major waste streams such as LACW and C&I waste and this could further reduce any capacity gap for this waste stream.

- 6.76 Sustainability principles suggest that such waste should only be landfilled where it is not practicable to manage it further up the waste hierarchy. Where landfill is required, there are a number of existing sites in the Plan area with permission for this activity. Consultation with the minerals industry suggests that there have been increasing difficulties in sourcing suitable wastes for quarry reclamation purposes, whilst ensuring a high standard of quarry reclamation remains an important objective of national planning policy and an objective of the Joint Plan. Should additional landfill capacity be required it is appropriate to direct this towards the reclamation of minerals workings, of which there are a substantial number in the Plan area. In some cases it may also be appropriate to use suitable inert waste to improve the quality of derelict or degraded land, to enable it to be brought back into beneficial use and such an approach is also in line with the proposed policy W01 relating to the waste hierarchy. Where suitable sites for landfill of CD&E waste have been put forward for consideration, and could help meet needs for landfill of CD&E waste, particularly in the latter part of the plan period, these have been allocated in the Joint Plan. It is also likely that non-inert landfills in the Plan area, such as those suitable for residual LACW and C&I waste, can play a role in providing capacity for landfill of CD&E waste as a result of the need for importation of suitable inert material for cover and restoration purposes. This could further reduce the apparent capacity gap. The Environment Agency have estimated that around 25% of the total capacity of non-inert landfills could be taken up by inert materials for these purposes.
- 6.77 Hazardous CD&E waste requiring landfill as the only realistic management option arises only in small quantities in the Plan area. There is no hazardous landfill capacity in the area and the small volumes of such waste arising suggest that provision of capacity in the area is unlikely to be practicable. Such waste is currently exported and consultation with other relevant WPAs suggests that there is likely to be potential for such exports to continue over the Plan period.

SA/SEA

Summary of assessment. This policy has a range of mixed effects. Many SA objectives report both minor positive and negative effects because while new facilities may be built to support the policy (having potentially negative effects on biodiversity and generating dust, noise, local traffic and carbon which affect a number of other objectives such as air and wellbeing), utilising CD&E waste to regenerate land or for quarry restoration will often restore degraded land, which, depending on the restoration proposed, could bring a range of sustainability benefits. The 'restoration' aspect of this policy is the key reason why a strong positive effect is noted for the soils and land SA objective.

In a similar way some objectives noted both a neutral or minor negative effect and a positive effect, largely because policies elsewhere in the Plan would reduce any negative effects, but the positive effects of quarry restoration would still occur. This occurs with the historic environment and landscape objectives.

Other strong positives are noted for the minimising resources and minimising waste SA objectives, which identified that more recycling of CD&E waste would reduce demand for new materials to be extracted and also reduce demand for disposal of materials. This can

add value to what was once a waste, bringing economic benefits.

A potential negative effect was noted in relation to community vitality and health and wellbeing. This is because hazardous CD&E waste will be managed outside of the Plan Area, which will in effect mean that some small scale noise and traffic effects may be exported and also negative perceptions of any properties close to hazardous waste sites may endure. However, such disposal sites are often remote from community receptors so the effect is considered low.

Recommendations Effects are largely mitigated by other plan policies leaving only residual effects. However, it is recommended that a strong pursuit of the duty to co-operate is adopted to ensure that hazardous waste sites in neighbouring authorities maintain strong protection against any negative effects from hazardous waste disposal, as waste may in part come from this Plan Area.

Overall Summary of Reasons for Change

Bradford MBC suggested that the Plan needs to ensure consistency when referencing 'net self-sufficiency'. The Policy has been amended to ensure this is the case.

Historic England provided comments against all policies which made reference to allocated sites, suggesting that text be included to provide certainty about what will and will not be permitted on allocated sites. The suggested wording provided has been included and reference to compliance with Development Management policies has been removed.

Yorwaste requested clarification why certain sites are omitted from the Policy. Supporting text has been amended to reflect that some sites will manage a range of waste streams, including CD&E waste, but are not referred to in Policy.

Development of Policy W06: Managing agricultural waste

Part 1 - Issues and Options to Preferred Options

Id47 - Managing agricultural waste	
<i>Options presented at Issues and options stage</i>	<p>Option 1: This option would support self-sufficiency in capacity for management of waste, as well as the principle of managing waste near to where it arises, by supporting where practicable the on-farm management of agricultural waste at the point of arising. Where waste can only be managed through more specialised facilities or facilities which can only realistically be provided at a larger scale, then support would be provided in principle for the development of new infrastructure which would enable appropriate waste from more than one holding to be managed and where it can be demonstrated that the facility is scaled primarily to deal with waste management needs arising in the Plan area. The locational principles for such development would need to be in accordance with the site locational principles for waste development to be contained in the Plan.</p> <p>AND</p>

	<p>Option 2: This option would operate in combination with Option 1 and would also give specific support in principle for the development of Anaerobic Digestion facilities for the management of agricultural waste, in line with national waste strategy.</p>	
<p>What the SA told us</p>		
<p>Both options exhibit a range of sustainability effects although these are in the main neutral to positive. Option 1 might result in minor negative effects relating to biodiversity water, air, and health and wellbeing. However, most other effects are broadly positive as more on site management would reduce transport and associated effects, and would support existing practises of managing farm wastes in positive ways. Option 2 has similar negative effects, as well as possible negative effects on farm landscapes. However, it also has some strong positive sustainability effects that arise from the benefits of turning farm waste into energy and biodigestate (an end product of anaerobic digestion that can be used as a fertiliser), such as benefits for climate change, minimisation of use of resources and soils and land. One particular area of uncertainty, however, is where crops are specifically grown to produce biodigestate and energy, which could cancel out some sustainability benefits as it would increase land requirements.</p>		
<p>Number of consultation responses</p>		
<p>Total Number of comments against id:</p>	<p>15</p>	
<p>Question 114) Do you have a preference for either of the options presented above?</p>	<p>Number of respondents: 13</p>	
	<p>Option 1: 3 <i>SC: 1</i></p>	<p>Combination: 4 <i>Local Authorities: 1</i></p>
	<p>Option 2: 5 <i>Local Authorities: 1</i></p>	<p>Did Not Specify: 1 <i>SC: 1</i></p>
		<p>None:</p>
<p>Question 115) Are there any alternative options the Authorities should consider in relation to meeting capacity requirements for Agricultural waste?</p>	<p>Number of respondents: 2 <i>SC: 0</i> <i>MWI: 0</i> <i>Local Authorities: 0</i></p>	
<p>Brief overview of consultation responses</p>		
<p>Key Messages Q114)</p> <p><i>Option 1:</i></p> <ul style="list-style-type: none"> • Supports managing waste close to where it arises reducing waste transport miles • AD facilities should be excluded from using food crops as this may lead to reduced food production capacity <p><i>Option 2:</i> no specific comments were received</p> <p><i>Option 1+2:</i></p> <ul style="list-style-type: none"> • AD facilities can accept local food waste and residual waste can be applied to farmland • Supports the development of AD facilities <p><i>General comments on the Options:</i></p> <ul style="list-style-type: none"> • Key concern, ensuring no detrimental impact upon amenity and no pollution of water <p>Key Messages Q115)</p>		

Alternative options were suggested in the responses, these are detailed in the 'Suggested new options Chapter 6 – Waste table'. There were no realistic alternatives to take forward into an option but one point was raised to be considered during progression to Preferred Options and this was that food crops should not be used for biogas.
SA of options including alternatives
N/A
Joint Authorities response to consultation responses
It is agreed that it would be necessary to ensure that amenity and ground and surface water is adequately protected from impacts from development. This is addressed in other policy areas in the Plan. The preference for excluding food crops from AD is noted but is outside the direct control of the Plan, which is concerned with management of waste.
Evidence base update
New national waste policy published October 2014 replaced PPS10.
Duty to Cooperate
Is this a Duty to Cooperate matter? No
Discussion around development of preferred options approach
The national policy principles of moving waste up the hierarchy and managing waste near to where it arises apply to agricultural waste in the same way as to other waste streams. The Government has produced a national strategy for Anaerobic Digestion to help encourage its use as a method in management of suitable wastes, which could include waste arising from the agricultural sector. The SA noted strong positive impacts associated with Option 2, which is intended to operate in conjunction with Option 1, and a combination of the two Options was supported by a number of respondents at Issues and Options stage. The preferred approach is therefore a combination of Options 1 and 2.
Preferred policy approach – changed title to W06: Managing agricultural waste
Proposals for the on-farm management of agricultural waste at the point of arising, including proposals for individual farm-scale anaerobic digestion, will be supported where the proposed development would help move waste up the waste hierarchy, is appropriately scaled in relation to the arisings requiring management and compliance with relevant development management policies in the Plan can be demonstrated.
Proposals scaled to provide capacity for the management of agricultural waste from more than one agricultural holding, including facilities for the anaerobic digestion of agricultural waste, will be supported where they would be consistent with the overall locational principles and site identification principles for waste development in Policies W10 and W11; would help move waste up the waste hierarchy, and; compliance with relevant development management policies in the Plan can be demonstrated.
Supporting justification
The Joint Plan area has extensive areas of agricultural land and the agricultural sector is an important part of the local economy. Evidence suggests that substantial amounts of agricultural waste arise and that much of this is dealt with at the site where it arises, typically by spreading on land. Whilst evidence suggests that overall capacity for management of agricultural waste is sufficient, there may be potential for some agricultural waste to be managed further up the waste hierarchy than is currently the case, including through processes such as anaerobic digestion which is encouraged through the national Waste

Management Plan. It may be practicable for such activity to take place at the scale of an individual farm holding, dependant on the scale and nature of the holding. In other cases it may be more practicable for some agricultural wastes to be dealt with at facilities which provide capacity for multiple holdings. Both approaches may be appropriate within the area and in order to provide flexibility both are supported in the policy subject to compliance with other relevant policies in the Plan.

Some waste arising through agricultural activity is managed alongside other similar wastes arising within the wider commercial and industrial sector and requirements for off-farm disposal have been included within provision for commercial and industrial waste in line with the waste capacity gap analysis undertaken to support the Plan.

Links to Objectives and Policies

Link to Objectives:

Objective 1

Objective 2

Objective 7

Links to other relevant policies in the Plan:

Id42: Overall approach to waste hierarchy

Id43: Strategic role of the Plan area in the management of waste

Id51: Overall locational principles for provision of new waste capacity

Id53: Waste management facility safeguarding

SA/SEA

Summary of assessment

For most objectives this option displays either positive effects or neutral effects. In particular the preferred policy performs very positively against the resource use and waste minimisation objectives, in part because it encourages lower resource use and moves waste up the waste hierarchy. It also performs well for the soils and land objective because of the benefits of utilising organic farm wastes in composts or as biodigestate for improving the productivity of land. However, this same objective records some uncertainty that crops may be grown as a feedstock for an AD facility, which if this were to happen could negatively impact on land as it may displace food crops.

Other areas of uncertainty were recorded for several objectives as the policy relies on other policies in the plan being adopted in their current form. A negligible to minor negative effect was noted in relation to biodiversity due to the possible combined effect of land take and leachate from off and on farm facilities as well as localised nutrient loading of soils from on farm facilities still being significant even after other policies mitigating policies are applied.

Recommendations

It may be advantageous to slightly alter the policy to add wording akin to 'additional organic waste streams may be acceptable at agricultural anaerobic digestion facilities provided that they serve a local need and comply with the overall policy'. This would further enhance benefits, particularly to the land / soils objective.

Clear links in the supporting text to policy D11 on sustainable design would further lessen effects on biodiversity.

Part 2 - Preferred options to Publication

Consultation Responses to Preferred Options

Agricultural Waste

6.79 The Plan area has extensive areas of agricultural land and the agricultural sector is an important part of the local economy. Evidence suggests that substantial amounts of agricultural waste arise and that much of this is dealt with at the site where it arises, typically by spreading on land. Whilst evidence suggests that overall capacity for management of agricultural waste is sufficient, there may be potential for some agricultural waste to be managed further up the waste hierarchy than is currently the case, including through processes such as anaerobic digestion, which is encouraged through the Waste Management Plan for England.

Policy W06: Managing agricultural waste

Proposals for the on-farm management of agricultural waste at the point of arising, including proposals for individual farm-scale anaerobic digestion, will be permitted where the proposed development would help move waste up the waste hierarchy, is appropriately scaled in relation to the arisings requiring management.

Proposals scaled to provide capacity for the management of agricultural waste from more than one agricultural holding, including facilities for the anaerobic digestion of agricultural waste, will be permitted where they would be consistent with the overall locational principles and site identification principles for waste development in Policies W10 and W11 and; would help move waste up the waste hierarchy in accordance with Policy W01.

Main responsibility for implementation of policy: NYCC, CYC, NYMNPA and Waste Industry

Key links to other relevant policies and objectives

W01, W02, W04, W10, W11, S03, D01, D11	Objectives 1, 2, 7
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Monitoring: Monitoring indicator 31 (see Appendix 3)

Comment [MS195]: 3846/1930- This Policy should reference food and plastic waste from agriculture. The growing of crops purely for fuel should not be supported. – Note, 1st part.... 2nd Part, see comment below from YWT.

2841/0043- The SA suggested amendments should be implemented- Note - This is addressed in the text at para. 6.80

0128 (Yorkshire Wildlife Trust) 1173- AD is supported but not where a crop, such as maize, is grown purely for energy production due to the diversion of agricultural land from food production – Note, The AD Strategy states that ‘Crops grown specifically for AD are not considered waste in terms of the rWFD,’ therefore this Policy does not apply to AD’s accepting purpose grown feedstock. The Supporting text has been amended to clarify this.

0121 (EA) 1331 - Key concern is impact upon water quality and amenity – Note, Supporting text has been amended to include references to Policies D02 and D09.

Policy Justification

6.80 The potential requirements for off-farm disposal of agricultural waste (estimated at around 32,000 tonnes per annum²¹) have been allowed for within provision for C&I waste in the figures presented earlier in this Chapter. The volumes are such that they are expected to be of low significance in the overall waste arisings for the area. The large majority of agricultural waste is expected to be dealt with on-site through direct disposal to land or via composting. There is however a range of specialist provision in the area, including specialist storage, processing and incineration plants for animals by-products. One method of disposing of farm wastes is through anaerobic digestion whereby organic waste can be used to create energy. The Government is encouraging, through its Anaerobic Digestion Strategy, further development of anaerobic digestion facilities. Whilst any proposals brought forward under this policy should be directed principally at the management of waste from the agricultural sector, it may be appropriate for limited amounts of suitable organic wastes from other sources to be managed provided this would be consistent with the overall objectives and requirements of the Policy. Feedstock grown specifically for use in Anaerobic Digestion facilities is not considered to be waste and therefore falls outside the scope of this Policy.

6.81 It may be practicable for management of agricultural waste to take place at the scale of an individual farm holding, dependant on the scale and nature of the holding. In

Comment [JW196]: Update if new UV Report provides different data

²¹ Waste Arisings and Capacity Requirements Final Report (Urban Vision and 4Resources October 2013)

other cases it may be more practicable for some agricultural wastes to be dealt with at facilities which provide capacity for multiple holdings, including for non-organic waste such as plastic and metals. Both approaches may be appropriate within the area and in order to provide flexibility both are supported in the Policy subject to compliance with other relevant policies in the Plan, including Policies D02, D09 and D11 relating to local amenity, the water environment and the sustainable design of development.

SA/SEA

Summary of assessment For most objectives this option displays either positive effects or neutral effects. In particular the preferred policy performs very positively against the resource use and waste minimisation objectives, in part because it encourages lower resource use and moves waste up the waste hierarchy by supporting anaerobic digestion. It also performs well for the soils and land objective because of the benefits of utilising organic farm wastes in composts (which are routinely made on farms) or as biodigestate for improving the productivity of land. However, this same objective records some uncertainty that crops may be grown as a feedstock for an AD facility, which if this were to happen could negatively impact on land as it may displace food crops.

A minor negative effect was noted in relation to biodiversity due to the possible combined effect of land take and leachate from off and on-farm facilities as well as localised nutrient loading of soils from on-farm facilities still being significant even after other policies mitigating policies are applied. Similarly the water objective noted the positive effects of using biodigestate and compost as fertilisers, but also the potentially minor negative effect of run off and leachate from sites, though this would be largely mitigated by development management policies in the Plan.

Recommendations It may be advantageous to slightly alter the policy to add wording akin to 'additional organic waste streams may be acceptable at agricultural anaerobic digestion facilities provided that they serve a local need and comply with the overall policy'. This would further enhance benefits, particularly to the land / soils objective.

Clear links in the 'key links to other relevant policies' box to policy D09 on the water environment would further lessen any effects on aquatic biodiversity and water bodies.

Overall Summary of Reasons for Change

The Environment Agency has suggested that their key concern is the potential impact upon water quality and amenity. In light of this the supporting text has been amended to include a reference to Policy D02 – Local Amenity and Cumulative Impacts and Policy D09 – Water Environment.

The Yorkshire Wildlife Trust and the Ryedale Liberal Party have objected to Anaerobic Digestion facilities which use crops grown purely for energy production due to the diversion of agricultural land from food production. The Anaerobic Digestion Strategy states that 'Crops grown specifically for Anaerobic Digestion are not considered waste in terms of the revised Waste Framework Directive,' therefore this Policy does not apply to Anaerobic Digestion facilities accepting purpose grown feedstock. The Supporting text has been amended to clarify this.

The Ryedale Liberal Party also suggested that plastic waste from agriculture should be referenced in the Section. The supporting text has been amended to make reference to non-organic agricultural waste.

Development of Policy W07: Managing low level (non-nuclear industry) radioactive waste

Part 1 - Issues and Options to Preferred Options

Id48 - Managing low level (non-nuclear) radioactive waste	
<i>Options presented at Issues and options stage</i>	<p>Option 1: This option would assume that needs for capacity for management of LLRW would be met outside the Plan area.</p> <p>OR</p> <p>Option 2: This option would assume that capacity needs for management of LLRW are likely to be met outside the Plan area but would provide support in principle for development of specialist facilities in the Plan area where it can be demonstrated that the facility would enable LLRW arising in the area to be managed further up the hierarchy. The locational principles for such development would need to be in accordance with the site locational principles for waste development to be contained in the Plan.</p>
What the SA told us	
<p>The effects of Option 1 would largely be neutral or beneficial within the Plan area given that the waste would be managed elsewhere. The main negative effects under Option 1 would be in relation to transportation of LLRW and associated emissions.</p> <p>In comparison, under Option 2 effects are largely uncertain as proposals would need to be considered against other policies within the Plan. This option has potential negative effects in relation to the local environment and communities. Given that low levels of LLRW are produced in the Plan area, in terms of viability Option 2 may also result in management of waste which has arisen outside of the Joint Plan area which may exacerbate any negative effects.</p>	
Number of consultation responses	
Total Number of comments against id:	7
Question 116) Do you have a preference for either of the options presented above?	Number of respondents: 6
	Option 1: 6 <i>Local Authorities: 1</i>
	Combination: 0
	Option 2: 0
	Did Not Specify: 0
	None: 0
Question 117) Are there any alternative options the Authorities should consider in relation to meeting capacity requirements for LLRW?	Number of respondents: 1 <i>SC: 0</i> <i>MWI: 0</i> <i>Local Authorities: 0</i>
Brief overview of consultation responses	
Key Messages Q116)	
<p><i>Option 1:</i></p> <ul style="list-style-type: none"> • Manage waste outside the Plan area <p><i>Option 2:</i></p> <ul style="list-style-type: none"> • No specific comments about option 2 were raised. 	

Key Messages Q117) Only one alternative was put forward which was to not allow fracking as it might produce LLR waste. This was not considered a reasonable alternative and so was discounted and not taken forward.
SA of options including alternatives
N/A
Joint Authorities response to consultation responses
The preference of respondents for Option 1 is noted.
Evidence base update
New national waste policy published October 2014 replaced PPS10. Proposals for testing for shale gas in the Vale of Pickering were announced in late 2014. If pursued, this could potentially lead to some increase in generation of LLR waste in the Plan area, through the need for management of Naturally Occurring Radioactive Materials arising in flowback waters generated during any development. In July 2014 the Government published a Strategy for the Management of Naturally Occurring Radioactive Materials (NORM) Waste. This indicates that as the unconventional gas industry in the UK is still in its infancy it is very difficult to predict with any confidence at this stage how much NORM waste will be generated or what its properties will be until more exploratory activity and analysis is undertaken. It indicates the possibility of reusing flowback waters (which is the main waste generated by the industry which is likely to be contaminated with NORM) and suggests there is likely to be some potential for on-site treatment of liquid waste, as well as, potentially, the need for bespoke treatment facilities. It states that the Strategy for liquid waste contaminated with NORM will need to be assessed and reviewed as more information becomes available.
Duty to Cooperate
Is this a Duty to Cooperate matter? Yes At a general level management of LLR arising in the Plan area is likely to involve cross boundary movements of waste.
Discussion around development of preferred options approach
Since undertaking consultation at Issues and Options stage there has been growing interest in the potential for exploitation of shale gas in the Joint Plan area, with proposals for appraisal of potential reserves in the Vale of Pickering expected during 2015. This has the potential to lead to an increase in arising of LLRW in the form of Naturally Occurring Radioactive Materials (NORM) within flowback waters generating by hydraulic fracturing. There is little specific evidence at this stage on the potential quantities or management routes for this potential waste, although Government strategy suggests that liquid waste may be capable of onsite treatment or may require bespoke treatment facilities. The national strategy for LLRW supports its movement up the waste hierarchy. Other key principles in national policy are also likely to remain relevant, including the benefits of dealing with waste in proximity to where it arises. Whilst those who responded preferred an approach of seeking to deal with LLRW outside the Plan area it is considered that any local policy should provide a degree of support for provision of local capacity where this can be delivered consistent with other relevant policy in the Plan. It is therefore considered that the preferred approach should be based on Option 2.
Preferred policy approach – title changed to W07: Managing low level (non-nuclear) radioactive waste

Capacity requirements for management of Low Level Radioactive Waste arising in the Plan area will be met through a combination of export to facilities outside the area and, where practicable, the provision of capacity within the Plan area to meet needs for LLRW arising within it. Particular support will be given to proposals which would assist in moving management of LLRW up the waste hierarchy, with preference being given to the onsite management of waste at the point of arising where practicable.

Supporting justification

There is relatively limited evidence on arisings of LLRW in the Plan area and the means by which it is managed. Available evidence suggests current arisings are very low. Management of LLRW is understood to take place through a combination of onsite disposal through incineration (eg within the Health care sector), export for management elsewhere (particularly the Knostrop facility in Leeds) and co-disposal alongside other waste.

Whilst there is no specific information on expected future arisings, there is the potential for generation of Naturally Occurring Radioactive Materials if exploration, appraisal or development of shale gas takes place in the Plan area. Flowback fluids from hydraulic fracturing can constitute a significant source of NORM, depending on the local geology. There may be potential for such waste to be dealt with via onsite treatment of the water prior to reuse for further hydraulic fracturing or prior to reinjection.

National policy and strategy applies the principles of the waste hierarchy to LLRW (including NORM) and it is appropriate to support the principle of providing local capacity for management of this waste stream where practicable, whilst acknowledging that it may not be practicable to provide local facilities to deal with the very low volumes of current arisings. On-going reliance on export of some LLRW for management is therefore likely to be required. Evidence suggests that there is capacity available at the Knostrop facility in Leeds, which is also likely to represent the nearest appropriate installation for the disposal of some LLRW.

Proposals for development of capacity for LLRW within the Plan area will need to demonstrate consistency with other relevant policies in the Plan, including the development control policies in Chapter 9.

Links to Objectives and Policies

Links to Objectives
Objective 2

Links to other relevant policies in the Plan:
Id42: Overall approach to waste hierarchy
Id43: Strategic role of the Plan area in the management of waste
Id51: Overall locational principles for provision of new waste capacity
Id53: Waste management facility safeguarding

SA/SEA

Summary of assessment

Mostly the effects of this preferred policy are small scale as the volume of LLRW is expected to be low and most significant impacts would be regulated through the environmental permitting regime. There could however be small impacts associated with land take, the possibility of accidental spills, changes to character resulting from small built structures or low level changes in traffic levels as a result of this preferred policy. This leads to low level negative effects (with considerable uncertainty) on the biodiversity, water quality, soil, climate change, historic environment, and landscape objectives with mixed positive and negative effects on the transport objective. There are low level positive effects on the waste management and economy (longer term only) objectives. Elsewhere effects are either

uncertain or no effects are observed.

Recommendations
None.

Part 2 - Preferred options to Publication

Consultation Responses to Preferred Options

Low-Level (Non-Nuclear Industry) Radioactive Waste (LLR)

6.82 There is relatively limited evidence on arisings of LLR in the Plan area and the means by which it is managed. Available evidence suggests current arisings are very low. However, there is potential for a significant increase in arisings of waste, particularly waste water, containing Naturally Occurring Radioactive Materials (NORM) should shale gas development activity become established in the area on any significant scale. National policy indicates that local plans for waste should address needs for management of this waste stream. The approach to management of LLR arising from oil and gas development is addressed in Policy M18 and through Policies W10 and W11. The main focus of Policy W07 below is therefore on the management of LLR arising from forms of development other than those relating to hydrocarbons.

Policy W07: Managing low level (non-nuclear industry) radioactive waste

Proposals for management of Low Level Radioactive Waste arising in the Plan area will permitted where they would:

- 1) assist in moving management of waste up the waste hierarchy through on site treatment and reuse or, where this is not practicable;
- 2) enable the onsite disposal of the waste at the point of arising;

Proposals for new capacity, where this would not be located at the point of arising, should be in line with the requirements of Policies W10 and W11 and other relevant policies in the Joint Plan.

Capacity requirements which cannot be met within the Plan area will be met through export.

Main responsibility for implementation of policy: NYCC, CYC, NYMNPA and Waste Industry

Key links to other relevant policies and objectives

M18, W01, W02, W10, W11, D01, D07 | Objective 2

Monitoring: Monitoring indicator 32 (see Appendix 3)

Policy Justification

6.83 The amount of low level radioactive waste arising from non-nuclear industry sources (such as research and medical services) in the area is very small (estimated at less than 50m³ per annum), although specific data is not available. The Environment Agency has indicated that premises in North Yorkshire that generate radioactive waste currently dispose of that waste either under exemption as Very Low Level

Comment [MS197]: 3695/0009 Should include consideration of fracking waste – *Note, This is addressed in Policy M18 and through policies W10 and W11*

Comment [MS198]: 3846/1931- NORM should be referenced in the Policy and greater clarity on its treatment provided – *Note, NORM has been added to the Policy text.*

0130(LCC) 1207 & 0075(BMDC) 0905-This Policy should indicate where LLRW it is to be managed i.e. site, WPA and amount – *Note - it is not practicable and nor would it be appropriate to seek to specify in the Plan exactly where waste would be managed and the amounts. There is substantial uncertainty over the volume and exact nature of any future arisings of this waste stream and commercial considerations outside the control of the WPAs will be relevant. Evidence suggests that there are three main existing sites in Yorkshire and Humber capable of receiving such wastes, in Leeds, Bradford and Sheffield. Where new capacity is proposed in the Plan area to deal with such wastes these can be addressed through policies W10 and W11. Other policy in the Plan (M18) supports the onsite management of waste fluids from drilling activity through treatment and reuse where practicable.*

Comment [MS199]: 0096(Cumbria CC) 0675-Amend title and following use to read 'non-nuclear INDUSTRY', the accepted acronym is LLW not LLRW. – *Note, Both these comments are accepted and the Policy and supporting text has been amended accordingly.*

Comment [MS200]: 2970(Frack Free York) 2250 The justification for this Policy should take into account the increased LLRW from unconventional oil and gas, the risks of reinjection of polluting groundwater, the disposal of waste water from fracking, and the impacts of transporting LLRW – *Note - it is not practicable and nor would it be appropriate to seek to specify in the Plan exactly where waste would be managed and the amounts. There is substantial uncertainty over the volume and exact nature of any future arisings of this waste stream and commercial considerations outside the control of the WPAs will be relevant. Evidence suggests that there are two or potentially three main existing sites in Yorkshire and Humber capable of receiving such wastes, in Leeds, Bradford and Sheffield. Where new capacity is proposed in the Plan area to deal with such wastes these can be addressed through policies W10 and W11. Other policy in the Plan (M18) supports the onsite management*

Comment [MS201]: 0096(Cumbria CC) 0675 Indicate if the amount of arisings is per annum – *Note, comment accepted, 'per annum' added to supporting text*

Waste, or to sewer or by transfer to permitted clinical waste incinerators including in West Yorkshire

- 6.84 There is no specific capacity in the area for the landfill of LLW, with the nearest dedicated landfill at Clifton Marsh in Lancashire, although there is no information to suggest that waste from the area is deposited at that facility. A nationally significant repository for radioactive waste is located near Drigg in Cumbria, although there is no evidence to suggest that any waste from the Plan area is managed at that site.
- 6.85 There is no specific information available on expected future trends in arisings of LLW, although it is possible that growth in the scientific employment sector in York could lead to some increase in future. However, overall volumes from such sources are expected to remain very small. Evidence indicates that there is capacity in the Yorkshire and Humber area to deal with such wastes, including the Knostrop facility in Leeds, which is also likely to represent the nearest appropriate installation for the treatment and disposal of some LLR. Where it is not practicable to provide more local solutions for managing this waste then some reliance on export is likely to be required.
- 6.86 There is also potential for generation of substantial volumes of Naturally Occurring Radioactive Materials (NORM) if exploration, appraisal or development of shale gas takes place in the Plan area. Flowback fluids from hydraulic fracturing in particular can constitute a significant source of NORM, depending on the local geology, although smaller volumes of other wastes containing NORM may also arise. It is not practicable to predict the potential volumes that could arise at this very early stage in development of the industry. The approach to managing waste water from the oil and gas industry is addressed through Policy M18 and Policies W10 and W11. The Environment Agency has also indicated that the operator of the KM8 well site in North Yorkshire, subject of a permission for hydraulic fracturing granted in 2016, has contracts with treatment plants in Leeds and Stoke on Trent.
- National policy and strategy applies the principles of the waste hierarchy to LLR (including NORM) and it is appropriate to support the principle of providing local capacity for management of this waste stream where practicable.
- 6.87 Where proposals for new capacity for the management of LLW including NORM come forward in the Plan area, these will be addressed under the requirements of Policies W10 and W11 and other relevant policies in the Joint Plan, including Policy M18 and the development management policies in Chapter 9.

Comment [MS202]: 0096(Cumbria CC) 0675 Para 6.84 states 'specific provision in the area... is unlikely to be available' whereas Para 6.83 states that LLRW is managed through 'on-site disposal' and 'co-disposal alongside other waste', the potential for new facilities needs clarification. – Note - it is agreed that the position should be clarified in the supporting text.

SA/SEA

Summary of assessment Mostly the effects of this preferred policy are small scale as the volume of LLRW is expected to be low and most significant impacts would be regulated through the environmental permitting regime. There could however be small impacts associated with land take, changes to character resulting from small built structures or low level changes in traffic levels as a result of this preferred policy. This leads to low level negative effects (with considerable uncertainty) on the biodiversity, soil, climate change, historic environment, and landscape objectives with mixed positive and negative effects on the transport objective. There are low level positive effects on the waste management and economy (longer term only) objectives. Elsewhere effects are either uncertain or no effects are observed.

Recommendations Effects are mitigated by other policies in the Plan so no mitigation is proposed.

Overall Summary of Reasons for Change

Cumbria CC made a number of comments against this section:

- Clarification with regard to the amount of LLW estimated arisings within the Plan area; the supporting text has been amended to reflect that the data provided is per annum.
- The word 'industry' should be added to the term 'non-nuclear': text amended
- The accepted acronym for Low-Level (Non-nuclear industry) radioactive waste is LLW; text amended

Clarification on the approach to new facilities, Para 6.84 states 'specific provision in the area... is unlikely to be available' whereas Para 6.83 states that LLRW is managed through 'on-site disposal' and 'co-disposal alongside other waste';

A respondent suggested that Naturally Occurring Radioactive Materials (NORM) should be referenced in the Policy. This comment has been accepted and the Policy text amended.

Further changes to the Policy have been made to provide greater clarity of the approach to be taken in the light of comments received at Preferred Options stage. The title of the Policy has also been revised to clarify that it is intended to apply to waste water from hydrocarbons development, which may be contaminated with NORM.

Development of Policy W08: Managing waste water and sewage sludge

Part 1 - Issues and Options to Preferred Options

Id49 - Managing waste water (sewage sludge)	
<i>Options presented at Issues and options stage</i>	<p>Option 1: This option would support the development of new infrastructure for the management of waste water, where such provision would be in line with requirements identified in asset management plans produced by waste water infrastructure providers active in the Plan area. Preference would be given to the expansion of existing infrastructure in appropriate locations rather than the development of new facilities.</p> <p>AND</p> <p>Option 2: The approach under this option would be the same as for Option 1 but support would also be provided in principle for the development of new sites in appropriate locations for management of waste water as well as for the expansion of existing facilities.</p>
What the SA told us	
Both options would result in positive effects in relation to provision of infrastructure necessary to support communities and both have minor positive effects in relation to employment. Under both options there is also the potential for localised negative effects on the environment although these could be more significant under Option 2 through the likelihood of a greater number of new (rather than extended) facilities.	
Number of consultation responses	
Total Number of comments against id:	9
Question 118) Do you have a	Number of respondents: 7

preference for either of the options presented above?	Option 1: 2	Combination: 2 <i>Local Authorities: 1</i>
	Option 2: 3 <i>Local Authorities: 1</i>	Did Not Specify: 0
		None: 0
Question 119) Are there any alternative options the Authorities should consider in relation to managing waste water (sewage sludge)?	Number of respondents: 2 <i>SC: 0</i> <i>MWI: 0</i> <i>Local Authorities: 0</i>	
Brief overview of consultation responses		
Key Messages Q118)		
<p><i>Option 2:</i></p> <ul style="list-style-type: none"> • Additional capacity of WWTW likely to be sought from expansion of existing sites • Flexibility in the policy is required for new sites if needed, including innovative forms of treatment <p><i>Option 1+2:</i></p> <ul style="list-style-type: none"> • New development will lead to higher levels of sewage sludge • New sites in appropriate locations are acceptable in principle 		
Key Messages Q119)		
<p>Two alternative options were suggested in the responses, these are detailed in the 'Suggested new options Chapter 6 – Waste table' along with justification as to why they have or have not been taken forward. Neither was able to be taken forward as an alternative option although some points were raised which should be taken into consideration when progressing to the Preferred options stage. The policy should consider promoting the siting of anaerobic digestion facilities on waste water treatment works, and, sewage sludge and waste water should be viewed as a valuable resource.</p>		
SA of options including alternatives		
N/A		
Joint Authorities response to consultation responses		
<p>It is agreed that it is likely to be appropriate to incorporate some flexibility in policy to allow the development of capacity at new sites where necessary. It is also agreed that the potential for siting of AD facilities at Waste Water Treatment Works is a matter which could be considered under this policy to help move waste further up the hierarchy.</p>		
Evidence base update		
New national waste policy published October 2014 replaced PPS10.		
Duty to Cooperate		
Is this a duty to cooperate matter? No		
Discussion around development of preferred policy approach		
<p>Whilst evidence suggests that requirements for increased capacity for management of waste water and sewage sludge are most likely to be met through expansion of capacity at existing treatment sites, it is acknowledged that it would be beneficial for policy to provide support for new sites in appropriate locations, in order to provide more flexibility to respond to increased demand for capacity, particularly taking into account potential for housing growth in the area over the plan period. Whilst the initial SA indicates the potential for more negative effects on</p>		

the environment associated with Option 2 it is likely that these could be addressed through application of development control policy. It is therefore considered that the preferred approach should be based on Option 2. In order to help ensure the movement of waste up the hierarchy it is also accepted that it could be appropriate to make reference in the policy to support for the principle of siting AD capacity at WWTW. This could also help minimise overall movement of waste.

Preferred policy approach – title changed to W08: Managing waste water (sewage sludge)

Proposals for the development of new infrastructure and increased capacity for the management of waste water and sewage sludge will be supported in line with requirements identified in asset management plans produced by waste water infrastructure providers active in the Plan area. Preference will be given to the expansion of existing infrastructure in appropriate locations rather than the development of new facilities. Where it is not practicable to provide required additional capacity at existing sites, support will be provided for the development of new sites for the management of waste water and sewage sludge in line with the Waste Site Identification Principles in Policy W11.

Co-location of Anaerobic Digestion capacity with waste water treatment infrastructure will be supported in principle where the Anaerobic Digestion capacity to be provided would utilise output from the associated treatment works, where it would be of a scale appropriate to the location of the host waste water treatment site and where compliance with the development management policies in the Plan can be demonstrated.

Supporting justification

Provision of adequate capacity for treatment of waste water is necessary in order to ensure that plans for growth (such as housing and economic development) can be delivered. The asset management plans of the various waste water infrastructure providers in the Plan area provide an indication of potential future requirements but do not cover the timeframe of the Joint plan. Consultation with the infrastructure providers suggests that, whilst the majority of new investment in capacity is likely to be based around expansion of the existing facility network, there may be a need for development of new sites. Provision for some flexibility in the Plan for this is appropriate in order to ensure that adequate opportunities for development of capacity are available.

Some of the output from waste water treatment activity may be capable of being subject to further treatment through anaerobic digestion processes and this could help move this waste further up the hierarchy through reducing landfilling and recovering energy. In some instances, particularly for larger scale WWTW, it may be appropriate to co-locate AD capacity at the site as this could help minimise the overall need for transport of waste. Where such development is proposed it will be necessary to ensure that compliance with relevant development control policies in the Plan can be achieved.

Links to Objectives and Policies

Link to Objectives:

Objective 1
Objective 2
Objective 6
Objective 7

Links to other relevant policies in the Plan:

Id42: Overall approach to waste hierarchy
Id43: Strategic role of the Plan area in the management of waste

Id51: Overall locational principles for provision of new waste capacity
 Id53: Waste management facility safeguarding

SA/SEA

Summary of assessment

Mostly the sustainability effects of this preferred option are small scale and minor and may be positive or negative. For instance, minor negative effects are associated with the objectives for biodiversity, air, adaptation to climate change, historic environment, landscape and flooding in part because the facilities supported by the policy have a physical land take, would be likely to be located close to water and through traffic, construction activities and bio-aerosols, would impact upon air. Some objectives (such as the land use, climate change and health and wellbeing objectives) displayed mixed positive and negative effects because while the processes that take place may intrinsically have negative effects associated with them, co-location with AD and expanding sites allows for new positive effects such as reduced additional land take or the offsetting of energy use to take place. For the health and wellbeing objective, waste water treatment is on the one hand seen as essential for health and wellbeing while on the other hand could have local amenity effects.

The preferred policy performs particularly strongly against the resource use and waste hierarchy objectives as co-locating AD facilities with waste water / sewage treatment facilities will help turn waste materials into economically valuable resources. Sewage / water treatment also underpins the further development of settlements so performs well against the changing population needs objective.

Recommendations

Negative effects associated with this preferred policy have already largely been reduced by this policy. However, sequential testing for flooding will be required prior to allocation or planning approval. Flood plain compensatory storage may also be required

Part 2 - Preferred options to Publication

Consultation Responses to Preferred Options

6.88 Waste water arises in association with residential, commercial and industrial development. Specific data on arisings or future management requirements is not available. In some circumstances permitted development rights exist which may allow provision of some additional waste water treatment capacity without the need for the separate grant of planning permission. However, in some circumstances planning permission is required and it is appropriate to include policy in the Plan to provide a basis for decision making if proposals do come forward. Since commencement of work on the Joint Plan the potential has arisen for large volumes of waste water to be generated as a result of development for the exploration, appraisal and production of shale gas and other unconventional hydrocarbon sources. Such waste water can contain Naturally Occurring Radioactive Materials (NORM) and will need to be managed through specialised processes and/or facilities, in order to ensure appropriate protection of the environment and local communities. The policy approach for such wastes is addressed through Policy M18 and Policies W10 and W11. The main focus of Policy W08 below is therefore on the management of waste water and sewage sludge arising from forms of development other than those relating to hydrocarbons.

Policy W08: Managing waste water and sewage sludge

Proposals for the development of new infrastructure and increased capacity for the management of waste water and sewage sludge will be permitted in line with requirements identified in asset management plans produced by waste water

Comment [MS203]:

3846 (Ryedale Liberal Party) 1932- This policy is a continuation of current policy which does not recognise the need for change, such as the loss of phosphate through the sewage system and the failure to reuse human and animal sewage on land, utilising it as a resource – Note, This comment is noted but no change is suggested to the Policy. The potential loss of phosphate through the sewage system is not a matter that can be addressed in the Plan. The re-use and recovery of waste is promoted though Policy W01.

2173 (CPRE) 0749- Strengthen the Policy by inclusion of reference to Policy D07. Note, It is not considered necessary to refer to this specific policy in preference to any other policy in Chapter 9.

0362(Harrogate FoE) 0227, 2937/0292, 3708/0419,3709/0357, 3849 Harrogate Green Party)2002, Greenpeace & 2970(Frack Free York) 2251, 2937/0293, 3828/1639, 3821/1894- the policy and Para 6.88 understates the nature of waste fluids used in fracking and the Policy does not set out an approach to the large volumes of contaminated/radioactive water which will be produced and the new processing infrastructure required for it – Note,- this is now addressed in Policy M18 and the policy and text for W08 has been revised to focus on waste water and sewage sludge arising from other sources.

<p>infrastructure providers active in the Plan area. Preference will be given to the expansion of existing infrastructure in appropriate locations rather than the development of new facilities. Where it is not practicable to provide required additional capacity at existing sites, support will be provided for the development of new sites for the management of waste water and sewage sludge in line with the Waste Site Identification Principles in Policies W10 and W11.</p> <p>Co-location of Anaerobic Digestion capacity with waste water treatment infrastructure will be supported in principle where the Anaerobic Digestion capacity to be provided would utilise output from the associated treatment works, where it would be of a scale appropriate to the location of the host waste water treatment site and where compliance with the development management policies in the Joint Plan can be demonstrated.</p>	
<p>Main responsibility for implementation of policy: NYCC, CYC, NYMNPA, Waste Industry and Water Companies</p>	
<p>Key links to other relevant policies and objectives</p>	
<p><i>M18, W01, W02, W06, W10, W11, D01,</i></p>	<p><i>Objectives 1, 2, 6, 7</i></p>
<p>Monitoring: Monitoring indicator 33 (see Appendix 3)</p>	

Policy Justification

- 6.89 Provision of adequate capacity for treatment of waste water is necessary in order to ensure that plans for growth (such as housing and economic development) can be delivered. The asset management plans of the various waste water infrastructure providers in the Plan area provide an indication of potential future requirements but do not cover the timeframe of the Joint Plan. Information from the infrastructure providers suggests that, whilst the majority of new investment in capacity is likely to be based around expansion of the existing facility network, there may be a need for development of new sites. Provision for some flexibility in the Joint Plan for this is appropriate in order to ensure that adequate opportunities for development of capacity are available.
- 6.90 Some of the output from waste water treatment activity may be capable of being subject to further treatment through in-vessel anaerobic digestion processes and this could help move this waste further up the hierarchy through reducing landfilling and recovering energy. In some instances, particularly for larger scale WWTW, it may be appropriate to co-locate AD capacity at the site as this could help minimise the overall need for transport of waste. Where such development is proposed it will also be necessary to ensure that compliance with relevant development management policies in the Joint Plan can be achieved.

SA/SEA

Summary of assessment Mostly the sustainability effects of this preferred option are small scale and minor and may be positive or negative. For instance, minor negative effects are associated with the objectives for air, adaptation to climate change, historic environment, landscape and flooding in part because the facilities supported by the policy have a physical land take, would be likely to be located close to water and through traffic, construction activities and bio-aerosols, would impact upon air. Some objectives (such as the biodiversity, land use, climate change and health and wellbeing objectives) displayed mixed positive and negative effects because while the processes that take place may intrinsically have negative effects associated with them, co-location with AD and expanding sites allows for new positive effects such as reduced additional land take or the offsetting of energy use to take place. For the health and wellbeing objective, waste water treatment is on the one hand seen as essential for health and wellbeing while on the other hand could have local amenity

effects.

The policy performs particularly strongly against the resource use and waste hierarchy objectives as co-locating AD facilities with waste water / sewage treatment facilities will help turn waste materials into economically valuable resources. Sewage / water treatment also underpins the further development of settlements so performs well against the changing population needs objective.

Recommendations Negative effects associated with this preferred policy have already largely been reduced by this policy. However, sequential testing of waste water treatment plants for flooding will be required prior to allocation or planning approval. Flood plain compensatory storage may also be required.

Overall Summary of Reasons for Change

The CPRE have commented the Policy would be strengthened by the inclusion of a reference to Policy D07 'Biodiversity and geodiversity'. It is not considered necessary to refer to this in the Policy as all other policies can be applied where relevant.

The Ryedale Liberal Party have suggested that this policy does not recognise the need for change, such as the loss of phosphate through the sewage system and the failure to reuse human and animal sewage on land, utilising it as a resource. This comment is noted but no change is suggested to the Policy. The potential loss of phosphate through the sewage system is not an issue that can be addressed in the Plan whereas the re-use and recovery of waste is promoted through Policy W01 'Moving waste up the waste hierarchy' so no need to duplicate.

A number of respondents, including Harrogate Friends of the Earth, Harrogate Green Party, Greenpeace and Frack Free York, have commented that the nature of waste fluids in the section has been understated. The introductory text has been amended to reflect potential large increases in the volumes of waste water. However, in response to these and other comments, Policy W07 and supporting text has been revised to clarify its applicability to waste from the oil and gas sector and to clarify the approach to be taken to waste which may be contaminated with NORM.

Development of Policy W09: Managing power station ash and Incinerator Bottom Ash

Part 1 - Issues and Options to Preferred Options

Id50 - Managing power station ash	
<i>Options presented at Issues and options stage</i>	<p>Option 1: In line with policy options relating to the supply of secondary aggregate, this option would support the use of ash as an alternative to primary aggregate but, for ash which cannot be used in this way, would support its continued disposal in accordance with existing arrangements at the Gale Common, Barlow and Brotherton Ings ash disposal sites, which would be identified in the Plan as strategic sites to meet the disposal needs of power generation.</p>
What the SA told us	
<p>There are some minor negative effects on biodiversity, water, local air quality and the historic environment, as well as less certain minor negative effects on landscape, community vitality</p>	

<p>(for which there are also some positive effects associated with employment) and health and wellbeing associated with this option, arising out of localised problems such as dust generation, possible runoff / leachate and traffic. These may however be offset to a degree by positive environmental and social effects, particularly in relation to reduced land take, resulting from lower levels of primary minerals extraction should support for use of power station ash result in less demand / need for this. There are some major positive effects associated with climate change, minimising the use of resources and minimising waste generation resulting from the potential for power station ash to reduce demand for primary aggregates, and minor positive effects associated with the economy and meeting the needs of the population.</p>		
Number of consultation responses		
Total Number of comments against id:	11	
Question 120) Do you agree with the option presented above?	Number of respondents: 9	
	Option 1: 7 <i>MWI: 2</i> <i>Local Authorities: 1</i>	Did Not Specify: 0
		None: 2
Question 121) Are there any alternative options the Authorities should consider in relation to managing power station ash?	Number of respondents: 1 <i>SC: 0</i> <i>MWI: 0</i> <i>Local Authorities: 0</i>	
Brief overview of consultation responses		
<p>Key Messages Q120)</p> <ul style="list-style-type: none"> • Oppose increased management of power station ash, as a by-product of incineration • Support increased availability of material for secondary aggregates • Support continued use of existing power station ash disposal sites (Gale Common, Barlow and Brotherton Ings) • Producers of power station ash should maximise treatment and use as secondary aggregate or mineral site restoration material <p>Key Messages Q121) Any alternative options which were suggested in the responses are detailed in the 'Suggested new options Chapter 6 – Waste table' along with justification as to why they have or have not been taken forward. Any realistic alternatives are summarised and worked up below:</p> <p>Proposed Option 2</p> <ul style="list-style-type: none"> • Support the disposal of power station ash along with inert material in landfill. <p><i>Suggested approach</i> <i>This option would support the disposal of power station ash along with inert material in landfill.</i></p> <p>General</p> <ul style="list-style-type: none"> • Submission of a comparative study of alternative sites should be required for proposals to dispose colliery spoil 		
SA of options including alternatives		
Summary of assessment		
There are some minor negative effects of option 1 on biodiversity, water, local air quality and		

the historic environment, as well as less certain minor negative effects on landscape, community vitality (for which there are also some positive effects associated with employment) and health and wellbeing associated with this option, arising out of localised problems such as dust generation, possible runoff / leachate and traffic. These may however be offset to a degree by positive environmental and social effects, particularly in relation to reduced land take, resulting from lower levels of primary minerals extraction should support for use of power station ash result in less demand / need for this. There are some major positive effects associated with climate change, minimising the use of resources and minimising waste generation resulting from the potential for power station ash to reduce demand for primary aggregates, and minor positive effects associated with the economy and meeting the needs of the population.

Option 2 supports disposal of power station ash in landfill. Although there is considerable uncertainty in the assessment, as much depends on the location of landfill sites chosen, this option displays a broad range of social, environmental and economic negative effects. In particular the Sustainability Appraisal highlights concerns over the potential costs and effects of transporting potentially large volumes to landfill sites, which could also make landfill sites more quickly reach capacity. At the same time power station ash, which could potentially be utilised as a saleable product in the future, will be lost from the economy forever when mixed with landfill.

Revised Recommendations

If Option 1 is pursued, mitigation measures around dust, water pollution and traffic can be strengthened through policies in the plan. Option 2 is not recommended as it is seen as broadly unsustainable.

Joint Authorities response to consultation responses

The general support for the option presented is noted. Other policy in the plan addresses the issue of encouraging utilisation of power station ash as secondary aggregate. The co-disposal of ash with inert waste in landfill is not supported as it may act as a disincentive to the re-use of the material.

Evidence base update

New national waste policy published October 2014 replaced PPS10.

Duty to Cooperate

Is this a duty to cooperate matter? No

Discussion around development of preferred policy approach

In accordance with the findings of the initial SA and the views of most respondents, it is considered appropriate to carry forward Option 1, which is also generally in line with national policy.

Preferred policy approach – title changed to W09: Managing power station ash

Support will be given to proposals to increase the utilisation of power station ash as secondary aggregate or for other beneficial use, in line with the preferred policy M11 for the Supply of Alternatives to Land Won Primary Aggregate.

Where ash cannot be utilised for beneficial purposes, support will be given for the continued disposal of power station ash at the existing Gale Common, Barlow and Brotherton Ings ash disposal sites, which are identified and safeguarded in the Plan as strategic sites for the disposal of waste.

Supporting justification

Ash is produced in large quantities as a result of power generation activity in Selby District and forms a major and distinctive element of overall arisings of waste in the Plan area. The requirements of the waste hierarchy and the need to encourage the sustainable supply of minerals indicate that it is preferable for this waste to be put to beneficial use where possible. An element of the power station ash waste stream is already put to beneficial use as secondary aggregate and policy support for increased such use is provided in policy dealing with Supply of Alternatives to Land Won Primary Aggregate (Policy M11).

Whilst there has been recent investment in infrastructure to support increased utilisation of power station ash, it is expected that large volumes will continue to require disposal. Well established long term disposal arrangements are in place for each of the three main power stations in the Plan area and it is expected that these arrangements will need to continue over the life of the Plan. The three main disposal sites represent strategically important waste management facilities in the Plan area and it is appropriate to identify them as such, and safeguard them to ensure their availability for the future.

Links to Objectives and Policies

Link to Objectives

Objective 1
Objective 2
Objective 4
Objective 6
Objective 7

Links to other relevant policies in the Plan:

Id14: Supply of alternatives to land won primary aggregates
Id42: Overall approach to waste hierarchy
Id43: Strategic role of the Plan area in the management of waste
Id51: Overall locational principles for provision of new waste capacity
Id53: Waste management facility safeguarding

SA/SEA

Summary of assessment

There are some minor negative effects on biodiversity, water, local air quality and the historic environment, as well as less certain minor negative effects on landscape, community vitality (for which there are also some positive effects associated with employment) and health and wellbeing associated with this option, arising out of localised problems such as dust generation, possible runoff / leachate and traffic. These may however be offset to a degree by positive environmental and social effects, particularly in relation to reduced land take, resulting from lower levels of primary minerals extraction should support for use of power station ash result in less demand / need for this. There are some major positive effects associated with climate change, minimising the use of resources and minimising waste generation resulting from the potential for power station ash to reduce demand for primary aggregates, and minor positive effects associated with the economy and meeting the needs of the population.

Recommendations

It is considered that other development management policies in the Plan, combined with environmental permitting would deal with the issues relating to dust, water pollution and air quality that have been identified in this assessment. No further mitigation is proposed.

Part 2- Preferred options to Publication

Consultation Responses to Preferred Options

6.91 Ash is produced in large quantities as a result of power generation activity in Selby District and forms a major and distinctive element of overall arisings of waste in the Plan area. The requirements of the waste hierarchy and the need to encourage the sustainable supply of minerals indicate that it is preferable for this waste to be put to beneficial use where possible. An element of the power station ash waste stream is already used as secondary aggregate and policy support for increased such use is provided in policy dealing with Supply of Alternatives to Land Won Primary Aggregate (Policy M11). Potential requirements for colliery spoil disposal are addressed in more detail in the Minerals Chapter (Policy M20).

Policy W09: Managing power station ash and Incinerator Bottom Ash

Proposals to increase the utilisation of power station ash and Incinerator Bottom Ash as secondary or recycled aggregate or for other beneficial use, in line with the policy M11 for the Supply of Alternatives to Land Won Primary Aggregate, will be permitted.

Where ash cannot be utilised for beneficial purposes, support will be given for the continued disposal of power station ash at the existing Gale Common, Barlow and Brotherton Ings ash disposal sites, which are safeguarded in the Joint Plan as strategic sites for the disposal of waste.

Proposals for new facilities for the management of power station ash and Incinerator Bottom Ash will be determined in accordance with the requirements of Policies W10 and W11.

Main responsibility for implementation of policy: NYCC, CYC, NYMNPA and Waste Industry

Key links to other relevant policies and objectives

M11, M20, W01, W02, W10, W11, S03

Objectives 1, 2, 4, 6, 7

Monitoring: Monitoring indicator 34 (see Appendix 3)

Comment [MS204]:

1097/0444- Concerned about increased HGV movements bring IBA to Harewood Whin – Note, A scoping Opinion has been submitted to CYC for an IBA Facility at Harewood Whin.

0129 (Yorwaste) 0927- The Policy is silent on IBA, particularly produced by AWRP, and requires clarification on where this would be managed and imposition of limits - Note - It is agreed that clarification of the approach towards such material should be provided in the policy and supporting text.

Policy Justification

6.92 Waste ash arising from the major coal and biomass fired power stations in Selby District is dealt with at dedicated private facilities and does not 'compete' with other waste for capacity at facilities available to the market. However, because of the large volumes involved, this is an important waste stream in the area. Ash from Drax power station is disposed of at the adjacent Barlow Ash disposal mound. Remaining capacity at the disposal site is understood to be sufficient to last throughout the Plan period. Ash from Eggborough Power Station is disposed of at the nearby Gale Common site, which again is understood to have sufficient remaining capacity for the Plan period. A third power station, Ferrybridge, is located just outside the Plan area but ash from it has been disposed of at the Gale Common facility and, in emergency situations, at the nearby Brotherton Ings site, part of which is within the Plan area. Capacity at this latter facility is also understood to be sufficient. However, coal fired generation at Ferrybridge closed in March 2016 and disposal capacity within the Plan area for this is no longer expected to be required.

6.93 Whilst there has been recent investment in infrastructure to support increased utilisation of power station ash as secondary aggregate, and this is supported through Policy M11, it is expected that large volumes will continue to require disposal. Well established long term disposal arrangements are in place for each of

Comment [JW205]:

Reference to the White Rose CCS thermal generating station at Drax has been removed as the proposal was refused by the SoS for DECC through the NSIP process.

the two main power stations in the Plan area and it is expected that these arrangements will need to continue over the life of the Joint Plan. The main ash disposal sites represent strategically important waste management facilities in the area and it is appropriate to safeguard them to ensure their availability for the future. This is addressed under Policy S03 Waste Management Facility Safeguarding.

- 6.94 More recently, there has been potential for increased arisings of Incinerator Bottom Ash as a result of a number of proposals coming forward in the area for development of waste to energy capacity. Policy M11 supports the use of such material as secondary aggregate. The only large scale energy from waste capacity currently under construction in the area is the Allerton Waste Recovery Park facility. Whilst it has been expected that ash produced at this site would be processed on site for onward sale, and the permission includes provision for this, it may no longer be the case and an alternative location may be required for this activity. It is also possible that proposals may come forward for management of Incinerator Bottom Ash arising from other energy from waste facilities which have received permission in the area. Where proposals come forward for disposal or processing of ash including Incinerator Bottom Ash, they will be considered under Policies W10 and W11 and other relevant polices in the Joint Plan as appropriate.

SA/SEA

Summary of assessment

There are some minor negative effects on biodiversity, water, local air quality and the historic environment, as well as less certain minor negative effects on landscape, community vitality (for which there are also some positive effects associated with employment) and health and wellbeing associated with this preferred policy, arising out of localised problems such as dust generation, possible runoff / leachate and traffic, all of which would be likely to be controlled by development management measures in the plan to acceptable levels. These may however be offset to a degree by positive environmental and social effects, particularly in relation to reduced land take, resulting from lower levels of primary minerals extraction should support for use of power station ash result in less demand / need for this.

The policy does allow for management of power station ash at new facilities which could generate some further effects which are dependent on location (so uncertainty is noted in many places in the assessment) though effects would be low as they will be constrained by policy W11 and development management measures.

There are some major positive effects associated with climate change, minimising the use of resources and minimising waste generation resulting from the potential for power station ash to reduce demand for primary aggregates, and minor positive effects associated with the economy and meeting the needs of the population.

Recommendations

It is considered that other development management policies in the Plan, combined with environmental permitting would mitigate for the issues relating to dust, water pollution and air quality that have been identified in this assessment. No further mitigation is proposed.

Overall Summary of Reasons for Change

The supporting text has been updated to reflect the closure of Ferrybridge Power Station in March 2016 and the decision by the Secretary of State for DECC to refuse consent for the Carbon Capture and Storage thermal generating station at Drax. Reference to this proposal has been removed. Text has been added to the Policy and supporting text to indicate the approach to be taken to management of Incinerator Bottom Ash, including revising the Policy title.

Development of Policy W10: Overall locational principles for provision of waste capacity

Part 1 - Issues and Options to Preferred Options

Id51 - Overall locational principles for provision of new waste capacity	
<i>Options presented at Issues and options stage</i>	<p>Option 1: This option would seek to ensure that sufficient waste management capacity is provided through a combination of:</p> <ul style="list-style-type: none"> • Making best use of the existing facility network, for example by supporting provision of increased capacity at existing waste management facilities unless there would be unacceptable environmental or local amenity impacts. • Supporting the provision of capacity at new sites (i.e. sites not currently in use for waste management purposes) where the facility would contribute to meeting needs identified in the Plan and the site meets any more detailed waste site identification criteria contained in the Plan (see subsequent options).
	<p>OR</p> <p>Option 2: This option would seek to ensure that sufficient waste management capacity is provided through a combination of:</p> <ul style="list-style-type: none"> • Making best use of the existing facility network, for example by supporting provision of increased capacity at existing waste management facilities unless there would be unacceptable environmental or local amenity impacts. • Supporting the provision of capacity at new sites where the facility would contribute to meeting needs identified in the Plan; the site is compatible with other waste site identification criteria in the Plan (see subsequent options); and the site is located as close as practicable to the source/s of waste to be dealt with. This could mean giving priority to locations for new smaller scale facilities serving District scale markets for waste which are within or near to main settlements in the area or, for facilities which are intended to serve the needs of waste arising mainly in rural areas, are well located with regard to the geographical area the facility is to serve. • For facilities expected to play a wider strategic role (i.e. serving catchments covering a substantial part of the Plan area) these should be located where overall transportation impacts would be minimised taking into account the market area expected to be served by the facility.
	<p>OR</p> <p>Option 3: This option would seek to ensure that sufficient waste management capacity is provided through a combination of:</p> <ul style="list-style-type: none"> • Making best use of the existing facility network, for example by supporting provision of increased capacity at existing waste management facilities unless there would be unacceptable environmental or local amenity impacts. • Supporting the provision of capacity at new sites where the facility would contribute to meeting needs identified in the Plan; the site is compatible with other waste site identification principles in the Plan (see subsequent

	options), and; giving priority to sites located within close proximity, preferably within 5km, to the major road network.
	AND
	Option 4: This option would operate alongside one of options 1 to 3 above and would limit provision of new waste management capacity to those parts of the Plan area outside the North York Moors National Park and AONBs unless the facility to be provided is designed and scaled specifically for meeting waste management needs arising in the designated area and can be provided without causing harm to the designated area.
What the SA told us	
<p>While all options display a significant amount of diversity, there are a number of positive effects for the first three options. These are chiefly associated with the minimisation of the land and associated infrastructure footprint through maximising use of existing sites and the reduction of transport, which is significantly better for Options 2 and 3 than Option 1. As all three options support the principle of sufficient waste management infrastructure they make a significant contribution to managing waste higher up the waste hierarchy.</p> <p>Option 4 is considered alongside other options, so cannot be directly compared to them. This option would have overall positive effects on landscape, biodiversity, cultural heritage and on recreational opportunities through protecting the National Park and AONBs. However, it also shows some potential for minor negative effects in relation to transport generated and where it would displace major development to other parts of the Plan area.</p> <p>Uncertainty is noted with several objectives as the extent of impacts is often dependent on the other detailed waste site identification criteria contained in the Plan, which is uncertain until options for this have been decided upon.</p>	
Number of consultation responses	
Total Number of comments against id:	38
Question 122) Do you have a preference for any of the options presented above?	Number of respondents: 24
	Option 1: 0
	Combination: 9 Opt. 2+3: 2 <i>SC: 1</i> Opt. 3+4: 3 <i>Local Authorities: 1</i> Opt. 2+4: 2 <i>Local Authorities: 1</i> Opt. 1+3: 1 Opt. 1+2 (part) <i>MWI: 1</i> Opt. 1+4: 1 <i>MWI: 1</i>
	Option 2: 1
	Did Not Specify: 5 <i>SC: 1</i>
Option 3: 6 <i>MWI: 1</i>	None: 1
Option 4: 2 <i>SC: 1</i>	
Question 123) Are there any alternative options the Authorities should consider in relation to the overall locational principles for new waste management capacity?	Number of respondents: 7 <i>SC: 1</i> <i>MWI: 0</i> <i>Local Authorities: 1</i>
Question 124) Do you have any views	Number of respondents: 7

<p>on whether a distinction could be drawn between strategic scale facilities and other facilities, and if so how (see Option 2)?</p>	<p>SC: 0 MWI: 1 Local Authorities: 0</p>
<p>Question 125) If we were to follow the approach set out in Option 3, do you have any views on the distance used for the identification of sites (currently suggested as 5km)?</p>	<p>Number of respondents: 6 SC: 0 MWI: 1 Local Authorities: 1</p>
<p>Brief overview of consultation responses</p>	
<p>Key Messages Q122) <i>Option 2:</i></p> <ul style="list-style-type: none"> • Supports the proximity principle <p><i>Option 3:</i></p> <ul style="list-style-type: none"> • Supports the approach of a number of smaller scale facilities close to areas of waste production which have the greatest chance of sustainability <p><i>Option 4:</i></p> <ul style="list-style-type: none"> • Welcomes option 4 as this directs waste developments away from protected landscapes <p>Options 2+3:</p> <ul style="list-style-type: none"> • Supports the proximity principle. Provide smaller sites near points of waste production <p>Options 3+4:</p> <ul style="list-style-type: none"> • The combination presents the optimum environmental solution to locating new sites as close as practical to source of arising and the strategic highway network • Landfill should not be undertaken on sites which are valuable for biodiversity (such as quarries) • Supports the proximity principle • Would also support a general presumption against such development in national parks and AONBs <p>Options 2+4:</p> <ul style="list-style-type: none"> • Minimisation of transport impacts is important for strategic scale facilities • Suitably sized facilities should not be ruled out in protected landscapes <p>Options 1+4:</p> <ul style="list-style-type: none"> • Supports a flexible approach • Supports the recognition that an element of waste can be managed outside the Plan area <p>Option 1 in combination with option 2 (part)</p> <ul style="list-style-type: none"> • Support is given to the recognition that strategic sites can come forward during the life of the Plan (opt1) and it is agreed these should be located where transport impacts can be minimised (opt2(part)) <p><i>General comments on the options:</i></p> <ul style="list-style-type: none"> • All the options presented are limited and too similar and should provide a greater level of flexibility • AWRP is a mistake and should be excluded <p>Key Messages Q123) A range of alternative options were suggested in the responses, these are detailed in the 'Suggested new options Chapter 6 – Waste table' along with justification as to why they have</p>	

or have not been taken forward. Any realistic alternatives are summarised and worked up below:

Proposed Option 5

- Combine Option 1 with 3rd bullet point of Option 2 which refers to strategic facilities being located where transport impacts can be minimised.

Suggested approach

This option would combine Option 1 with the 3rd bullet point of Option 2

Wording

This option would seek to ensure that sufficient waste management capacity is provided through a combination of:

- *Making best use of the existing facility network, for example by supporting provision of increased capacity at existing waste management facilities unless there would be unacceptable environmental or local amenity impacts.*
- *Supporting the provision of capacity at new sites (i.e. sites not currently in use for waste management purposes) where the facility would contribute to meeting needs identified in the Plan and the site meets any more detailed waste site identification criteria contained in the Plan (see subsequent options).*

For facilities expected to play a wider strategic role (i.e. serving catchments covering a substantial part of the Plan area) these should be located where overall transportation impacts would be minimised taking into account the market area expected to be served by the facility.

Proposed Option 6

- An option which provides more flexibility than existing options 1, 2 and 3 with the main focus being on environmental protection.

Suggested approach

This option would seek to ensure that sufficient waste management capacity is provided through directing facilities to locations where impacts on the environment can be minimised, as determined by consideration against Development Management policies.

Proposed Option 7

- Expansion of existing sites should be preferable to the development of new sites.

Suggested approach

This option would work alongside either of options 1, 2 or 3 and would require proposals for new facilities to demonstrate that it is not possible or feasible to provide for additional capacity at existing sites.

Key Messages Q124)

- Definition of 'strategic facility' is dependent upon the context of the Plan area
- Likely criteria include anticipated throughput; scale and likely site requirements; facility characteristics (traffic generation, emissions etc.); waste catchment area (i.e. beyond the Plan area)
- A modular based strategy, with elements of export, is preferable to a singular strategic facility
- Strategic scale should not be include in the Plan

Key Messages Q125)

- Dependent upon local geography and population density, the distance should be a guideline
- Agree with 5km as a starting point
- The critical distance is that which enables recovery of CHP
- Any pipework should not adversely impact habitats, landscape and the environment
- Opposes Option 3, each site should be considered on its own merits with transport

implications considered in the overall planning balance rather than imposing an arbitrary figure

- Suitability of the road network is as important as proximity to the primary road network
- Shorter the distance is better
- 3km is a reasonable limit
- 2km is preferred as this takes account of the rural nature of the roads

General)

- The convenience of expanding existing sites, such as Harewood Whin, should not override unacceptable environmental and/or amenity impacts
- Allocate AWRP as a Strategic Facility

SA of options including alternatives

Summary of assessment

Options 1, 2, 3, and 5 have a number of similarities and are likely to result in a number of positive effects associated with the minimisation of the land and associated infrastructure footprint through maximising use of existing sites and the reduction of transport miles, which is significantly better for Options 2, 3 and 5 than Option 1.

Option 6 has the potential to result in a number of positive effects due to its emphasis on minimising effects on the environment however it is noted that this could detract from economic benefits.

Options 4 and 7 are considered alongside other options and so cannot be directly compared to them. Option 4 would have overall positive effects on landscape, biodiversity, cultural heritage and on recreational opportunities through protecting the National Park and AONBs. However, it also shows some potential for minor negative effects in relation to transport generated and where it would displace major development to other parts of the Plan area.

Option 7 has broadly positive effects particularly in relation to the efficient use of land (objective 5). Some potential for negative effects in relation to the extension/intensification of activity at existing sites has also been noted.

Uncertainty is noted with several objectives as the extent of impacts is often dependent on the other detailed waste site identification criteria contained in the Plan / the final location of sites, which is uncertain until options for this have been decided upon.

Revised Recommendations

Broadly options 2 and 3 and 5 perform best against the SA framework, as Option 2 performs well in terms of supporting a more even spread of economic benefits whilst Options 3 and 5 perform better in terms of effects on communities. The SA would support any of these options being taken forward.

Joint Authorities response to consultation responses

The preference of a number of respondents for a combination of options is noted, as well as the significant degree of support for Option 3. It is agreed that any preferred policy should be relatively flexible, including in relation to the distance of sites from the primary road network, and also support delivery of an approach which is consistent with the proximity principle and allow the development of small scale sites in appropriate locations. Whilst the support of some respondents for an approach which relies primarily of development management criteria to determine the location of sites is noted, it is considered that the Plan should provide more specific spatial guidance on the locating of new waste facilities, supported by relevant development management criteria, as this will help provide greater certainty to developers and other users of the Plan. It is not agreed that there is no justification for considering the role of strategic scale facilities to help meet needs, as some waste management needs, such as more specialised waste processing and treatment, can only be delivered through economies of scale. It is agreed that on going reliance on export to meet some waste management capacity requirements is likely to occur, including as a result of operation of the market and this is acknowledged in the proposed overall strategic approach to the

management of waste and in proposed policies for specific waste streams where appropriate.

Evidence base update

New national waste policy published October 2014 replaced PPS10.

Duty to Cooperate

Is this a duty to cooperate matter? No

Discussion around development of preferred policy approach

It is considered that in establishing overall locational principles for new capacity there is a need to ensure a reasonable balance between flexibility and providing a spatial steer to development, whilst remaining generally consistent with national policy. Of the options presented, it is considered that option 2 provides the best fit with this requirement. Option 2 was also one of a number of options performing most favourably in the SA of initial options. It is also considered that option 2 could operate in conjunction with option 4 to provide greater clarity on the constraints to development of waste facilities that would be expected to apply in the National park and AONBs, with this approach again considered to be generally in line with national policy. It is further considered that, in taking forward Option 2 first bullet point, support should also be given in principle for extensions to the footprint of existing sites in order to provide increased capacity, as this could help maximise the capacity of the existing network and provide a further element of flexibility. The preferred option is therefore based on option 2 and option 4 in combination.

Preferred policy approach – title changed to W10: Overall locational principles for provision of new waste capacity

The main focus for provision of new waste management capacity required to meet identified needs will be within those parts of the Plan area outside the North York Moors National Park and the Howardian Hills and Nidderdale AONBs, unless the facility to be provided is designed and scaled specifically for meeting waste management needs arising in the designated area and can be provided without causing unacceptable harm to the designated area.

Capacity requirements will be met through a combination of:

Maximisation of capacity within the existing facility network through granting permission for the continuation of activity at existing time limited sites with permission, the grant of permission for additional capacity within the footprint of existing sites and, the extension to the footprint of existing sites, subject to compliance with other relevant policies in the Plan;

Supporting proposals for development of waste management capacity at new sites where the site is compatible with other waste site identification criteria in the Plan (see Policy W11); and the site is located as close as practicable to the source/s of waste to be dealt with. This means;

- **For new smaller scale facilities serving District scale markets for waste, particularly LACW, C&I and CD&E waste, giving priority to locations which are within or near to main settlements in the area (identified on the key diagram) or, for facilities which are intended mainly to serve needs for small scale waste management capacity in more rural parts of the Plan area, including agricultural waste, where they are well located with regard to the geographical area the facility is expected to serve.**
- **For larger scale or specialised facilities expected to play a wider strategic role**

(i.e. serving multi-district scale catchments), these will be located where overall transportation impacts would be minimised taking into account the market area expected to be served by the facility.

Supporting text

Arising of waste in the NYMNP and AONBs are likely to be low and, as a result of environmental constraints in these areas, it is not considered appropriate for them to host significant additional waste management capacity, although small scale provision may be appropriate to meet local needs, particularly where this would assist in moving waste up the hierarchy.

There is already an extensive network of waste management infrastructure in the Plan area, representing a substantial amount of investment by both the private and public sectors. Sustainability principles suggest it will be appropriate to seek to maximise the effectiveness of the existing network in meeting future waste management needs. This can help secure current benefits to the local economy and the efficient use of existing land and infrastructure. In some cases existing sites are subject to time limited permissions which may expire during the plan period. It is considered appropriate to support the principle of extending the time limit for undertaking waste management operations at such sites in order to help secure their availability over the plan period. In some cases it may also be practicable for additional waste management capacity to be provided within the footprint of existing sites, for example through investment in additional processing plant and machinery. Where such development requires planning permission it will also be appropriate to support it in principle. Where additional capacity can be provided through extending the footprint of existing sites this may also be an appropriate means of enhancing the efficiency of the current network and, subject to compliance with other relevant policies in the Plan, is supported in principle.

National planning policy encourages management of waste in proximity to where it arises, as well as encouraging communities to take responsibility for the waste arising in their area. This suggests that, where practicable, new sites for waste management should be well located in relation to sources of arisings to be dealt with. Although detailed information on the geographical distribution of arisings of waste is not available, it is likely that most LACW, C&I and CD&E waste arises in the more developed parts of the Plan area. It is therefore appropriate to seek to ensure that new capacity needed to deal with such arisings is located within or in close proximity to the main settlements in the Plan area. For waste more closely associated with rural activities (principally agricultural waste) it will be preferable for these to be located within the catchment areas they are intended to serve, in order to help reduce overall transportation impacts. Certain facilities can play a wider strategic role in the management of waste, as a result of their large scale or specialised role, or combination of the two factors. This means that they are likely to serve geographically extensive catchments of waste and it is therefore particularly important that such facilities are well located in relation to the overall catchment area to be served, as well as in relation to the transport network that is to be used to transport waste to/from the facility.

In all cases proposals for new capacity will need to demonstrate compliance with other relevant policies in the Plan, including the site identification principles in policy W11 and the development control policies in Chapter 9

Links to Objectives and Policies

Link to Objectives:

Objective 2
Objective 6
Objective 7
Objective 8
Objective 9

Objective 10
Objective 11

Links to other relevant policies in the Plan:

Id42: Overall approach to waste hierarchy

Id43: Strategic role of the Plan area in the management of waste

Id44: Meeting waste management capacity requirements - Local Authority Collected Waste

Id45: Meeting waste management capacity requirements - Commercial and industrial waste (including hazardous C&I waste)

Id46: Meeting waste management capacity requirements – construction, demolition and excavation waste (including CD&E waste)

Id47: Managing agricultural waste

Id48: Managing low level (non-nuclear) radioactive waste

Id49: Managing waste water (sewage sludge)

Id50: Managing power station ash

Id52: Waste site identification principles

Id53: Waste management facility safeguarding

SA/SEA

Summary of assessment

This preferred policy has mostly positive effects when compared to the SA objectives. This is largely because it maximises and builds on the use of facilities that are already there (which is generally a good thing to do in sustainability terms), and also seeks to reduce the transport footprint of new facilities while linking the policy strongly to the waste site identification principals and other policies in the plan.

Amongst the most notable sustainability effects were strong positive contributions to the 'reduce resource use' and 'minimise waste' objectives (as less building will be needed to deliver the policy, and the policy underpins a wider strategy in this Plan to move waste up the waste hierarchy). In addition, the policy has strong economic effects as it retains jobs and potentially reduces business costs. The policy would also protect the special qualities of protected landscapes as well as the tourist jobs that depend on them.

Mixed positive and negative effects were recorded for the changing population objective as there is a minor concern that waste management in designated landscapes will become more difficult in the future.

Recommendations

None

Part 2 - Preferred options to Publication

Consultation Responses to Preferred Options

6.95 In deciding on an overall approach to locating any new waste management capacity in the area a number of factors need to be considered including, in particular:

- The nature and distribution of waste arisings in the area.
- The nature and distribution of the existing network of facilities.
- Other important characteristics of the area, such as the location of settlements, major environmental designations and transport networks.
- National policy requirements relevant to locating waste facilities.

6.96 The existing network of facilities in the Plan area is widely distributed, but in general is more closely associated with the more developed parts of the area and main road transport links. Remaining capacity for landfill of biodegradeable waste is now

concentrated at two sites, Allerton Park to the south of Boroughbridge, and Harewood Whin, to the west of York. Treatment, transfer and recycling capacity is relatively widely distributed and tends to be located in and around main population centres in the Plan area. These facilities provide employment and make a contribution to the local and wider economy and are an important element in the overall infrastructure of the area.

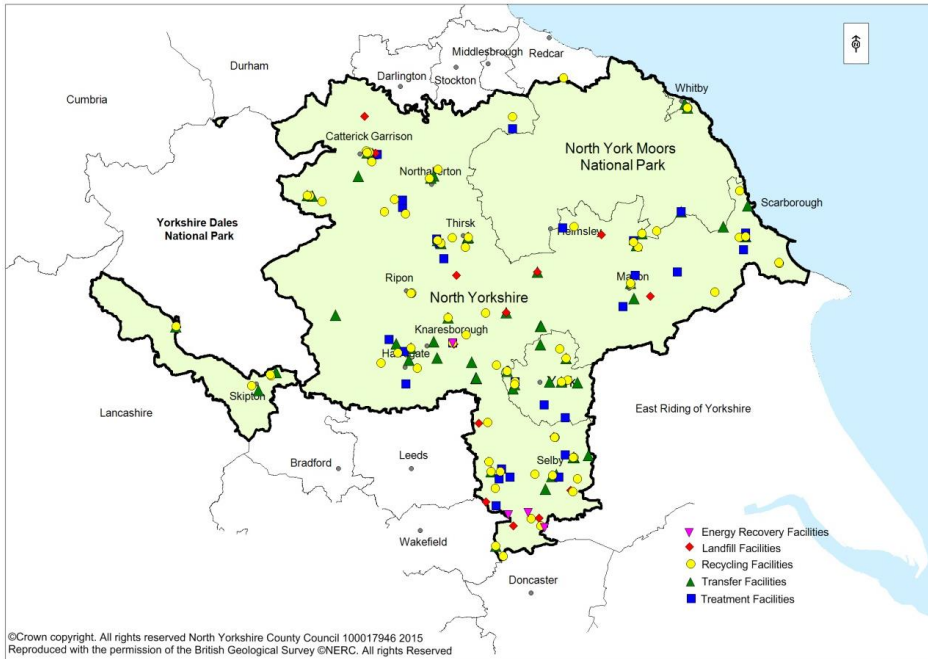


Figure 17: Permitted waste facilities in Joint Plan area

- 6.97 The Plan area is very large and highly rural, with a widely dispersed pattern of settlements. The City of York and the major towns of Harrogate and Scarborough represent the main population centres and a significant proportion of future growth in the Plan area is expected to be in and around these locations as well as other main settlements, as shown on the key diagram. Substantial parts of the Joint Plan area are highly constrained by environmental designations, such as National Park and AONBs, as well as important nature conservation and historic environment designations which would be likely to preclude development of significant new waste facilities as a result of national policy constraints, including Green Belt designation.
- 6.98 Access by road is good in some parts of the area, particularly in terms of north-south links through the central corridor, whereas east-west accessibility is less well developed and this is an issue which is likely to have some impact on the ease with which waste can be moved from locations of arising to locations where it can be managed. Modern waste management processes often involve a need for waste to be processed through more than one facility type. This can lead to additional movement of waste compared to the former situation where the majority of waste was transported directly from point of arising to its final point of disposal.
- 6.99 With the exception of agricultural waste and certain other specific waste types such as waste from the power generation industry, it is likely that a substantial majority of waste arising in the area is generated within or near to larger settlements, where most existing development is concentrated. As these locations are also expected to

be the main focus for growth and associated development over the Plan period, it is likely that they will continue to be important sources of waste arisings over the Plan period.

- 6.100 For some forms of waste management, and some waste streams, there is likely to be a need for a larger 'catchment' of waste arisings than others. For example, more complex recovery and treatment facilities tend to represent a higher level of investment and require larger catchments of waste to make them viable. Some wastes, such as hazardous waste, arise in small quantities that may mean provision of specialised facilities at a local level may not be viable. This is a particular issue for the Plan area which, as noted above, is largely rural. Policy W10 sets out the locational principles relevant to identifying site allocations and provision of additional capacity for management of waste.

Policy W10: Overall locational principles for provision of waste capacity

The allocation of sites and determination of planning applications will be guided by the following principles:

- 1) The main focus for provision of new waste management capacity will be within those parts of the Plan area outside the North York Moors National Park and the Areas of Outstanding Natural Beauty, unless the facility to be provided is appropriately scaled to meet waste management needs arising in the designated area and can be provided without causing unacceptable harm to the designated area.
- 2) The potential of the existing facility network will be maximised through supporting the continuation of activity at existing time limited sites with permission, the grant of permission for additional capacity and/or appropriate additional or alternative waste uses within the footprint of existing sites and, the extension to the footprint of existing sites;
- 3) Supporting proposals for development of waste management capacity at new sites where the site is compatible the requirements of Policy W11); and the site is located as close as practicable to the source/s of waste to be dealt with. This means:
 - a) For new smaller scale facilities serving district scale markets for waste, particularly LACW, C&I and CD&E waste, or for facilities which are not intended to serve the specialised needs of particular industries or businesses, giving priority to locations which are within or near to main settlements in the area (identified on the key diagram) or, for facilities which are intended mainly to serve needs for small scale waste management capacity in more rural parts of the Plan area, including agricultural waste, where they are well located with regard to the geographical area the facility is expected to serve;
 - b) For larger scale or specialised facilities expected to play a wider strategic role (e.g. serving multi-district scale catchments or which would meet specialised needs of particular industries or businesses), these will be located where overall transportation impacts would be minimised taking into account the market area expected to be served by the facility.

Comment [MS206]: 1097/0445- sites should not be permitted in the green belt – Note, This comment is noted but Policy D05 'Minerals and Waste Development in the Green Belt' provides a robust policy limiting waste development in the Green Belt. In any case, not allowing any in the Green Belt would be contrary to the NPPF.

Comment [MS207]: 0129(Yorwaste) 0928- The reference in criteria a) to smaller scale facilities serving district markets is at odds with the omission of transfer stations for the Ryedale and Hambleton areas – **Note** - Transfer stations for LACW are already in place in Hambleton District and permission has been granted for a facility for Ryedale District. Notwithstanding this, the Policies in the Plan do not preclude the development of further transfer station capacity in these areas should suitable proposals come forward.

Main responsibility for implementation of policy: NYCC, CYC, NYMNPA and Waste Industry

Key links to other relevant policies and objectives

<i>M18, W01, W02, W03, W04, W05, W06, W07, W08, W09 W11,</i>	<i>Objectives 2, 6, 7, 8, 9, 10, 11</i>
------------------------------------------------------------------	-----------------------------------------

Monitoring: Monitoring indicator 35 (see Appendix 3)

Policy Justification

- 6.101 Arisings of waste in the NYMNP and AONBs are low and these areas are also subject to constraints on major new development. As a result, it is not considered appropriate for them to host significant additional waste management capacity, although small scale provision may be acceptable to meet local needs, particularly where this would assist in moving waste up the hierarchy.
- 6.102 There is already an extensive network of waste management infrastructure in the Plan area, representing a substantial amount of investment by both the private and public sectors. Sustainability principles suggest it will be appropriate to seek to maximise the effectiveness of the existing network in meeting future waste management needs. This can help secure current benefits to the local economy and the efficient use of existing land and infrastructure. In some cases existing sites are subject to time limited permissions which may expire during the plan period. It is considered appropriate to support the principle of extending the time limit for undertaking waste management operations at such sites in order to help secure their availability over the Plan period. In some cases it may also be practicable for additional waste management capacity, and or additional or alternative waste uses which are compatible with the location of the site and any relevant constraints, to be provided within the footprint of existing sites, for example through investment in additional processing plant and machinery. Where such development requires planning permission, it will also be appropriate to support it in principle. Where additional capacity can be provided through extending the footprint of existing sites this may also be a suitable means of enhancing the efficiency of the current network and, subject to compliance with other relevant policies in the Joint Plan, is supported in principle.
- 6.103 National planning policy encourages the provision of an integrated and adequate network of facilities which enables waste to be disposed of and mixed municipal waste collected from private households to be recovered in one of the nearest appropriate installations. Supporting the management of waste in proximity to where it arises, as well as encouraging communities to take responsibility for the waste arising in their area, are important components of sustainability. In particular it can help reduce the amount of transport required, with corresponding benefits for local amenity and reduced environmental impacts in what is a predominantly rural area with a relatively sparse network of major roads. This suggests that, where practicable, new sites for waste management should be well located in relation to sources of arisings to be dealt with. Although detailed information on the geographical distribution of arisings of waste is not available, it is likely that most LACW, C&I and CD&E waste arises in the more developed parts of the Plan area and these are areas where further growth is likely to be focussed. It is therefore appropriate to seek to ensure that new development to deal with such arisings is located within or in close proximity to the main settlements in the Plan area. For waste more closely associated with rural activities (such as agricultural waste or waste from other businesses taking place in rural areas) it will be preferable for these to be located within the catchment areas they are intended to serve, even where these are not located in close proximity to main settlements, in order to help reduce overall transportation impacts. For some types of waste management development outside urban areas, Green Belt designation may be a significant constraint and

reference should be made to Policy D05 Minerals and waste development in the Green Belt (see Chapter 9) for further information on this matter.

If shale gas development becomes established on any significant scale in the area (see Chapter 5), there could be a potential for new arisings of waste from this source, which would be generated within relatively rural locations in the eastern part of the Plan area, which is where the majority of current PEDLs are located. In considering proposals for management of waste from such development, Policy M18 is also relevant.

- 6.104 Certain facilities can play a wider strategic role in the management of waste, as a result of their large scale or specialised role, or combination of the two factors. This means that they are likely to serve geographically more extensive catchments of waste (for example significantly above the scale likely to be needed to serve a particular settlement, cluster of settlements or district) and it is therefore particularly important that where new such facilities are well located in relation to the overall catchment area to be served, as well as in relation to the main transport networks that are to be used to transport waste to/from the facility.
- 6.105 In all cases proposals for new capacity will need to demonstrate compliance with other relevant policies in the Joint Plan, including the site identification principles in Policy W11 and the development management policies in Chapter 9.

SA/SEA

Summary of assessment. This preferred policy has mostly positive effects when compared to the SA objectives. This is largely because it maximises and builds on the use of facilities that are already there (which is generally a good thing to do in sustainability terms), and also seeks to reduce the transport footprint of new facilities while linking the policy strongly to the waste site identification principals and other policies in the plan.

Amongst the most notable sustainability effects were strong positive contributions to the 'reduce resource use' and 'minimise waste' objectives (as less building will be needed to deliver the policy, and the policy underpins a wider strategy in this Plan to move waste up the waste hierarchy). In addition, the policy has strong economic effects as it retains jobs and potentially reduces business costs. The policy would also protect the special qualities of protected landscapes as well as the tourist jobs that depend on them.

Mixed positive and negative effects were recorded for a number of objectives, such as biodiversity, water, soils, historic environment and landscape objectives. While the dominant effect is positive for these objectives, minor negative effects were noted due to possible displacement of some development to locations outside of protected landscapes. Similarly a mixed assessment is recorded for a changing population objective as, while there are strong positive effects in terms of delivering a working system of waste management, there is a minor concern that waste management in designated landscapes will become more difficult in the future.

Recommendations None

Overall Summary of Reasons for Change

A respondent suggested that waste sites should not be permitted in the green belt. This comment is noted but Policy D05 'Minerals and Waste Development in the Green Belt' provides a robust policy limiting waste development in the Green Belt. However, not allowing any in the Green Belt would be contrary to the NPPF.

A respondent commented that waste sites should be located away from towns and areas

popular with tourists. This comment is noted but the Development Management Policies, including D02 'Local Amenity and cumulative impacts' provide robust protection for built up areas and tourist locations. However, this needs to be balanced with the need to locate waste management facilities close to sources of waste in order to reduce impacts from transport.

The supporting text has been revised to make reference to the potential for shale gas development in the area and to clarify the approach in relation to national policy and legislation relating to the 'nearest appropriate installation'. The policy has also been revised to provide additional clarity in relation to needs for specialised waste management capacity.

Development of Policy W11: Waste site identification principles

Part 1 - Issues and Options to Preferred Options

Id52 - Waste site identification principles	
<i>Options presented at Issues and options stage</i>	<p>Option 1: This option would support provision of waste management capacity at sites which meet the range of criteria identified in national waste policy.</p> <p>OR</p>

	<p>Option 2: This option would set out more specific local principles for identification of sites based on a preference for:</p> <ul style="list-style-type: none"> • Siting facilities for the recycling, transfer and recovery of waste on suitable previously developed land, industrial and employment land, or at existing waste management sites, giving preference to sites where it can be demonstrated that co-locational benefits would arise taking into account existing or proposed uses and economic activities nearby. Where the facility is proposed to deal mainly with waste arising in rural areas then siting within redundant agricultural buildings or their curtilages would also be acceptable in principle under this option. • Siting facilities involving the recovery of energy from waste at locations where the energy produced can be utilised efficiently. This would, for facilities with the potential to produce combined heat and power, include giving preference to sites where heat can be utilised. • Siting facilities to support the re-use and recycling of CD&E waste at the point of arising (for temporary facilities linked to the life of the associated construction project) and at active mineral workings where the main outputs of the process are to be sold alongside or blended with mineral produced at the site; as well as at the types of sites identified in Option 1 above where these are well related to the sources of arisings and/or markets for the end product. • Siting facilities to provide additional waste water treatment capacity at existing waste water treatment works sites as a first priority. Where development of new capacity on greenfield land is necessary then preference would be given to sites located on lower quality agricultural land. • Providing any additional capacity required for landfill of waste through preferring the infill of quarry voids for mineral site reclamation purposes as a first priority, giving preference to proposals where a need for infill has been identified as part of an agreed quarry reclamation scheme and where pollution control concerns can be mitigated to an acceptable level. Depositing of inert CD&E waste for the improvement of derelict or degraded land would also be supported under this option where it can be demonstrated that the import of the waste is essential to bring the land back into beneficial use and the scale of the importation would not undermine the potential to manage waste further up the hierarchy. <p>In all cases the site would need to be suitable when considered in relation to physical, environmental, amenity and infrastructure constraints including existing and proposed neighbouring land uses, the capacity of transport infrastructure and any cumulative impact from previous waste disposal facilities, in line with national policy.</p>
<p>What the SA told us</p>	
<p>The assessment reveals that under Option 1 a number of topics would not be sufficiently covered through reference to national waste policy alone, including biodiversity and geodiversity, agricultural land, climate change, heritage, landscape and recreation. In addition, uncertain effects are recorded over the longer term as the implications of any future changes to national waste policy (beyond the current update being produced) are unknown. Option 2 provides greater positive effects in terms of the preference for locations close to where heat generated through Combined Heat and Power schemes can be used, which would support climate change objectives as well as having a positive outcome for local communities and businesses. However, the reference to national waste policy in relation to consideration of specific environmental and community issues presents the same uncertainties and potential negative effects as Option 1.</p>	

Number of consultation responses		
Total Number of comments against id:	28	
Question 126) Do you have a preference for either of the options presented above?	Number of respondents: 25	
	Option 1: 6 <i>MWI: 1</i> <i>Local Authorities: 1</i>	Combination: 0
	Option 2: 15 <i>SC: 4</i> <i>MWI: 3</i> <i>Local Authorities: 1</i>	Did Not Specify: 4
		None: 0
Question 127) Are there any alternative options the Authorities should consider in relation to waste site identification principles?	Number of respondents: 3 <i>SC: 0</i> <i>MWI: 0</i> <i>Local Authorities: 0</i>	
Brief overview of consultation responses		
Key Messages Q126)		
<p><i>Option 1:</i></p> <ul style="list-style-type: none"> Option 1 is supported as it provides greater flexibility Local specific policy needs to evolve with national policy <p><i>Option 2:</i></p> <ul style="list-style-type: none"> Option 2 is supported for its preference for the restoration of quarries with inert waste prior to 'land restoration' schemes Co-location, end use of energy and re-use of existing facilities are important considerations This option should consider non road transport and make greater use of rail to transport waste and non-road transport Support the provision of additional landfill capacity through the infilling of quarry voids with inert CD&E waste Support siting CD&E waste reuse and recycling facilities at active mineral workings Support consideration of cumulative impact from other waste facilities Option 2 would benefit from additional guidance on SPZ1, impact on the water environment from infilling quarry voids and, expectation of CHP integration on EfW facilities which should be sited fewer than 15km from large heat users Favours option 2 as it is a robust approach tailored to reflect the character of the Plan area <p><i>General comments on options:</i></p> <ul style="list-style-type: none"> The site selection process must not be arranged to meet a predetermined conclusion Minimise transportation distances and lessen impact on road networks Support proximity principle Aim for zero waste Opposed to AWRP as it breaches the proximity principle, is inappropriately scaled and is of an obtrusive design Assess the future demand and capacity of regional RDF waste facilities 		
Key Messages Q127)		
A range of alternative options were suggested in the responses, these are detailed in the 'Suggested new options Chapter 6 – Waste table' along with justification as to why they have		

or have not been taken forward. Not sufficiently distinct alternatives raising issues not already considered under other policy options were put forward.

General)

- *Take full account of proximity principle*
- *Make use of waterborne transport*
- *Carry out site selection in cooperation with adjacent authorities*
- *Major new commercial/domestic developments should include waste management facilities of a proportionate scale*
- *Landfilling is needed to restore sand and gravel sites*
- *Sites should primarily work towards a zero-waste economy*
- *Provide an alternative if AWRP is not delivered*
- *The co-location of EfW facilities alongside sewage treatment works is draft concept which requires careful consideration*
- *Supports the locating of EfW facilities near high intensity energy users where opportunities exist for private energy supplies*

SA of options including alternatives

N/A

Joint Authorities response to consultation responses

The support of the majority of respondents for Option 2 is noted. Transport considerations, including support for use of alternative transport modes, is covered in other policies areas in the Plan. Policy protection for ground and surface water is also addressed within the development management policies in the Plan. The waste site identification principles need also to be considered alongside the locational principles, which deal with issues relating to proximity and reducing transport distances. The biodiversity benefits and potential of specific sites is a matter to be addressed through the site assessment process and, in relation to development proposals, through the development management policies in the Plan.

Evidence base update

New national waste policy published October 2014 replaced PPS10.

Duty to Cooperate

Is this a duty to cooperate matter? No

Discussion around development of preferred policy approach

It is considered that development of a locally specific approach to establishing site identification principles would be appropriate in order to ensure that the Plan provides useful guidance to prospective developers and others. It is acknowledged that any locally specific approach will need to be generally consistent with national policy principles for the siting of waste management facilities. Whilst a range of matters were raised in consultation on options for this policy, many of these relate to matters which are addressed within other policies in the Plan and it is not considered necessary to duplicate them here.

The SA suggests a preference for Option 2 although raised an issue about reference to national policy. However, in practice if this option is carried forward, any policy would also operate in conjunction with other relevant policies in the Joint Plan, including the development control policies, as well as any relevant national policy, which should ensure adequate consideration and protection of relevant matters.

The preferred approach is based on Option 2. However, it is considered that it would be appropriate to make more specific reference in the 2nd bullet point to the types of sites that may be suitable in principle in line with the approach in the first bullet point, as these types of

site may also be appropriate for energy recovery. It is also considered that reference in the fifth bullet point to the waste hierarchy and the need for demonstration that importation is necessary to bring land back into beneficial use would be more appropriately incorporated in policy dealing specifically with the waste hierarchy

Preferred Policy Approach – title changed to W11: Waste site identification principles

Proposals and site allocations for new waste management capacity should reflect the following principles:

- 1) Siting facilities for the recycling, transfer and recovery of waste (excluding energy recovery) on previously developed land, industrial and employment land, or at existing waste management sites, giving preference to sites where it can be demonstrated that co-locational benefits would arise taking into account existing or proposed uses and economic activities nearby. Where the site or facility is proposed to deal mainly with waste arising in rural areas then use of redundant agricultural buildings or their curtilages will also be acceptable in principle and, for agricultural waste, appropriate on-farm locations**
- 2) Siting facilities involving the recovery of energy from waste on previously developed land, industrial and employment land, or at existing waste management sites, giving preference to sites where it can be demonstrated that co-locational benefits would arise taking into account existing or proposed uses and economic activities nearby, including where the energy produced can be utilised efficiently. For facilities with the potential to produce combined heat and power, this includes giving preference to sites where heat can be utilised. Where the site or facility is proposed to deal mainly with agricultural waste through anaerobic digestion including energy recovery, then use of redundant agricultural buildings or their curtilages and appropriate on-farm locations will also be acceptable in principle.**
- 3) Siting facilities to support the re-use and recycling of CD&E waste at the point of arising (for temporary facilities linked to the life of the associated construction project) and at active mineral workings where the main outputs of the process are to be sold alongside or blended with mineral produced at the site; as well as at the types of sites identified in bullet point 1 above, where these are well related to the sources of arisings and/or markets for the end product.**
- 4) Siting facilities to provide additional waste water treatment capacity at existing waste water treatment works sites as a first priority. Where this is not practicable preference will be given to use of previously developed land or industrial and employment land. Where development of new capacity on greenfield land is necessary then preference will be given to sites located on lower quality agricultural land.**
- 5) Providing any additional capacity required for landfill of waste through preferring the infill of quarry voids for mineral site reclamation purposes, giving preference to proposals where a need for infill has been identified as part of an agreed quarry reclamation scheme and where pollution control concerns can be mitigated to an acceptable level.**

In all cases sites will need to be suitable when considered in relation to physical, environmental, amenity and infrastructure constraints including existing and proposed neighbouring land uses, the capacity of transport infrastructure and any cumulative impact from previous waste disposal facilities, in line with national policy.

Supporting justification

National planning policy identifies a range of types of sites and areas which may be suitable for built waste management facilities. It indicates that consideration should be given to a broad range of locations including industrial sites, looking for opportunities to co-locate waste management facilities together and with complementary activities. It states that priority should be given to the re-use of previously developed land, sites identified for employment uses and redundant agricultural buildings and their curtilages. It also encourages the utilisation of heat as an energy source in the siting of low carbon energy recovery facilities in close proximity to potential heat customers. It is considered that these principles remain appropriate to guide identification of allocations for the Plan area and to provide an indication to developers and other users of the Plan of the types of sites that are likely to be considered suitable in principle for waste management facilities by the Joint Plan authorities.

Evidence supporting preparation of the Plan indicates the existence of a range of sites which are likely to be capable of hosting waste management facilities and which are broadly consistent with national and local policy objectives. This evidence includes a study by Fairhurst and Partners (Identification of Potential Locations for Built Waste Management Facilities January 2015) which identified a number of industrial estates and employment land locations across the Plan area which are likely to be suitable in principle subject to appropriate proposals coming forward. A number of site allocations for waste development have also been submitted which are also likely to be consistent with these principles.

In relation to landfill, the long history of minerals extraction activity in the Plan area has resulted in a substantial number of voids which, should a need for further landfill arise, provide opportunities which may be suitable in principle. In a number of cases reclamation through landfill is an agreed element of existing approved schemes, although in some cases sites have not yet received a permit for landfill from the Environment Agency. A number of significant constraints to landfill could arise in association with particular proposals and these would need to be addressed through application of the development management policies in Chapter 9 of the Plan.

A range of site specific considerations may be relevant to determining the actual suitability of any specific sites or locations under consideration. National policy provides guidance on relevant criteria, which will need to be taken into account alongside any other relevant policies in the Minerals and Waste Joint Plan

Links to Objectives and Policies

Link to Objectives:

Objective 2
Objective 6
Objective 7
Objective 8
Objective 9
Objective 10
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Links to other relevant policies in the Plan:

Id42: Overall approach to waste hierarchy
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Id44: Meeting waste management capacity requirements - Local Authority Collected Waste
Id45: Meeting waste management capacity requirements - Commercial and industrial waste (including hazardous C&I waste)
Id46: Meeting waste management capacity requirements – construction, demolition and excavation waste (including CD&E waste)

Id47: Managing agricultural waste
Id48: Managing low level (non-nuclear) radioactive waste
Id49: Managing waste water (sewage sludge)
Id50: Managing power station ash
Id51: Overall locational principles for provision of new waste capacity
Id53: Waste management facility safeguarding

SA/SEA

Summary of assessment

Effects in relation to this policy are largely positive. The preference for locations close to where heat generated through Combined Heat and Power schemes can be utilised, would support climate change objectives as well as having a positive outcome for local communities and businesses. The principle of co-location could also have some positive impacts in terms of the economy, reducing transport miles, soils and land, and minimising resource use. Reference to national waste planning policy in relation to consideration of specific environmental and community issues, may lead to a number of positive impacts in the short to medium term as the NPPF and National Planning Policy for Waste cover issues relating to most of the SA objectives, however uncertain effects are recorded in the longer term as the implications of any future changes to national waste policy are unknown.

Some minor negative effects are recorded in relation to biodiversity (as habitats on previously developed land may be lost) and landscape (where less valued landscapes may endure negative effects).

Recommendations

Consideration could be given to supporting the re-use of other buildings (such as industrial buildings) for waste development..

Part 2 - Preferred options to Publication

Consultation Responses to Preferred Options

- 6.106 Alongside policy for overall locational principles for waste facilities, set out above, it is necessary to consider the approach to the specific types of sites that should be considered suitable in principle for new waste management uses. This can provide a basis to help identify suitable site allocations, as well as help with decisions on planning applications for new waste facilities.
- 6.107 Waste management facilities can potentially be located on a wide range of sites. Some modern waste management processes are similar in nature to other forms of industrial development and can occupy similar types of sites. Existing waste management facilities within the Plan area are located on a variety of sites including industrial estates, previously developed land and existing and former mineral workings.
- 6.108 Sites for landfill, particularly for biodegradable waste, are largely constrained to voids with suitable geological characteristics. These typically comprise existing or former mineral workings, the locations of which are determined primarily by geology, where imported waste can be used to help restore the site. Groundwater pollution constraints and flood risk may be particularly important in determining suitable locations for some types of landfill activities.
- 6.109 The identification of suitable sites for waste facilities is also influenced by matters such as the scale of facility proposed, the nature of the processes involved and the

area to be served by the facility. Other important constraints include environmental and local amenity considerations such as noise and odour and transport and access issues. Co-locational opportunities may arise where mutual benefits can be gained by locating particular types of waste facilities alongside certain other forms of development, such as those which can use the output of waste processes, or where the waste management needs of a waste producer can be met without the need for significant transport of waste. A further example is where waste processes which generate energy can be located in proximity to users of heat and/or power, as well as near to appropriate grid connections. National planning policy supports the co-location of waste facilities alongside other complementary uses, as well as the need to ensure that any energy produced is used efficiently, preferably in the form of heat.

- 6.110 The characteristics of the Plan area also need to be taken into account. As a mainly rural area, with a highly dispersed settlement pattern and large areas of important environmental designations which may limit potential for development, opportunities to identify suitable sites for larger scale facilities of a more industrial nature are likely to be relatively limited, whereas there may be greater potential to identify suitable locations for smaller scale facilities.
- 6.111 As well as the general context referred to above, specific considerations are likely to apply to particular forms of waste development. For example, opportunities and constraints relating to sites for recycling and transfer activities, which can usually take place within buildings of a nature that can be accommodated on industrial estates and employment land, will be different to those that apply to large scale recovery or disposal operations.

Policy W11: Waste site identification principles

The allocation of sites and determination of planning applications will be guided by the following principles:

- 1) Siting facilities for the preparation for re-use, recycling, transfer and treatment of waste (excluding energy recovery and open composting) on previously developed land, industrial and employment land, or at existing waste management sites, giving preference to sites where it can be demonstrated that co-locational benefits would arise taking into account existing or proposed uses and economic activities nearby. Where the site or facility is proposed to deal mainly with waste arising in rural areas then use of redundant agricultural buildings or their curtilages will also be acceptable in principle and, for agricultural waste, appropriate on-farm locations;**
- 2) Siting facilities for the open composting of waste on previously developed land, industrial land, existing waste management sites and, where the site or facility is proposed to deal with small scale waste arising in rural areas, in the curtilage of redundant agricultural buildings or their curtilages. Where development of new capacity on greenfield land is necessary then preference will be given to sites located on lower quality agricultural land. Sites for the composting of waste where the process may release bioaerosols should be located at least 250 metres from the nearest residential property.**
- 3) Siting facilities involving the recovery of energy from waste, including through anaerobic digestion, on previously developed land, industrial and employment land, or at existing waste management sites, giving preference to sites where it can be demonstrated that co-locational benefits would arise taking into account existing or proposed uses and economic activities nearby, including where the energy produced can be utilised efficiently. For**

Comment [MS208]: 3846/1934- Sites should treat waste water differentiating between re-useable waste water, toxic waste water from fracking and treatable waste water from fracking – *Note- Policies M18 provide guidance on the approach to be taken to managing waste water from the oil and gas industry. Policy W11 is intended to apply to all forms of waste development where relevant and it would not be appropriate to provide this level of detail in the Policy.*

0112 (Highways England) 0580-Support the co-location of facilities to minimise need to transport waste. –*Noted*

0074 (Selby DC) 1305- Greater weight to be afforded to environmental and local amenity factors. – *Note, Comment noted but no change suggested. The Policy makes reference to environmental and amenity constraints and DM Policies, including Policy D02 'Local amenity and cumulative impacts' provide robust protection. Policy W11 needs to be read in the context of all other relevant policies in the Plan. The need to consider environmental and amenity constraints is already referenced in the final paragraph of the Policy.*

2180 (Peel) 0808 - The Policy does not identify suitable sites for Composting or AD which have specific locational requirements. EA require compost facilities which release bioaerosols to be at least 250m from properties where people are frequently present, ruling out many sites. An additional criterion should be added specifically for composting. – *Note, It is agreed that a specific criterion for composting should be included. Criterion 2 (now 3) has been revised to clarify that it applies to proposals for anaerobic digestion.*

0128 (Yorkshire Wildlife Trust) 1174- Brownfield land with a high biodiversity value should be excluded from use as waste sites. – *Note, No change suggested. Policy D07 'Biodiversity and geodiversity' provides robust protection where the development of a site (including brownfield sites) may lead to unacceptable impacts upon biodiversity. The final paragraph of the Policy and the supporting text indicate that environmental constraints will need to be taken into account.*

0129 (Yorwaste) 0929- This Policy should be amalgamated with Policy D05 – *Note, No reason given why these should be amalgamated. Policy D05 is specifically aimed at proposals within the Greenbelt whereas W11 covers the entire Plan area. It is considered that merging the two policies would reduce clarity of the approach to be taken*

facilities which can produce combined heat and power, this includes giving preference to sites with the potential for heat utilisation. Where the site or facility is proposed to deal mainly with agricultural waste through anaerobic digestion including energy recovery, then use of redundant agricultural buildings or their curtilages and appropriate on-farm locations will also be acceptable in principle;

- 4) **Siting facilities to support the re-use and recycling of CD&E waste at the point of arising (for temporary facilities linked to the life of the associated construction project) and at active mineral workings where the main outputs of the process are to be sold alongside or blended with mineral produced at the site; as well as at the types of sites identified in 1) above, where these are well related to the sources of arisings and/or markets for the end product;**
- 5) **Siting facilities to provide additional waste water treatment capacity, including for waste water containing Naturally Occurring Radioactive Materials, at existing waste water treatment works sites as a first priority. Where this is not practicable preference will be given to use of previously developed land or industrial and employment land. Where development of new capacity on greenfield land is necessary then preference will be given to sites located on lower quality agricultural land. Siting of facilities for management of waste water from hydrocarbons development will also be considered under the requirements of Policy M18 where relevant.**
- 6) **Providing any additional capacity required for landfill of waste through preferring the infill of quarry voids for mineral site reclamation purposes, giving preference to proposals where a need for infill has been identified as part of an agreed quarry reclamation scheme and where any pollution control concerns can be mitigated to an acceptable level.**

In all cases sites will need to be suitable when considered in relation to physical, environmental, amenity and infrastructure constraints including existing and proposed neighbouring land uses, the capacity of transport infrastructure and any cumulative impact from previous waste disposal facilities, in line with national policy.

Main responsibility for implementation of policy: NYCC, CYC, NYMNPA and Waste Industry

Key links to other relevant policies and objectives

W01, W02, W03, W04, W05, W06, W07, W08, W09, W10, M18	Objectives 2, 6, 7, 8, 9, 10, 11
-------------------------------------------------------	----------------------------------

Monitoring: Monitoring indicator 36 (see Appendix 3)

Comment [MS209]: 0342 (Mone Bros) 1295- Disagree with Criteria 3) as siting recycling facilities at active mineral workings would result in unnecessary transport. Quality secondary aggregate can be produced at local facilities and only material needed in the blending process would be transported to these sites – *Note - This is not agreed. Appropriately located mineral workings can provide suitable locations for this activity which can result in a more sustainable overall approach to supply of aggregate, helping to reduce the rate of utilisation of primary materials.*

Comment [MS210]: 2180 (Peel) 0808- Criterion 2) of the Policy refers to AD facilities that deal with agricultural waste, whereas it should be acknowledged that AD facilities process a range of waste including from LACW and C&I sources – *Note - The criterion has been amended to clarify that it applies to AD processes for other types of waste as well as agricultural waste.*

Policy Justification

6.112 National planning policy identifies a range of types of sites and areas which may be suitable for built waste management facilities. It indicates that consideration should be given to a broad range of locations including industrial sites, looking for opportunities to co-locate waste management facilities together and with complementary activities. It states that priority should be given to the re-use of previously developed land, sites identified for employment uses and redundant agricultural buildings and their curtilages. It also encourages the utilisation of heat as an energy source in the siting of low carbon energy recovery facilities in close proximity to potential heat customers. It is considered that these principles remain appropriate to guide identification of allocations for the Plan area and to provide an indication to developers and other users of the Joint Plan of the types of sites that are

likely to be considered suitable in principle for waste management facilities by The Authorities.

- 6.113 In relation to landfill, the long history of minerals extraction activity in the Plan area has resulted in a substantial number of voids which, should a need for further landfill arise, provide opportunities which may be suitable in principle. In a number of cases reclamation through landfill is an agreed element of existing approved schemes, although in some cases sites have not yet received a permit for landfill from the Environment Agency. A number of significant constraints to landfill could arise in association with particular proposals and these would need to be addressed through application of the development management policies in Chapter 9 of the Joint Plan.
- 6.114 A range of site specific considerations may be relevant to determining the actual suitability of any specific sites or locations under consideration. National policy provides guidance on relevant criteria, which will need to be taken into account alongside any other relevant policies in the Joint Plan.

SA/SEA

Summary of assessment

Effects in relation to this policy are largely positive. The preference for locations close to where heat generated through Combined Heat and Power schemes can be utilised, would support climate change objectives as well as having a positive outcome for local communities and businesses. The principle of co-location could also have some positive impacts in terms of the economy, reducing transport miles, soils and land, and minimising resource use. Reference to national policy in relation to consideration of specific environmental and community issues, may lead to a number of positive impacts as the NPPF and National Planning Policy for Waste cover issues relating to most of the SA objectives.

Some minor or negative effects are recorded in relation to biodiversity (as habitats on previously developed land may be lost) and landscape (where less valued landscapes may endure negative effects), though development management measures would reduce these issues down to low or insignificant levels. In addition, while siting facilities for recycling CDE waste close to the point of arising will reduce transport, there could be some negative transport effects arising from recycling at active minerals sites, though the policy does mitigate for a proportion of the effect through its existing wording.

Recommendations

Better links to development management policies could be made in the 'key links to other relevant policies' box, particularly the landscape, biodiversity and historic environment policies.

Overall Summary of Reasons for Change

The policy and supporting text have been revised to provide further guidance in relating to the approach to sites for composing and anaerobic digestion and to include a link to revised policy W07 which includes policy on waste water from the oil and gas industry.

Development of Policy I01: Minerals and waste transport infrastructure.

Part 1 - Issues and Options to Preferred Options

Id54 - Transport infrastructure							
<i>Options presented at Issues and options stage</i>	<p>Option 1: This option would encourage the use of existing rail, water and pipeline transport infrastructure, and also support the development of new rail, water or pipeline facilities in appropriate locations consistent with protection of local communities and the environment, for the transport of minerals and waste produced or arising within the Plan area, as well as for any large scale import or export of minerals or waste to or from the area.</p> <p>AND</p> <p>Option 2: This option would be the same as Option 1 but would require the carbon implications of any proposal to also be considered.</p>						
What the SA told us							
<p>Option 2 was added following the recommendations arising from the initial Sustainability Appraisal of Option 1, which raised uncertainties over the implications for carbon emissions, as detailed in the Sustainability Appraisal Report.</p> <p>Both options are likely to have positive impacts through the retention of the existing rail, pipeline and water transportation infrastructure and support for the development of new infrastructure. These positive effects are on reducing the need to transport waste and minerals by road and potentially on climate change and economic objectives. Option 2 would have greater positive effects in relation to mitigating climate change through the requirement to consider carbon implications at the planning application stage. It may indirectly also have stronger positive effects in relation to air quality as it may promote better logistical practice and fuel efficiency as an alternative to using non road transport. Under both options the likely social and environmental impacts experienced in relation to the landscape, human health and well-being and biodiversity will be dependent upon the location, type and scale of additional infrastructure as well as the frequency of its use. The majority of effects at the stage are therefore dependent upon implementation.</p> <p>Recommendations While Option 2 performs marginally better than Option 1 (on account of its positive climate change and air pollution effects) positive effects could be further enhanced at the policy development stage via a strong policy arising from this option, which could require the consideration of non-road forms of transport wherever possible and require a justification for not utilising them.</p>							
Number of consultation responses							
Total Number of comments against id:	26						
Question 131) Do you support the options presented above?	Number of respondents: 21						
	<table border="1"> <tr> <td>Option 1: 4 <i>MWI: 3</i></td> <td>Combination: 6 <i>Local Authorities: 1</i></td> </tr> <tr> <td>Option 2: 10 <i>Local Authorities: 1</i></td> <td>Did Not Specify: 1 <i>SC: 1</i></td> </tr> <tr> <td></td> <td>None: 0</td> </tr> </table>	Option 1: 4 <i>MWI: 3</i>	Combination: 6 <i>Local Authorities: 1</i>	Option 2: 10 <i>Local Authorities: 1</i>	Did Not Specify: 1 <i>SC: 1</i>		None: 0
	Option 1: 4 <i>MWI: 3</i>	Combination: 6 <i>Local Authorities: 1</i>					
	Option 2: 10 <i>Local Authorities: 1</i>	Did Not Specify: 1 <i>SC: 1</i>					
	None: 0						

Question 132) Are there any other options that should be considered in relation to transport infrastructure?	Number of respondents: 5 SC: 0 MWI: 0 Local Authorities: 1
Brief overview of consultation responses	
<p>Key Messages Q131)</p> <p><i>Option 1:</i></p> <ul style="list-style-type: none"> • Supports the encouragement of non-road transport infrastructure, where viable and cost effective <p><i>Option 2:</i></p> <ul style="list-style-type: none"> • Carbon implications of development should be considered and the requirement for a carbon assessment is appropriate • Sites with rail and canal access should be prioritised • Option 2 is considered unworkable, the requirement for carbon impact reports with every minerals proposal is unreasonable <p><i>Option 1+2:</i></p> <ul style="list-style-type: none"> • Supports the active encouragement of water transport • Safeguard existing railheads and water transport infrastructure <p><i>General comments on the Options:</i></p> <ul style="list-style-type: none"> • Sites should be located near roads which can accommodate large HGVs • Only in cases where it is evident that there is an alternative transport option should additional information be sought <p>Key Messages Q132)</p> <p>A range of alternative options were suggested in the responses, these are detailed in the 'Suggested new options Chapter 7 – Transport table' along with justification as to why they have or have not been taken forward. None of the suggested options have been taken forward.</p> <p>General)</p> <ul style="list-style-type: none"> • Take into account the carbon impacts of transport modes 	
SA of options including alternatives	
N/A	
Joint Authorities response to consultation responses	
<p>Mixed views were received regarding the potential requirement for carbon assessments in support of applications. It is agreed that it would not be appropriate to require such assessments for all applications. However, there may be circumstances where it would be reasonable to require such an assessment, particularly where a potential opportunity for use of alternative transport modes exists in relation to a particular proposal yet the proposal seeks to rely solely or primarily on road transport. It is also agreed that use of alternative transport modes is only likely to be realistic where there is existing suitable infrastructure or the development is of sufficient scale to justify the necessary investment in new facilities. The need to safeguard important transport infrastructure is acknowledged and addressed under a separate policy. As most minerals and waste transportation involving use of alternative transport modes is still likely to involve an element of road transport as part of a multi-modal assessment, it is agreed that locations which are well located to the main road network will also be necessary.</p>	
Evidence base update	

New evidence as of January 2015.

The Selby Local Plan (adopted since undertaking Issues and Options consultation on the Joint Plan) supports the reuse of buildings at the former Gascoigne Wood mine site provided the development utilises the existing rail link there. Gascoigne Wood is well located on the rail network and has sidings which are able to take the longest length of train commodity used on the rail network and they are accessible at both ends. The Selby Local Plan also supports the expansion of the Selby rail freight terminal operated by the Potter Group, where an existing aggregates importation business operates.

A proposal is currently under consideration for construction of a pipeline to link the Knapton gas generating station with gas fields in the Ryedale area.

A Carbon Capture and Storage proposal is currently under consideration where a pipe line would be used to transport carbon from Drax to a storage facility under the sea.

A revised application for extraction of polyhalite in the NYMNP area includes proposals for an underground conveyor system to transport mineral from a minehead in the NYMNP to processing facilities on Teesside.

Duty to Cooperate

Is this a duty to cooperate matter? No

Discussion around development of preferred policy approach

National planning policy encourages the use of non-road transport where feasible, so it is important to provide corresponding support in the Plan through an appropriate policy.

The majority of respondents supported Option 2 or a combination of Options 1 and 2 where cost effective. Option 2 is reliant on Option 1 being taken forward.

Some minerals industry representations considered that a requirement for carbon assessment was unreasonable for every case, and should only be required where it is evident that there is an alternative to use non road transport.

The SA states that Option 2 performs slightly better than Option 1, and that positive effects could be further enhanced by producing a strong policy where the use of non-road transport should be considered wherever possible and require a justification for not utilising them.

The preferred approach is Option 1 combined with a modified version of Option 2, amended so that only proposals for larger scale movements will require a carbon assessment. It is also considered appropriate to make reference to the need for sites using sustainable transport modes to also be well located in relation to the highway network as it is likely that road transport will still be needed for movements from sources of arisings (waste) or markets (minerals).

Preferred policy approach – title changed to I01: Minerals and waste transport infrastructure

The development of rail, water, pipeline or conveyor transport infrastructure or use of existing such infrastructure will be encouraged and supported for the transport of minerals and waste produced or arising in the Plan area, as well as for the reception of any large scale imports of minerals or waste into the area.

Where minerals or waste development involving the movement of an average of more than 250,000tpa of minerals or waste is involved, proposals should demonstrate that consideration has been given to the potential to move the materials by non-road

means and where such potential is considered to exist should include a relative assessment of the benefits of the various modes considered in terms of carbon emissions.

Proposals involving the development of, or use of existing, non-road transport infrastructure (other than pipelines and conveyor systems) should also be well located in relation to the main road network in order to facilitate multi-modal movements of minerals and waste and will be required to demonstrate compliance with other relevant development management policies in the Plan. Where new minerals or waste transport infrastructure is proposed in the Green Belt the development should preserve openness and be consistent with the purposes of Green Belt designation.

Availability of sustainable minerals supply infrastructure is supported through a site allocation for the rail reception, handling and onward distribution of aggregate at:

Land at Barlby Road, Selby (MJP09)

Supporting text

The majority of mineral and waste movements in the Plan area are by road and this is likely to be the case for the foreseeable future due to factors including the dispersed pattern of markets and sources of production, economic factors and a relative scarcity of suitable infrastructure to facilitate non-road transport. Key exceptions currently include gas, which is transported by pipeline from production wells to the Knapton generating station, coal which is transported by rail from Kellingley Colliery, potash from Boulby Mine and small amounts of aggregate, which are imported into two rail linked facilities in the Selby area. Movement of waste is exclusively by road.

National policy encourages use of non-road transport wherever feasible and use of suitable alternatives to road can have benefits in terms of reducing overall environmental and amenity impacts.

As development of new non-road transport infrastructure is likely to require very substantial investment, relative to the likely volumes of material requiring movement at any particular locations in the Plan area, it is expected that in most cases additional rail and water transport will involve the bringing into use of existing inactive infrastructure rather than the building of new wharves or railheads. There may be greater potential for the development of new pipelines for the transport of gas and the use of conveyor systems, as these are less dependent on the location of pre-existing other infrastructure and may in some cases require less overall investment.

As use of alternative transport modes is more likely to be viable for larger volume movements, due to economies of scale, proposals for movements in excess of 250,000tpa should be accompanied by an assessment of the potential to move the minerals and/or waste by non-road means. As part of this, the assessment should consider the likely differences in overall carbon emissions associated with the different modes considered and take these differences into account in the findings of the assessment.

As in many cases use of non-road transport modes will need to operate alongside an element of road transport (for example for distribution of minerals products to local markets, or the receipt of waste materials for onward bulk transport) proposals for development of new non-road transport infrastructure for minerals and waste, or the use of existing infrastructure for minerals and waste transport, should also be well located in relation to the main road network to help minimise overall impacts. Key exceptions to this may include the development of pipelines or conveyor systems for the direct transfer of minerals or waste products between production and processing facilities.

In all cases, proposal for development of new sustainable transport infrastructure, or the use of existing infrastructure, should be consistent with relevant development control policies in the Plan to ensure that unacceptable adverse impact on the environment or local amenity does not arise.

Links to Objectives and Policies

Link to Objectives

Objective 6

Objective 7

Objective 8

Objective 10

Objective 11

Links to other relevant policies in the Plan

Id02: Locational approach to new sources of supply of aggregate

Id51: Overall locational principles for provision of new waste capacity

Id55: Transport infrastructure safeguarding

Id56: Locations for ancillary minerals infrastructure safeguarding

Id58: Presumption in favour of sustainable minerals and waste development

Id59: Local amenity and cumulative impacts

Id60: Transport of minerals and waste and associated impacts

Id62: Minerals and waste development in the Green Belt

Id68: Sustainable design, construction and operational development

SA/SEA

Summary of assessment

This policy is likely to have some positive impacts through the retention of the existing rail, pipeline and water transportation infrastructure and support for the development of new infrastructure. These positive effects relate to reducing the need to transport minerals and waste by road with knock on benefits in relation to air quality, climate change, amenity and the economy. Impacts are uncertain in relation to a number of the environmental objectives such as biodiversity, water quality, landscape and cultural heritage as impacts will be dependent upon the location, type and scale of additional infrastructure as well as the frequency of its use. Negative impacts may occur as a result of construction on new transport links such as loss of habitats, impacts upon the setting of historic assets or loss of archaeology and landscape impacts.

Recommendations

It is considered that positive effects could be further enhanced by adding a requirement for the consideration of non-road forms of transport wherever possible (rather than just for larger scale sites) and requiring a justification for not utilising them.

Part 2- Preferred options to Publication

Consultation Responses to Preferred Options

Non-road transport Infrastructure for minerals and waste

7.2 Minerals and waste tend to be high bulk, often low value products which need to be moved from source to market or point of management. The majority of minerals and waste sold or managed in the Joint Plan area is transported by road via the existing highway network. Road transport is not usually the most sustainable form of transport due to emissions, congestion and other impacts, including on local amenity.

However, in many cases it may be the only viable option because of the absence of suitable alternatives, or because the scale or pattern of movements involved does not justify the investment required to bring alternative arrangements in to use. Key exceptions to road transport of minerals in the Plan area include gas, which is transported by pipeline from production wells to the Knapton generating station, potash from Boulby Mine which is transported by rail and the importation of small amounts of aggregate by rail in the Selby area. Movement of waste is exclusively by road.

- 7.3 The NPPF aims to encourage sustainable methods of transportation, stating that ‘encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion’. As sources of supply and demand for minerals are relatively dispersed, as are locations of waste arisings and management, road transport is likely to remain the main method of transport for minerals and waste produced or arising in the Joint Plan area for the foreseeable future. However, the potential benefits of alternative forms of transport, together with the support provided in national policy to use of such alternative transport modes, suggests that this is an issue the Plan should address. It will therefore be important to support any such opportunities that do arise, and to seek to protect relevant infrastructure. Safeguarding of minerals and waste transport infrastructure is addressed in Chapter 8.
- 7.4 There is a limited distribution of rail and water transport infrastructure suitable, or potentially suitable, for minerals and waste in the Joint Plan area and the majority is concentrated in Selby District. However, other parts of the network may have further potential or are currently used. For example, in the past crushed rock has been transported by rail from a quarry near Leyburn and until recently coal was transported by rail from Kellingley Colliery, where infrastructure still exists. The map below shows the rail and waterways network as well as known locations of existing rail and water transport infrastructure in the area. These have been identified as they are either in current use for such activity or are understood to have been used previously for this purpose, or for the transport of other bulk products, and have not yet been subject to redevelopment for other uses.

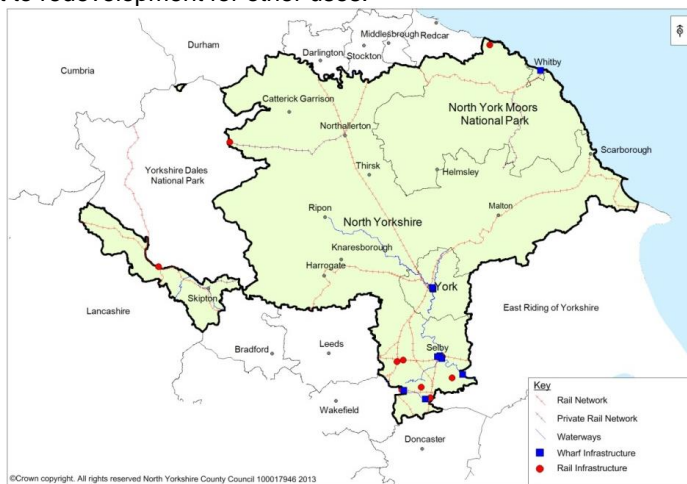


Figure 18: Wharf and rail infrastructure

- 7.5 A shift towards increased use of rail or water transport in the Joint Plan area would most likely arise through the bringing into use of existing infrastructure which is currently inactive, as this is likely to require less investment, and where substantial volumes of minerals or waste require transporting to particular destinations for sale or

processing and the need for double handling can be avoided or minimised.

Policy I01: Minerals and waste transport infrastructure

The development of rail, water, pipeline or conveyor transport infrastructure, or use of existing infrastructure, will be encouraged and supported for the transport of minerals and waste produced or arising in the Plan area, as well as for the reception of any large scale imports of minerals or waste into the area.

Where proposals for minerals or waste development would be located in close proximity to an existing wharf or rail head, they should include information to demonstrate that the potential for use of such facilities has been considered and, where practicable, should prioritise use of alternatives to road transport.

Proposals involving the development of, or use of existing, non-road transport infrastructure (other than pipelines and conveyor systems) should also be well located in relation to the main road network in order to facilitate multi-modal movements of minerals and waste and will be required to demonstrate compliance with other relevant development management policies in the Plan. Where new minerals or waste transport infrastructure is proposed in the Green Belt the development should preserve openness and be consistent with the purposes of Green Belt designation.

Availability of sustainable minerals supply infrastructure is supported through a site allocation for the rail reception, handling and onward distribution of aggregate at:

Land at Barlby Road, Selby (MJP09)

Proposals for development of this site will be required to take account of key sensitivities and incorporate the necessary mitigation measures that are set out in Appendix 1.

Main responsibility for implementation of policy: NYCC, CYC, NYMNPA and Minerals and Waste Industry

Key links to other relevant policies and objectives

I02, S04, D01, D02, D03, D05, D11 | *Objectives 6, 7, 8, 10, 11*

Monitoring: Monitoring indicator 37 (see Appendix 3)

Comment [MS211]: 3704/ 1239 (Cuadrilla) the policy should recognise that the different phases of gas extraction have different impacts
 Note – the policy is generic and covers all minerals and waste, so not reasonable to add in phases of gas extraction.

Policy Justification

- 7.6 National policy encourages use of non-road transport wherever feasible and use of suitable alternatives to road can have benefits in terms of reducing overall environmental and amenity impacts.
- 7.7 As development of new non-road transport infrastructure is likely to require very substantial investment, relative to the likely volumes of material requiring movement at any particular locations in the Plan area, it is expected that in most cases additional rail and water transport will involve the bringing into use of existing inactive or under-used infrastructure rather than the building of new wharves or railheads. There may be greater potential for the development of new pipelines for the transport of gas and the use of conveyor systems, as these are less dependent on the location of pre-existing other infrastructure and may in some cases require less overall investment.
- 7.8 For minerals and waste development proposals which are located in close proximity to sustainable transport infrastructure, it is therefore important that consideration is

given to the potential for such facilities to be used. The undertaking of a Transport Assessment (see Policy D03) provides an opportunity to address this issue.

- 7.9 As in many cases use of non-road transport modes will need to operate alongside an element of road transport (for example for distribution of minerals products to local markets, or the receipt of waste materials for onward bulk transport) proposals for development of new non-road transport infrastructure for minerals and waste, or the use of existing infrastructure for minerals and waste transport, should also be well located in relation to the main road network to help minimise overall impacts. Key exceptions to this may include the development of pipelines or conveyor systems for the direct transfer of minerals or waste products between production and processing facilities.
- 7.10 In all cases, proposals for development of new sustainable transport infrastructure, or the use of existing infrastructure, should be consistent with relevant development management policies in the Plan to ensure that unacceptable adverse impact on the environment or local amenity does not arise.
- 7.11 During preparation of the Plan a site at Barby Road, Selby (MJP09) was put forward for consideration for allocation for the reception of aggregates by rail. This site is currently operational and helps contribute to the sustainable transport and supply of aggregate within the Plan area. However, its permitted life is linked to that of an adjacent roadstone coating plant and the longer term availability of rail-linked aggregates reception is uncertain. The allocation has been put forward in order to help secure this use in the longer term. The site has been assessed and is considered suitable for allocation and is therefore identified in the Plan as an allocation for rail reception, handling and onward distribution of aggregate.

SA/SEA

Summary of assessment

This policy is likely to have some positive impacts through the retention of the existing rail, pipeline and water transportation infrastructure and support for the development of new infrastructure. These positive effects relate to reducing the need to transport minerals and waste by road with knock on benefits in relation to air quality, climate change, amenity and the economy. Impacts are uncertain in relation to a number of the environmental objectives such as biodiversity, water quality, landscape and cultural heritage as impacts will be dependent upon the location, type and scale of additional infrastructure as well as the frequency of its use. Small scale negative impacts may occur as a result of construction on new transport links such as loss of habitats, impacts upon the setting of historic assets or loss of archaeology and landscape impacts.

Recommendations

None noted.

Overall Summary of Reasons for Change

Caudrilla submitted a comment suggesting that the different phases of development for gas extraction should be taken into account as they each have different requirements. The Policy is an overarching one which covers all minerals and waste development, it is not considered reasonable to add in specific details about different phases of gas development.

There were several comments submitted relating to the 250,000tn threshold proposed, one comment supported the use of the threshold but the majority did not support the inclusion of any threshold. As a result the threshold has been removed altogether and emphasis placed on the operator to assess the feasibility of using non road transport for any new minerals or

waste development. The specific reference to carbon assessment has also been removed as it is expected that achievement of modal shift would generate a net benefit in terms of carbon emissions.

Development of Policy: I02 Locations for ancillary minerals infrastructure.

Part 1 - Issues and Options to Preferred Options

Id56 - Locations for ancillary minerals infrastructure	
<i>Options presented at Issues and options stage</i>	<p>Option 1: This option would support locating ancillary minerals infrastructure on active mineral extraction sites (including sites for the production of secondary aggregate) provided the following criteria are met:</p> <ul style="list-style-type: none"> • The ancillary minerals infrastructure produces a ‘value added’ product based mainly on the mineral extracted at the site • The process or development does not create significant additional adverse impact on local communities, businesses or the environment • The process or development does not significantly increase the overall amount of road transport to and from the site • The development is linked to the overall life of extraction at the site, unless the location is appropriate to its retention in the longer term. <p>OR</p>
	<p>Option 2: This option would be the same as Option 1 except that support would only be provided where the ‘host’ site would be located outside the North York Moors National Park and AONBs. Ancillary infrastructure related to extraction sites in National Parks or AONBs would need to be located outside of these areas.</p> <p>AND/OR</p>
	<p>Option 3: This option would support the development of ancillary minerals infrastructure away from mineral extraction sites provided the following criteria are met:</p> <ul style="list-style-type: none"> • The site is located on industrial or employment land, previously developed land, or would be co-located with other compatible industrial or commercial development • The site is located within or near to major settlements or other known market destination where the product will be used • The site has good access to the transport network • The development would not create significant adverse impact on local communities, businesses or the environment. <p>OR</p>
	<p>Option 4: This option would be the same as Option 3 except that support would only be provided where the site would be located outside the North York Moors National Park and AONBs, with the exception of Whitby Business Park which already contains ancillary infrastructure.</p>
What the SA told us	
All of the options are likely to have positive effects on the economy through supporting ancillary functions associated with minerals extraction and processing, although Option 3 in conjunction with Option 1 would provide the greatest flexibility in this respect.	

All of the options would support development that would not have significant adverse effects on the environment (which is positive). Minor negative effects in terms of transport miles are likely to be greater under Options 3 and 4 where an additional location may be added into the overall supply chain, although these options are likely to have positive effects through reducing the amount of greenfield land required. Options 2 and 4 would have significant positive benefits in terms of landscape and recreation by protecting the National Park and the AONBs. Many of the effects identified are location and use dependent which creates uncertainty on the overall effects from the options. In particular, the type of use would influence the effects on dust, odour and noise on adjacent uses / the local community. This is particularly relevant for Options 3 and 4 which would guide ancillary functions to previously developed land and industrial locations, which are most likely to be located nearer to local communities.

Recommendations

Overall it is considered that Options 2 and 4 would have the most sustainability benefits but may be more applicable to different ancillary functions. The SA recommends that they could be combined to optimise positive effects.

Number of consultation responses

Total Number of comments against id:	18	
Question 136) Do you have a preference for any of the options presented above?	Number of respondents: 17	
	Option 1: 6 SC: 1 MWI: 3 Local Authorities: 1	Combination: 7 Opt. 1+3: 3 MWI: 2 Opt. 1+4: 1 Local Authorities: 1 Opt. 2+4: 3 SC: 1
	Option 2: 3 MWI: 1	Did Not Specify: 0
	Option 3: 0	None: 0
	Option 4: 1	
Question 137) Are there any alternative options that the Authorities should consider in relation to ancillary minerals infrastructure?	Number of respondents: 0 SC: 0 MWI: 0 Local Authorities: 0	

Brief overview of consultation responses

Key Messages Q136:

Option 1:

- Ensures proposals do not significantly increase road transport
- Co-location of other operations at mineral sites is a logical and sustainable extension to the production output of sites
- Supports facilities at existing mineral extraction sites
- Ancillary minerals infrastructure is best located at mineral extraction sites and should be able to accept material from sites other than where it is located

Option 2:

- Provides balance between locating facilities close to source material whilst protecting National Parks and AONBs

Option 1+3:

- May be possible to locate ancillary plant infrastructure but not compromise the objectives of designating National Park and AONBs

Option 1+4:

- Protects designations within the National Park but is flexible outside

Key Messages Q137:

No alternative options put forward.

General:

- *There is a gap in the market for an asphalt plant*

SA of options including alternatives

N/A

Joint Authorities response to consultation responses

The range of views received in response to consultation on this issue is noted. It is agreed that in many, but not all, cases minerals extraction sites represent appropriate locations for ancillary developed and that a limited degree of importation of materials to serve ancillary activities could be reasonable. In relation to ancillary activities in NPs and AONBs, it is also agreed that some ancillary activities at existing quarries could be appropriate where they would not lead to any adverse impact on the designation. In this respect ancillary activities resulting in increased overall traffic movements in the designated area would be unlikely to be appropriate.

Evidence base update

No new evidence as of January 2015.

Duty to Cooperate

Is this a duty to cooperate matter? No

Discussion around development of preferred policy approach

The Joint Plan area currently has ancillary infrastructure located on active mineral extraction sites and stand-alone sites.

The majority of support was for Option 1 on its own. Several combinations were suggested. The combination most supported by industry was Option 1 plus Option 3, supporting ancillary infrastructure on active minerals sites and also supporting ancillary minerals infrastructure away from active mineral extraction sites on industrial estates or employment land. Support was also given for siting ancillary minerals infrastructure outside the National Park and AONBs, although industry did suggest that ancillary infrastructure could be located on mineral sites within the National Park and AONBs without compromising the objectives of the designations. It is acknowledged that this could be the case in some limited circumstances. It is further considered that a distinction could be drawn between the AONB areas, where a number of active quarries are present, some of which already host ancillary activities, and the North York Moors National Park area, where there are no active mineral workings.

One consultee stated that the Plan should not specify that materials used in the ancillary process should come mainly from the site it is based on; considering instead that existing mineral sites provide a good location for most ancillary minerals facilities irrespective of whether they mainly use minerals extracted from the site at which they are located. It is not agreed that this will always be the case, for example where the minerals site is located relatively far from markets, or is not well located in relation to transport routes. Where substantial importation of materials is required in many cases it may be more appropriate for the activity to take place at stand-alone sites for example on well-located industrial estates.

It should be noted that where free standing ancillary infrastructure is proposed in locations within the two tier (NYCC) part of the Joint Plan area it will constitute a District matter and therefore be outside the scope of the Plan.

In order to reflect the specific range of circumstances across the Plan area the preferred approach is based on a combination of elements of Options 1, 3 and 4.

Preferred policy approach- title changed to I02: Locations for ancillary minerals infrastructure

Development of ancillary minerals infrastructure at active minerals extraction sites and sites producing secondary aggregate will be supported provided the following criteria are met:

- **The ancillary development produces a ‘value added’ product based mainly on the mineral extracted or secondary aggregate produced on the host site, and**
- **The development does not create significant additional adverse impact on local communities, businesses or the environment, and**
- **The development does not unacceptably increase the overall amount of road transport to or from the host site, and**
- **Where the host site is located in the Green Belt the ancillary development would preserve openness and the purposes of Green Belt designation, and**
- **The development is linked to the overall life of minerals extraction or supply of secondary aggregate at the host site, unless the location is appropriate to its retention in the longer term.**

Within the City of York area development of ancillary minerals infrastructure will also be supported provided the following criteria are met:

- **The site is located on industrial or employment land, previously developed land, or would be co-located with other compatible industrial or commercial development, and**
- **The site has good access to the transport network, and**
- **The development would not create significant adverse impact on local communities, businesses or the environment.**

Siting of minerals ancillary infrastructure within the North York Moors National Park will only be supported where it would be located within the Whitby Business Park identified on the Policies map.

Supporting text

Minerals ancillary infrastructure includes facilities such as ready mixed concrete plants, roadstone coating plants, block making facilities and aggregates bagging plant which produce aggregates based products with added value. These processes are of industrial character and are all dependent on aggregate as a key raw material. Ancillary infrastructure may sometimes be located at existing aggregates quarries (or sites producing secondary or recycled materials) where they can receive supply of some necessary raw materials directly from the host quarry, or they may be located on free-standing sites such as on industrial estates, where they will be dependent on import of all raw materials.

In some cases ancillary activities, together with their associated plant and buildings, may constitute permitted development under the Town and Country Planning (General Permitted Development) Order 1995 (as amended). A further consideration is that within the two-tier part of the Joint Plan area development of this nature does not fall under the remit of North Yorkshire County Council as Mineral Planning Authority but will be the responsibility of the District and Borough Councils. Within the City of York and the North York Moors National Park, which are the unitary planning authority areas, proposals for free standing ancillary

development will be within the scope of the Joint Plan.

Both active quarries and free standing sites may, in some circumstances, be appropriate locations for ancillary development. In many cases quarries will be suitable locations, particularly where a substantial proportion of the raw materials to be used are supplied directly from the host quarry, as this can help minimise overall transport movements. However, where substantial reliance on imported raw materials is needed, it may be preferable for ancillary activities to take place on free standing sites well located to transport networks and key markets for the products. In all cases it will be necessary to ensure that the ancillary activity will not result in unacceptable impact on the environment or local communities and businesses.

There are a small number of existing minerals extraction sites in AONBs in the NYCC area. Where ancillary development is proposed at quarries in the AONBs particularly high standards of siting, design and mitigation will be needed to ensure that any impacts will be acceptable. Mineral extraction sites may sometimes be located in the Green Belt. Where ancillary development is proposed in such locations it will be important to ensure that it would not compromise the purposes of the Green Belt designation or the openness of the Green Belt. Long term retention, beyond the associated period of mineral extraction, will not be appropriate in such locations.

There are currently no mineral workings in the National Park but a free standing concrete batching plant is located on a small industrial estate within the Park near Whitby. Environmental constraints in the National Park suggest it will not be appropriate to support further development of ancillary infrastructure elsewhere in this part of the Plan area.

Links to Objectives and Policies

Link to Objectives:

Objective 6

Objective 7

Objective 8

Links to other relevant policies in the Plan:

Id02: Locational approach to new sources of supply of aggregate

Id14: Supply of alternatives to land won primary aggregates

Id50: Managing power station ash

Id57: Minerals ancillary infrastructure safeguarding

Id58: Presumption in favour of sustainable minerals and waste development

Id59: Local amenity and cumulative impacts

Id60: Transport of minerals and waste and associated impacts

Id61: North York Moor National Park and AONB

Id62: Minerals and waste development in the Green Belt

Id68: Sustainable design, construction and operation of development

SA/SEA

Summary of assessment

In the main the protections in this policy will avoid significant effects on the environmental objectives, though uncertainty is often noted due to uncertainty over locations where minerals ancillary infrastructure would take place and how 'additional significant environmental effects' may be interpreted by different developers, particularly if the host site already has significant impacts.

Elsewhere, mixed effects are often reported. For instance, the economic objective notes how this policy helps to add value to minerals products, but also the potentially restrictive nature of the policy which may make some development more difficult to achieve. The community vitality and health and wellbeing objectives note that synergies between different impacts,

such as traffic, noise and visual impacts may together result in minor significant effects on perceptions of an area or on wellbeing.

Recommendations

Given that secondary aggregate processing may have significant water impacts policy DO9 should be referred to in the key links to other relevant policies and objectives. In addition, to address synergies between effects, policy D02's reference to cumulative effects could be clarified in that policy's supporting text so that it includes synergies between different types of effect.

Part 2- Preferred options to Publication

Consultation Responses to Preferred Options

Minerals Ancillary Infrastructure

- 7.12 In addition to transport infrastructure, supply of minerals is supported by a range of other associated infrastructure. This includes facilities such as plant and equipment for routine processing or preparing for sale of minerals extracted at the site. In certain circumstances these ancillary activities, together with their associated plant and buildings, may constitute permitted development under the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
- 7.13 In some cases quarries, or sites for the supply of secondary or recycled aggregate, may also host specialist plant or operations for processes such as manufacture of ready mixed concrete, roadstone coating and block making, which typically produce aggregates based products with value added, serving a range of market requirements. The policies in this section are concerned with this type of development. An important aspect of these additional activities, which are of industrial character, is that they are all dependant on the availability of mineral as a key raw material, but are not in themselves essential for the initial extraction and processing of the primary mineral itself. Where ancillary infrastructure is located at the site of extraction this can have the benefit of adding value before the raw material leaves the site and thus help reduce the overall volume of material transported. It can also enable provision of range of complementary products from a single location.
- 7.14 However, such development is not constrained to a particular location in the way minerals extraction is and, in some instances, infrastructure of this type may be in 'freestanding' locations, such as on industrial or employment land. In some cases this can represent a more sustainable approach, particularly where a wide range of minerals or other raw materials not available at the quarry site are required as part of the process.
- 7.15 Supply of recycled aggregate is partly dependent upon the amount of construction, demolition and excavation waste (CDEW) that is produced, which in turn is influenced by the level of construction activity taking place. Recycled aggregate may be produced from CDEW at certain types of waste management sites and some construction sites use mobile equipment to convert CDEW into recycled aggregate for immediate reuse either on the same site or elsewhere. Some existing quarry sites also act as sites for the production and supply of recycled aggregate, through import for blending with primary minerals worked at the site. Evidence suggests that the rate of reuse of CDEW is already high. To ensure this is maintained sites and proposals in suitable locations which would help reduce or recycle CDEW should be supported by policy.

Comment [MS212]: 2970/2244- it is important to keep hydrocarbon development away from built up areas to prevent health risks and pollution. Note – production and processing requirements for hydrocarbons development is addressed in the hydrocarbons policies.

Policy I02: Locations for ancillary minerals infrastructure

Development of ancillary minerals infrastructure at active minerals extraction sites and sites producing secondary aggregate will be supported provided the following criteria are met:

- The ancillary development produces a ‘value added’ or complementary product based mainly on the mineral extracted or secondary aggregate produced on the host site; and
- The development does not create significant additional adverse impact on local communities, businesses or the environment; and
- The development does not unacceptably increase the overall amount of road transport to or from the host site; and
- Where the host site is located in the Green Belt the ancillary development would preserve openness and the purposes of Green Belt designation; and
- The development is linked to the overall life of minerals extraction or supply of secondary aggregate at the host site, unless the location is appropriate to its retention in the longer term.

Within the City of York area development of ancillary minerals infrastructure will also be supported provided the following criteria are met:

- The site is located on industrial or employment land, previously developed land, or would be co-located with other compatible industrial or commercial development; and
- The site has good access to the transport network; and
- The development would not create significant adverse impact on local communities, businesses or the environment including heritage assets.

The siting of ancillary minerals infrastructure within the North York Moors National Park will only be supported where it would be located within the Boulby mine surface site or Doves Nest Farm surface mine site if developed, or within the Whitby Business Park identified on the Policies Map.

Main responsibility for implementation of policy: NYCC, CYC and NYMNP and Minerals Industry

Key links to other relevant policies and objectives

M11, W05, W09, S05, D01, D02, D03, D04, D05, D10, D11	Objectives 6, 7, 8
-------------------------------------------------------	--------------------

Monitoring: Monitoring indicator 38 (see Appendix 3)

Comment [MS213]: 0252 (York Potash) 0911-The continuing need for ancillary infrastructure, not directly producing a ‘value-added’ product but serving another purpose, cannot be excluded. Note – add ‘or complementary’ into text

Comment [MS214]: 0115 (MPA) 0648 This should be flexible. In certain circumstances the contribution from on-site material is the minority but it still is the most appropriate option to use this location to serve customers and minimise overall travel. As long as there is a demonstrable link between the site in question, and the environmental impacts are acceptable, the activity should be allowed. Note – It is not considered appropriate to revise the policy in this way. Minerals extraction typically takes place in open countryside locations as a result of the fact that minerals can only be worked where they occur. Whilst limited importation of materials for ancillary purposes may be justified in some cases, it is likely that development requiring proportionately larger imports of raw materials would be more sustainably sited in industrial or other locations rather than on quarry sites in open countryside locations.

Comment [MS215]: 0252 (York Potash) 0911-this paragraph undermines the policy. There is insufficient flexibility to provide for ancillary mine related infrastructure which may not be suitable for location at Whitby business park. The policy contradicts M23 which supports new non-major surface development associated with mines in the NP. Note, infrastructure at Doves Nest Farm not ancillary – so this statements stands, further explanation provided in Policy Justification.

Policy Justification

- 7.16 Within the two-tier part of the Joint Plan area development of this nature falls to be determined by the County Council where it would be located within a site permitted for mineral working. Development at freestanding sites will be the responsibility of the District and Borough Councils. Within the City of York and the North York Moors National Park, which are unitary planning authority areas, proposals for free standing ancillary development will be within the scope of the Joint Plan.
- 7.17 Both active quarries and free standing sites may, in some circumstances, be appropriate locations for ancillary development. In many cases quarries will be suitable locations, particularly where a substantial proportion of the raw materials to be used are supplied directly from the host quarry, as this can help minimise overall transport movements. However, where substantial reliance on imported raw materials is needed, it may be preferable for ancillary activities to take place on free standing sites well located to transport networks and key markets for the products. In all cases it will be necessary to ensure that the ancillary activity will not result in unacceptable impact on the environment or local communities and businesses.

- 7.18 There are a small number of existing minerals extraction sites in AONBs in the NYCC area. Where ancillary development is proposed at quarries in the AONBs particularly high standards of siting, design and mitigation will be needed to ensure that any impacts will be acceptable.
- 7.19 Although the Boulby Mine surface site and, if developed the Doves Nest Farm polyhalite mine surface site, would both be located in the National Park, these are primary processing facilities rather than ancillary infrastructure. There is currently no ancillary infrastructure located at any mineral workings in the National Park but a free standing concrete batching plant is located on a small industrial estate within the Park near Whitby and a mineral railway is in place to transport material from the Boulby potash mine to Teesport. Environmental constraints in the National Park suggest it will not be appropriate to support further development of ancillary infrastructure elsewhere in this part of the Plan area.

SA/SEA

Summary of assessment In the main the protections in this policy will avoid significant effects on the environmental objectives, though uncertainty is occasionally noted due to uncertainty over locations where minerals ancillary infrastructure would take place and how 'additional significant environmental effects' may be interpreted by different developers, particularly if the host site already has significant impacts.

Elsewhere, mixed effects are often reported. For instance, the economic objective notes how this policy helps to add value to minerals products, but also the potentially restrictive nature of the policy which may make some development more difficult to achieve. The community vitality and health and wellbeing objectives note that synergies between different impacts, such as traffic, noise and visual impacts may together result in minor significant effects on perceptions of an area or on wellbeing.

Recommendations Given that secondary aggregate processing may have significant water impacts policy DO9 should be referred to in the key links to other relevant policies and objectives. In addition, to address synergies between effects, policy D02's reference to cumulative effects could be clarified in that policy's supporting text so that it includes synergies between different types of effect.

Overall Summary of Reasons for Change

It was pointed out that in the Policy Justification text it states that there are no mineral workings in the National Park, this is inaccurate and the wording has been changed to 'no ancillary infrastructure located at any of the mineral workings in the National Park', and the infrastructure proposed at Doves Nest Farm is primary infrastructure not ancillary.

The first bullet point of the policy was viewed as being inflexible by just considering 'value added' products, the word 'complementary' has been added in to make it more flexible.

The Minerals Product Association made the point that as well as the material generated from the site there is the option of locating additional products at the site and revising the policy to reflect this. It is not considered appropriate to revise the policy in this way. Minerals extraction typically takes place in open countryside locations as a result of the fact that minerals can only be worked where they occur. Whilst limited importation of minerals for ancillary purposes may be justified in some cases, it is likely that development requiring proportionately larger imports of raw materials would be more sustainably sited in industrial or other locations rather than quarry sites in open countryside locations.

Comments were made in relation to including hydrocarbon development in the policy but production and processing requirements of hydrocarbon development are addressed in the hydrocarbon policies elsewhere in the Plan.

Minor revisions to the Policy have also been made to reflect the approach in the North York Moors National Park.

Development of Policy S01: Safeguarding mineral resources.

Part 1 - Issues and Options to Preferred Options

Policy id06: Safeguarding sand and gravel	
<i>Options presented at Issues and options stage</i>	Option 1: This option could safeguard all known sand and gravel resources with a 250m buffer zone to help prevent sterilisation from proximal development.
	Option 2: This option could safeguard all known sand and gravel resources with a 100m buffer zone to help prevent sterilisation from proximal development. Provide for a 7 year landbank for concreting sand and gravel over the whole Joint Plan area and a separate 7 year landbank for building sand.
	Option 3: This option would only safeguard sand and gravel resources outside urban areas and National Park and AONB designations.
	Option 4: This option could operate in parallel with other options and would only safeguard sand and gravel resource areas with an identified tonnage of 0.75mt or more.
	Option 5: This option could operate in parallel with other options and would safeguard any additional resources (not identified in the current evidence base) where put forward for allocation as sites or preferred areas and where supported by adequate information to justify the presence of a viable resource.
What the SA told us	
<p>As safeguarding does not infer any sand and gravel development will take place there is generally no predicted effect. Were development to take place it would need to accord with other policies in the Plan.</p> <p>Most of the options perform strongly in terms of minimising the use of resources as well as the economic growth objective as future sterilisation is avoided, thus conserving resources for future economic benefit. Option 1 performs better than Options 2 and 3 in relation to the economy, whilst all of Options 1, 2 and 3 perform strongly in relation to resource efficiency. There are indirect negative effects associated with the reduced buffer size under Option 2 as problems such as proximity of receptors to noise and dust may limit the extent of area which could be worked.</p> <p>Option 4 may be subject to the cumulative effects of more concentrated areas of development if smaller sand and gravel resource areas are sterilised through lack of safeguarding and thus possible future development. Option 5 would strengthen the performance of other options in relation to the economy and resource efficiency where used together with them.</p> <p>Under each option, effects from displacement of development which would have taken place are uncertain as this will depend upon the stringency of any policy approach applied. This will need to be considered when assessing policies at the Preferred Options stage.</p>	
Number of consultation responses	
Total Number of comments against id:	17

Question 17: Do you have a preference for any of the options presented above?	Option 1: 6 (SC/2 MWI/ 1 Local Authorities)	Option 5: 0
	Option 2: 0	Combination: 6 (SC/2 MWI/ 1 Local Authorities)
	Option 3: 1 (1 SC)	Did not specify: 1 (1 LA)
	Option 4: 1 (SC/MWI/ Local Authorities)	None: 0
Question 18: Are there any alternative options that the Authorities should consider relating to safeguarding of sand and gravel resources?	Number of respondents: 2	
Brief overview of consultation responses		
<p>Key messages Q17: Respondents views were mixed with Option 1 and a combination of Options being preferred. Of the combination of options which were put forward by respondents 4 favoured an approach based on Option 1 and Option 5, 1 respondent suggested an approach based on Options 2 and 5 and 1 respondent preferred an approach based on Options 1 and 4.</p> <p>3 respondents did not support an approach which included Option 3 as it is considered that safeguarding should not exclude mineral resources within environmentally important areas and that the matter of maintaining 'landbanks', as used in the justification, should be kept separate to the matter of 'safeguarding'.</p> <p>One respondent considered that threshold used in Option 4 is incorrect and that prior extraction does not have to be in economically viable quantities. The material could be processed on site and used as part of the development, or moved off site for processing. The threshold proposed is only relevant if the site were to become a traditional mineral operation.</p> <p>Key message Q18: A range of alternative options were suggested in the responses, these are detailed in the 'Suggested new options Chapter 5 – Minerals table' along with justification as to why they have or have not been taken forward. The only realistic alternative option was worked up and is detailed below</p> <p>Proposed Option 6</p> <ul style="list-style-type: none"> To safeguard all known sand and gravel resources with a larger buffer zone, 500m has been selected for this. <p><i>Suggested approach</i> <i>Safeguard all known sand and gravel resources with a 500m buffer zone.</i></p>		
SA of options including alternatives		
<p>Summary of assessment</p> <p>As safeguarding does not infer any sand and gravel development will take place there is generally no predicted effect. Were development to take place it would need to accord with other policies in the Plan.</p> <p>Most of the options perform strongly in terms of minimising the use of resources as well as the economic growth objective as future sterilisation is avoided, thus conserving resources for future economic benefit. Options 1 and 6 perform better than Options 2 and 3 in relation to the economy, whilst Options 1, 2, 3 and 6 all perform strongly in relation to resource efficiency and addressing the needs of a changing population. There are indirect negative effects associated with the reduced buffer size under Option 2 as problems such as proximity of receptors to noise and dust may limit the extent of area which could be worked. The positive effects under option 6 are likely to be greater than those resulting from the other options due to the presence of a larger buffer. Option 4 may be subject to the cumulative effects of more concentrated areas of development if smaller sand and gravel resource areas are sterilised through lack of safeguarding and thus possible future development. Option 5</p>		

would strengthen the performance of other options in relation to the economy and resource efficiency where used together with them.
Under each option, effects from displacement of development which would have taken place are uncertain as this will depend upon the stringency of any policy approach applied. This will need to be considered when assessing policies at the Preferred Options stage.

Revised Recommendations

The SA does not show a strong preference for one particular option, though options 2 and 4 are considered less sustainable than options 1 and 6. Option 5 can add some beneficial effects to other options when used together with them.

Joint Authorities response to consultation responses

The preference of the majority of consultees to either Option 1 or a combination of Options 1 and 5 is noted. It is agreed that such an approach would be most in line with the BGS good practice guidance on minerals safeguarding (2011) and work undertaken on safeguarding by BGS on behalf of the Joint Plan authorities. It is not considered that a 500m safeguarding buffer for sand and gravel would be appropriate taking into account the working methods typically used in sand and gravel extraction and the comparatively lower amenity impacts that tend to arise compared with certain types of stone quarries.

Evidence base update

Since the Issues and Options consultation one additional evidence paper has been produced which is relevant to the safeguarding of sand and gravel, this is the Cross boundary Safeguarding Paper August 2014. This paper shows the cross boundary safeguarding of mineral resources including sand and gravel and currently out for consultation as of January 2015.

Duty to Cooperate

Is this is a DtC matter: yes

Consideration has been given to safeguarding of sand and gravel resources across the boundary of the Joint Plan area to help ensure consistency approach. A paper on cross-boundary safeguarding has been produced and subject to consultation with adjacent mineral planning authorities.

Consultation on safeguarding has also taken place with District Councils within the two-tier part of the Joint Plan area.

Discussion around development of preferred policy approach

The majority of consultees supported option 1 or a combination of option 1 and option 5. There was little support for not safeguarding resources in national parks, AONBs and urban areas, or only safeguarding resources over a certain size threshold. An alternative option with a larger buffer zone was also suggested and performed similarly to option 1 in terms of the SA. Work on safeguarding sand and gravel in the Plan area (undertaken by BGS) recommends use of a 250m buffer zone, as well as the safeguarding of resources within designated areas and urban areas. There was support for also safeguarding any additional sand and gravel resources identified in preferred areas or site allocations, where there is adequate geological evidence, even if these were not identified by BGS in their reports on safeguarding. It is considered that a combination of option 1 and option 5 would represent the most appropriate approach.

During the progression of the Preferred Options document a combined minerals safeguarding policy was developed to cover all minerals resources rather than having 11 separate policies. The original policy text is included below followed by the combined policy which is displayed in the Preferred Options document.

Preferred policy approach – Title changed to S01: Safeguarding of mineral resources

- 1) All sand and gravel resources identified on the policies map will be safeguarded for the future. An additional 250m buffer zone around each resource area will also be safeguarded to protect the resource from encroaching development.
- 2) All resources in Preferred Areas or Site Allocations shown on the policies map, along with a 250m buffer zone, will also be safeguarded where they lie outside the resource areas identified in part 1) above.

COMBINED MINERALS SAFEGUARDING POLICY from PREFERRED OPTIONS DOCUMENT

Part one- Surface mineral resources:

The following surface minerals resources and associated buffer zones identified on the policies map will be safeguarded from other forms of surface development to protect the resource for the future :

- i) All crushed rock and silica sand resources with an additional 500m buffer
- ii) All sand and gravel, clay and shallow coal resources with an additional 250m buffer
- iii) Building stone resources and active and former building stone quarries with an additional 250m buffer

Part two – Deep mineral resources:

The following deep mineral resources and associated buffer zones identified on the policies map will be safeguarded from surface development to protect the resource for the future:

- i) Underground coal resources within the Kellingley Colliery licensed area with an additional 700m buffer;
- ii) Underground potash and polyhalite resources within the Boulby Mine licensed area and York Potash indicated and inferred resource area;
- iii) Underground gypsum deposits within the former Sherburn in Elmet Mine planning permission area;
- iv) Vein mineral reserves within extant planning permissions with an additional 250m buffer

Part three – protecting deep mineral resources from other underground minerals development:

Reserves and resources of potash and polyhalite identified on the Policies Map, including a 2km buffer zone, will be protected from sterilisation by other forms of underground minerals extraction and the underground storage of gas or carbon in order to protect the resource for the future.

Supporting text

Safeguarding of minerals resources from alternative forms of development which may prevent their subsequent extraction is an important aspect of sustainable planning for minerals. Effective safeguarding helps preserve finite resources for the future, although there is no presumption that safeguarded resources will be worked. Sensitive development in close proximity to minerals resources can also impact on the ability to work a resource in

future. It is therefore prudent to safeguard a limited buffer zone around the resource. The purpose of safeguarding is not to prevent other forms of development on or near to a resource, but primarily to ensure that the presence of the resource is taken into account when other development proposals are under consideration. This is a particularly important issue within those parts of the Joint Plan area which are 'two tier', with the majority of development decisions taken by the District or Borough Councils rather than the mineral planning authority. In these circumstances, consultation between the District and County Councils will be required where certain other forms of development, with the potential to sterilise minerals resources, are proposed in a safeguarded area. Consultation criteria, including details of those types of development which are exempt from safeguarding, are set out in id71: Consideration of applications in Mineral Consultation Areas.

Links to Objectives and Policies

Links to Objectives
Objective 3

Links to other relevant policies in the Plan:
Id01: Broad geographical approach to supply of aggregates
Id03: Calculating sand and gravel provision
Id04: Overall distribution of sand and gravel provision
Id05: Landbanks for sand and gravel
Id70: Developments proposed within mineral safeguarding areas
Id71: Consideration of applications in mineral safeguarding areas

SA/SEA

Summary of assessment

As safeguarding does not infer that minerals extraction will take place there are generally no predicted direct effects. Were development to take place it would need to accord with other policies in the Plan.
This policy is likely to result in minor to major positive impacts in relation to encouraging the safeguarding of resources, economic growth and meeting the needs of a changing population as future mineral resource sterilisation is avoided, thus conserving resources for future economic benefit. The safeguarding of buffer zones around mineral reserves may also have minor positive impacts in relation to minimising air quality and amenity impacts experienced by users of new proximal development.
Some uncertainty is noted in the assessment as the nature and location of any future development that may be displaced as a result of this policy, and the consequences of this displacement, is not known.

Recommendations

No mitigation is proposed

Part 2- Preferred options to Publication

Consultation Responses to Preferred Options

Safeguarding mineral resources

8.5 Effective safeguarding of minerals helps preserve finite resources for the future, although there is no presumption that safeguarded resources will be worked. Sensitive development in close proximity to minerals resources can also impact on the ability to work a resource in future, as a result of the impacts necessarily involved in working some minerals, such as blasting. In some cases it is therefore prudent to safeguard a limited buffer zone around the resource. The purpose of the buffer zone

Comment [JJ216]: 3846/1936- consider identifying a buffer around residential areas to identify areas where fracking is not permitted. Note – This issue is not relevant to the safeguarding of minerals resources.
2686 (Whinthorpe Development) 1198- check consistency with CYC local plan and policy S02. Note – Policy S01 identifies MSAs, and is linked to Policy S02 which deals with developments proposed in MSAs, S02 compatible with CYC local plan.

- would ensure that the potential impacts of development near to but just beyond the resource boundary are also taken into account when considering the potential for sterilisation of minerals resources by other forms of development.
- 8.6 In 2011 North Yorkshire County Council commissioned the British Geological Survey (BGS) in 2011 to identify an approach to safeguarding of minerals resources in the NYCC area, based on best practice guidance. Consultation with the minerals industry took place during the project and views received were incorporated into the recommendations in the Report. Comparable studies have also been completed by BGS for the City of York Council and NYMNPA areas. The reports are available to view at www.northyorks.gov.uk/mwevidence.
- 8.7 Whilst safeguarding is primarily concerned with managing potential conflict between surface minerals resources and other non-minerals development, in some cases the extraction of one underground resource has the potential to sterilise another due to the fact that areas of different resources can overlap. The extraction methods used could also impact upon areas of underground mining for other resources, for example by causing instability or water ingress. The Plan area has a range of deep mineral resources namely coal (including coal bed methane), gas (including shale gas), gypsum, potash, polyhalite and salt. A particular consideration in the Plan area is the potential for hydrocarbons exploration and development activity in the eastern part of the Plan area to overlap with development of strategically important resources of potash and/or polyhalite.

Policy S01: Safeguarding mineral resources

Part one - Surface mineral resources:

The following surface minerals resources and associated buffer zones identified on the Policies Map will be safeguarded from other forms of surface development to protect the resource for the future :

- i) All crushed rock and silica sand resources with an additional 500m buffer;
- ii) All sand and gravel, clay and shallow coal resources with an additional 250m buffer;
- iii) Building stone resources and active and former building stone quarries with an additional 250m buffer.

Part two – Deep mineral resources:

- i) Underground potash and polyhalite resources within the Boulby Mine licensed area and Doves Nest Farm indicated and inferred resource area;

Potash and polyhalite resources within the Boulby Mine licenced area and Doves Nest Farm indicated and inferred resource area, identified on the Policies Map, will be safeguarded from other forms of surface development to protect the resource for the future.

Reserves and resources of potash and polyhalite identified on the Policies Map, including a 2km buffer zone, will also be protected from sterilisation by other forms of underground minerals extraction and the underground storage of gas or carbon in order to protect the resource for the future.

Main responsibility for implementation of policy: NYCC, CYC, NYMNPA and District and Borough Councils

Comment [MS217]: 0115 (MPA) 0649- there is a lack of safeguarding of certain resources, including those of operational sites. Note – some S&G sites outside safeguarded area – MPA have responded - additional S&G layer requested from BGS to be added to safeguarding area and displayed on policies map.

Comment [MS218]: 0127 (Uk Coal/ Harworth Estates) 1077- objects to the inclusion of standard buffers without consideration of the site and the surroundings- the approach could be unduly restrictive –Note whilst this point is noted, it is not considered realistic to seek to define specific buffer distances at an individual site level as this would be an unduly onerous approach. The criteria is contained collectively within the various safeguarding policies allow a degree of flexibility to be applied in specific circumstances. 0074/0951 (Selby dc) – in defining buffers consider the characteristics and immediate surroundings of the site in question to incorporate flexibility into the policy. Note – whilst this point is noted, it is not considered realistic to seek to define specific buffer distances at an individual site level as this would be an unduly onerous approach. The criteris contained collectively within thevarious safeguarding policies allow a degree of flexibility to be applied in specific circumstances.

Comment [MS219]: 0252 (York Potash) 0912- the map should differentiate between the resource and permitted area of the York potash site. Note – The only sections of potash safeguarded are the Boulby potash extent and York Potash indicated and inferred resource area, Majority of the resource is not safeguarded. It is not appropriate to safeguard the York potash surface site under this policy, which is focussed on safeguarding minerals resources.

Comment [MS220]: 3703 (INEOS), 0150 (Egdon) 0990- this buffer is excessive and each development proposal should be judged on its own merits. 1387 (York Potash) 1232- increase the buffer to 5km 0116 (Selby DC) – it might be appropriate to consider the 2km buffer as the minimum distance until the consideration of geological structures is available. 3704 (Curdrilla) 1240- this area is not clear to define on the map or within the text.

Note - it is considered that the proposed 2kmbuffer represents an appropriate balance but that further text should be included in the plan to help clarify the proposed approach.

Comment [MS221]: 0252 (York potash) 0951- include fracking in the list of minerals that could sterilise potash – Note – Fracking is covered in the term underground minerals extraction so does not need adding in on its own.

Key links to other relevant policies and objectives

M01, M02, M03, M04, M05, M06, M07, M08, M09, M12, M13, M15, M16, M20, M21, M22, M23, M24, M25, S02

Objective 3

Monitoring: Monitoring indicator 39 (see Appendix 3)

Policy justification for safeguarding of Sand and Gravel/ Crushed Rock/ Silica Sand/ Clay/Shallow coal

- 8.8 A key recommendation of all three minerals safeguarding reports for the Plan area was to safeguard the overall resource of sand and gravel, with provision of a 250m buffer zone. The purpose of a buffer zone would be to ensure that the potential impacts of development near to but just beyond the resource boundary are also taken into account when considering the potential for sterilisation of minerals resources by other forms of development. Although not specifically proposed for safeguarding in the work undertaken by BGS, as a result of their relatively low quality, representations from the minerals industry suggest that glacio-lacustrine deposits may become of greater commercial relevance in the future as a source of aggregate, as higher quality fluvial and fluvio-glacial deposits become more difficult to source. Information has been obtained from BGS on the distribution of glacio-lacustrine deposits and these are also safeguarded in the Plan.
- 8.9 With regard to safeguarding the overall resource of Jurassic, Magnesian and Carboniferous limestones, Carboniferous sandstones and chalk, provision of a 500m buffer consultation zone was recommended, taking into account potential impacts associated with working hard rock quarries, including the need for blasting.
- 8.10 As a relatively scarce mineral, safeguarding of silica sand resources will be important. Work carried out by BGS indicates the presence of additional resources adjacent to both the Blubberhouses and Burythorpe sites and these resources will require safeguarding for the longer term. The work recommends safeguarding all resources of silica sand and proposes a buffer zone around the resource of 500 metres to ensure the effective safeguarding of the resource area from other development proposed nearby.
- 8.11 The BGS Reports identified the resources of clay that should be subject of safeguarding, with a recommended 250m buffer zone, taking into account that clay is typically worked without the need for techniques such as blasting.
- 8.12 Although shallow coal is not currently being worked in North Yorkshire the Coal Authority recommends safeguarding the resource. The BGS reports for NYCC and the NYMNP also recommend safeguarding all of the shallow coal resource together with a 250m buffer zone.

Policy justification for safeguarding of Building Stone

- 8.13 Information on the distribution of building stone resources is less robust than for other forms of surface mineral in the Plan area. Geological deposits with potential to contain building stone resources are potentially very extensive across the area, although in practice it is likely that only relatively small parts of these will contain stone with the right technical and aesthetic properties to constitute viable sources of supply of building stone. BGS have developed an approach for safeguarding for the Plan area, in consultation with building stone specialists, which has led to the identification of a number of specific scarcer mineral resources, within which active working for building stone is taking place and which could be subject of safeguarding.

However, some active building stone quarries lie outside the area identified in this way. In order to address this issue BGS have suggested that active quarries lying outside the proposed safeguarding areas are safeguarded, including through the use of a defined 250m buffer zone around them also.

- 8.14 Whilst the work by BGS has also revealed difficulties in clearly identifying important historic quarries across the Plan area, does nevertheless identify a number of former sites in the North York Moors National Park which may be important future sources of building stone for specific parts of the Park and for the repair of specific groups of buildings in and around the Park, based on the Strategic Stone Study. It is considered that these also should be subject of safeguarding with a 250m buffer zone.

Policy justification for safeguarding of Potash and Polyhalite Resources

Underground mineral resources are not at direct risk of sterilisation through surface development in the same way as surface resources and there is no specific requirement in national policy to safeguard them. However, certain forms of surface development, particularly large structures or those with sensitive processes taking place in them may be particularly vulnerable to subsidence damage.

Potash, salt and polyhalite resources in the Plan area are considered to be of strategic significance, with the potash and polyhalite deposits representing the only known potentially workable resources in the country. It is therefore considered that there is particular justification to safeguard them for the future.

These resources cover a relatively large area in the north eastern part of the Plan area and it is not considered necessary to safeguard the whole of the potential resource area. Furthermore, a large area of the resource is beneath the North York Moors National Park, where the risk of sterilisation as a result of significant surface development is relatively low. However, it is considered that it would be appropriate to safeguard reserves and resources within the area licensed for extraction from Boulby Mine (the only active potash mine in the Joint plan area), along with those resources forming part of the York Potash project that have been identified with a higher degree of confidence (ie the indicated and inferred resources. This will help ensure that, where certain types of surface development are proposed within the licensed area, the presence of the resource is taken into account. In this respect the purpose of safeguarding underground resources is not to prevent surface development in the relevant area but to ensure that the potential implications for sterilisation of potash or polyhalite can be taken into account. Types of surface development which are considered relevant for the purposes of safeguarding underground potash and polyhalite are identified in Policy S02 (part two). A surface safeguarding buffer zone has not been identified due to the scale of the area and the relatively low risk of sterilisation by surface development in this part of the Plan area.

- 8.20 Extraction of gas in proximity to underground mining operations can give rise to particular concerns including the potential for gas to migrate towards, or accumulate in mine tunnels. This could be a particular issue where hydraulic fracturing ('fracking') techniques are involved. Similar considerations could apply where proposals are brought forward for the underground storage of gas or carbon, for example in depleted natural gas reservoirs.
- 8.21 In order to ensure that consideration is given to the protection of reserves and resources of potash, salt and polyhalite from such potential effects associated with the extraction or storage of gas, specific safeguarding is considered appropriate,

Comment [MS222]: 0150 (Egdon Resources) 0991- There needs to be a better balance between safeguarding potash and allowing hydrocarbon development, potash appears to be prioritised. Note – potash is considered a scarce resource with it only being available in one area in the Country, whereas other minerals are more wide spread. The PEDL areas do not overlap with the safeguarded potash areas so hydrocarbon development will not be affected.

including an underground buffer zone in addition to the area proposed to be safeguarded in relation to surface development. A buffer zone of 2km is considered to offer a reasonable balance between protection of the resource and providing flexibility for other development to take place where appropriate, representing a horizontal distance which is readily achievable under current technology for horizontal drilling of oil and gas wells. There are no current PEDLs in the area covered by the safeguarded area and buffer zone. As with other forms of safeguarding, the purpose is not to prevent other forms of development from taking place under any circumstances, but to ensure that the presence of the safeguarded resource is taken into account, and given priority where necessary. In some circumstances it may be practicable to take measures, such as through appropriate phasing of activity, to enable extraction of more than one underground resource in the same area. Where conflict could arise, applicants will need to demonstrate that appropriate measures can be implemented to ensure that the safeguarded resource is adequately protected.

SA/SEA

Summary of assessment As safeguarding does not infer that minerals extraction will take place there are generally no predicted direct effects. Were development to take place it would need to accord with other policies in the Plan.

This policy is likely to result in minor to very positive impacts in relation to encouraging the safeguarding of resources, economic growth and meeting the needs of a changing population as future mineral resource sterilisation is avoided, thus conserving resources for future benefit. The safeguarding of buffer zones around mineral reserves may also have minor positive impacts in relation to minimising air quality and amenity impacts experienced by users of new proximal development.

Some uncertainty is noted in relation to the amount and location of any future development that may be displaced as a result of this policy, and the consequences of this displacement, is not known. However, some objectives noted that there could be some positive benefits from not developing the area which is safeguarded.

Recommendations None

Overall Summary of Reasons for Change

The MPA raised the issue that not all of the potentially viable sand and gravel resources are being safeguarded, especially glacio-lacustrine sand. The extra resource layer was obtained from BGS and has been added to the sand and gravel safeguarding area.

The deep coal safeguarding has changed with the closure of Kellingley Colliery, there is currently no deep coal safeguarded as this may place unnecessary burden on surface developers. It is also considered that there is insufficient justification to safeguard underground gypsum and vein mineral deposits taking into account the fact the former Sherburn gypsum mine is flooded and the absence of commercial interest in vein minerals, and relative lack of strategic importance of these minerals in national terms.

One comment suggested that the Plan should consider identifying a buffer around the residential areas where fracking would not be permitted, it is considered that this issue is not relevant to the safeguarding of mineral resources.

It was suggested that the consistency of the policy was checked against the City of York Council Local Plan. Policy SO1 identified Mineral Safeguarding Areas and is linked to policy SO2 which deals with developments proposed in Mineral Safeguarding Areas. Policy SO2 is compatible with the City of York Local Plan.

Several comments were submitted in relation to the provision and size of buffers. One point

was that each site should be considered separately before the size of buffer is defined as standard buffers are considered restrictive. It is not considered realistic to seek to define specific buffer distances at an individual site level as this would be an unduly onerous approach. The criteria contained collectively within various safeguarding policies allow a degree of flexibility to be applied in specific circumstances.

York Potash have stated that the policies map should differentiate between the resource and the permitted area of the York Potash site. The only section of potash which are safeguarded are the Boulby potash extent and the York Potash indicated and inferred resource area. The majority of the resource is not safeguarded, it is not appropriate to safeguard the York Potash surface site under this policy which is focused on safeguarding mineral resources.

The suitability of the size of buffer selected for potash safeguarding has been questioned but it is considered that the proposed 2km buffer represents an appropriate balance but further text should be included in the Plan to help clarify the proposed approach.

The gas industry have raised concerns about the balance between safeguarding potash and allowing hydrocarbon development as potash appears to be prioritised. Potash is considered to be a scarce resource only being extracted in one area of the Country, whereas other minerals are more widely available. The PEDL area as a rule do not overlap with the safeguarded potash areas so hydrocarbon development will not be affected. It has been suggested that fracking should be included in the list of minerals that could sterilise potash but fracking is covered in the term 'underground minerals extraction' so does not need adding on its own.

Development of Policy S02: Developments proposed within Minerals Safeguarding Areas.

Part 1 - Issues and Options to Preferred Options

Id70 - Developments proposed within Mineral Safeguarding Areas	
<i>Options presented at Issues and options stage</i>	<p>Option 1: This option would indicate that within Minerals Safeguarding Areas non-minerals development will only be permitted in certain circumstances. This could include where:</p> <ul style="list-style-type: none"> • It would not sterilise or prejudice future extraction, or • The mineral will be extracted prior to development (without unacceptable adverse impact on the environment or the amenity of local communities), or • The need for the non-mineral development can be demonstrated to outweigh the need for the mineral, or • It can be demonstrated that the mineral in the location concerned is no longer of any potential value as it does not represent an economically viable and therefore exploitable resource, or • The non-mineral development is of a temporary nature that does not inhibit extraction within the timescale that the mineral is likely to be needed, or • It constitutes 'exempt development' (as defined below). <p>It could also include a requirement that such planning applications should be accompanied by an assessment of the effect of the proposed development on the safeguarded mineral resource(s) beneath or adjacent to it.</p> <p>AND</p> <p>Option 2:</p>

	<p>This option would adopt a list of application types that would be exempt from consideration under the Minerals Safeguarding Area policy. Possible exemptions could include:</p> <ul style="list-style-type: none"> • Infilling in towns and villages • Householder applications within the curtilage of a property • Advertisement applications • Reserved matters applications • Applications for new or improved accesses • ‘Minor’ extensions/alterations to existing uses/buildings which do not fundamentally change the scale and character of the use/building • ‘Temporary’ development (for up to five years) • Agricultural buildings adjacent to existing farmsteads • ‘Minor’ works such as fences, bus shelters, gates, walls, accesses. • Amendments to current permissions (with no additional land take involved) • Changes of use • Applications for development on land which is already allocated in adopted local plans where the plan took account of the prevention of unnecessary mineral sterilisation and determined that prior extraction should not be considered when development applications in a Mineral Safeguarding Area came forward • Listed Building Consent and Applications for planning permission for relevant demolition in a Conservation Area • Applications for work to trees or removal of hedgerows (unless specifically requested) • Prior notifications for telecommunications, forestry, agriculture & demolition • Certificates of Lawfulness of Existing Use of Development and • Certificates of Lawfulness of Proposed Use or Development. <p>AND</p>
	<p>Option 3: In areas identified as underground coal or potash Minerals Safeguarding Areas, applicants proposing the following types of development would be required to consider the potential impacts on the proposed development arising from extraction of the safeguarded resources, as well as the potential for the surface development to sterilise the underlying resource:</p> <ul style="list-style-type: none"> • Large institutional and public buildings • Major industrial buildings including those with sensitive processes and precision equipment vulnerable to ground movement • Major retail complexes • Non-residential high rise buildings (3 storeys plus) • Strategic gas, oil, naphtha and petrol pipelines • Vulnerable parts of main highways and motorway networks (e.g. viaducts, large bridges, service stations and interchanges) • Security sensitive structures • Strategic water pumping stations, waterworks, reservoirs, sewage works and pumping stations • Ecclesiastical property • Power stations and • Wind turbines. <p>OR</p>
	<p>Option 4: As an alternative to Option 3 in respect of underground coal safeguarding areas this option would not set out a specific approach to consultation for non-mineral development which is sensitive to mining subsidence, relying instead on the advice of the Coal Authority as a statutory consultee.</p>

What the SA told us									
<p>It is difficult to predict the effects with any certainty as this would depend on the particular circumstances of each case as to whether the development would or would not cause unacceptable sterilisation of the mineral. Potential negative effects from each of the options include effects on the economy of potentially precluding certain developments from taking place. However the exemptions provided under Option 2 would help to ensure that certain developments could still take place.</p> <p>Considered together with either Option 1 or Option 2, Option 3 is considered to be more beneficial in terms of safeguarding objectives than Option 4, as it provides more certainty over the types of development where safeguarding deep mineral resources would be relevant and it also refers to safeguarding potash.</p>									
Recommendations									
It is recommended that a combination of Options 1, 2 and 3 are pursued.									
Number of consultation responses									
Total Number of comments against id:	13								
Question 178) Do you have a preference for any of the options presented above?	Number of respondents: 10								
	<table border="1"> <tr> <td>Option 1: 1</td> <td> Combination: 5 Opt. 1+2+3: 2 SC: 1 <i>Local Authorities: 1</i> Opt. 1+2: 3 SC: 1 MWI: 2 </td> </tr> <tr> <td>Option 2: 0</td> <td>Did Not Specify: 2 MWI: 1</td> </tr> <tr> <td>Option 3: 0</td> <td>None: 0</td> </tr> <tr> <td>Option 4: 0</td> <td></td> </tr> </table>	Option 1: 1	Combination: 5 Opt. 1+2+3: 2 SC: 1 <i>Local Authorities: 1</i> Opt. 1+2: 3 SC: 1 MWI: 2	Option 2: 0	Did Not Specify: 2 MWI: 1	Option 3: 0	None: 0	Option 4: 0	
	Option 1: 1	Combination: 5 Opt. 1+2+3: 2 SC: 1 <i>Local Authorities: 1</i> Opt. 1+2: 3 SC: 1 MWI: 2							
	Option 2: 0	Did Not Specify: 2 MWI: 1							
	Option 3: 0	None: 0							
Option 4: 0									
Question 179) Are there any alternative options the Authorities should consider in relation to minerals safeguarding areas?	Number of respondents: 1 SC: 0 MWI: 1 <i>Local Authorities: 0</i>								
Question 180) Should any of the criteria in Option 1 be excluded, or any additional criteria included?	Number of respondents: 1 SC: 0 MWI: 1 <i>Local Authorities: 0</i>								
Question 181) Do you have any views on the list of possible exemptions provided in Option 2?	Number of respondents: 1 SC: 0 MWI: 1 <i>Local Authorities: 0</i>								
Question 182) Do you have any views on the list of possible developments provided in Option 3?	Number of respondents: 0 SC: 0 MWI: 0 <i>Local Authorities: 0</i>								
Brief overview of consultation responses									
Key Messages Q178: <i>Option 4:</i> <ul style="list-style-type: none"> This option would not allow prospective developers sufficient clarity as to whether the issue of mineral sterilisation would need to be considered in any scheme <i>Option 1+2:</i>									

- These options follow good practice advice from BGS

Option 1+2+3:

- Sets out a proportionate approach towards achieving the avoidance of unnecessary mineral sterilisation without being overly burdensome on LPAs to implement

General Comments on Options

- All options are supported as they follow the BGS Good Practice Guidance.

Key Messages Q179:

No suggested alternatives were proposed under id70, but some responses to other sections applied to this id box and so are considered here.

A possible alternative was suggested as an additional bullet point to Option 1 which states that 'consideration should be given to whether the mineral is likely to be needed. This issue is considered to be addressed under the existing 4th bullet point of Option 1.

Key Messages Q180: No specific comments were received.

Key Messages Q181: No specific comments were received.

Key Messages Q182: No comments were received.

SA of options including alternatives

N/A

Joint Authorities response to consultation responses

The general support for Options 1 and 2 or Options 1 and 2 in combination with Option 3 is noted. It is agreed that an approach generally in line with the BGS Good Practice guidance on safeguarding would be appropriate.

Evidence base update

Evidence update as at January 2015

The National Planning Practice Guidance (NPPG) states that MPAs should adopt clear development management policies which set out how proposals for non-mineral development within Mineral Safeguarding Areas will be handled, and what action applicants for development should take to address the risk of losing ability to extract the resource. This may include policies that encourage pre-extraction of minerals, where practicable, if it is necessary for non-minerals development to take place in MSAs and to prevent unnecessary sterilisation of minerals.

An updated paper on cross-boundary minerals safeguarding issues was produced for consultation with adjacent MPAs in December 2014.

Duty to Cooperate

Is this a duty to cooperate matter? Yes

Minerals safeguarding requires cooperation between NYCC and the North Yorkshire District and Borough Councils in the two-tier part of the Joint Plan area. Consultation has also taken place with adjacent MPAs in respect of any proposed safeguarding areas near to the Joint Plan area boundary in order to help ensure a consistent approach.

Discussion around development of preferred policy approach

The NPPG supports the principle of identifying Mineral Safeguarding Areas and the development of policy to prevent the sterilisation of mineral resources.

The majority of respondents preferred either a combination of Option 1 and 2 or a combination of Options 1, 2 and 3, which could all be combined to form a preferred policy. Options 1, 2 and 3 were also supported by the findings of the initial SA.

The approach set out in Options 1, 2 and 3 are also generally in line with the BGS Good Practice Guide and therefore represent the preferred approach.

The exemption criteria set out in Option 2 would also constitute relevant exemption criteria to be applied to development within areas safeguarded for minerals ancillary, minerals transport and waste infrastructure under other policies in the Joint Plan. In order to reflect this it is considered that the exemption list should be separate from the specific policy dealing with minerals resource safeguarding and this will be reflected in the approach contained in the preferred options consultation.

Preferred policy approach

Part one - Surface mineral resources:

Within Surface Minerals Safeguarding Areas shown on the Policies Map permission for development other than minerals extraction will be granted where:

- It would not sterilise the mineral or prejudice future extraction, or
- The mineral will be extracted prior to the development (without unacceptable adverse impact on the environment or the amenity of local communities), or
- The need for the non-mineral development can be demonstrated to outweigh the need to safeguard the mineral, or
- It can be demonstrated that the mineral in the location concerned is no longer of any potential value as it does not represent an economically viable and therefore exploitable resource, or
- The non-mineral development is of a temporary nature that does not inhibit extraction within the timescale that the mineral is likely to be needed, or
- It constitutes 'exempt' development (as defined in the safeguarding areas exemption list)

Part two - Deep minerals resources:

In areas identified as Underground Mineral Safeguarding Areas on the Policies Map, proposals for the following types of development should be accompanied by information on the effect of the proposed development on the potential future extraction of the safeguarded underground resource, as well as on the potential for the proposed surface development to be impacted by subsidence arising from working of the underlying minerals resource:

- Large institutional and public buildings
- Major industrial buildings including those with sensitive processes and precision equipment vulnerable to ground movement
- Major retail complexes
- Non-residential high rise buildings (3 storeys plus)
- Strategic gas, oil, naphtha and petrol pipelines
- Vulnerable parts of main highways and motorway networks (e.g. viaducts, large bridges, service stations and interchanges)
- Security sensitive structures
- Strategic water pumping stations, waterworks, reservoirs, sewage works and

pumping stations

- Ecclesiastical property
- Power stations, and
- Wind turbines.

Permission will be granted where the assessment demonstrates that a significant risk of adverse impact on the development from mining subsidence will not arise or that the criteria in Part one of the policy (other than the final criterion) are met.

Part three – protecting deep mineral resources from other underground minerals development:

Where proposals for appraisal or development of underground gas resources or the underground storage of gas or carbon are located within the area safeguarded for potash, salt and polyhalite shown on the Policies Map, permission for development will only be granted where it can be demonstrated that the development will not adversely affect the potential future extraction of the protected mineral.

Supporting text

The purpose of safeguarding is not to protect the minerals resource in all circumstances, but to ensure that the presence and potential significance of the resource is taken into account when other proposals in a safeguarded area are under consideration, and that sterilisation of the resource only takes place where there is appropriate justification. In some cases it may be practicable for prior extraction of the resource to take place, where this can be done without unacceptable impacts on local communities or the environment, in line with the development management policies in the Plan. In other cases the need for the sterilising development may outweigh the need to protect the resource, or it may be possible to demonstrate that the safeguarded resource is no longer justified for safeguarding. Where non-exempt development (see Safeguarding Exemptions list) is proposed in a safeguarded area for surface mineral resources, or where development of the forms identified in Policy S02 (part two) is proposed in an area safeguarded for underground resources, applicants should consider at an early stage any implications for their proposals arising from the presence of the safeguarded resource and include information in any application about measures that would be implemented to avoid unnecessary sterilisation, or to demonstrate that the need for the sterilising development outweighs the need to protect the resource.

Certain forms of surface development proposals are unlikely to lead to significant sterilisation of minerals resources, even when proposed in a safeguarded area. These are identified in the Safeguarding Exemptions list. Where development falls within the scope of the exemptions list then applicants do not need to address safeguarding issues in their proposals, and there is no requirement for planning authorities to consider minerals safeguarding issues when taking decisions on development proposals.

In order to implement an approach to safeguarding in the two-tier part of the Joint Plan area it will be necessary for consultation to take place between District/Borough Councils and the mineral planning authority. Further information on the approach to this is set out in the section on Minerals Consultation Areas.

Links to Objectives and Policies

Link to Objectives:

Objective 3

Links to other relevant policies in the Plan:

Id06: Safeguarding sand and gravel

Id09: Safeguarding crushed rock

<p><i>Id16: Safeguarding silica sand</i> <i>Id19: Safeguarding clay</i> <i>Id22: Safeguarding building stone</i> <i>Id31: Safeguarding shallow coal</i> <i>Id32: Safeguarding deep coal</i> <i>Id35: Safeguarding potash</i> <i>Id37: Safeguarding gypsum</i> <i>Id38: Safeguarding deep mineral resources</i> <i>Id40: Safeguarding vein minerals</i> <i>Id53: Waste management facility safeguarding</i> <i>Id55: Transport infrastructure safeguarding</i> <i>Id57: Minerals ancillary infrastructure safeguarding</i> <i>Id71: Consideration of applications in Mineral Consultation Areas</i></p>
<p>SA/SEA</p>
<p>Summary of assessment</p> <p>In terms of the environmental sustainability objectives there are minor benefits from this policy, as arguably it would potentially reduce the amount of development in safeguarding areas, though to some extent some of this development would simply go somewhere else (with uncertain impacts). The assessment also picked strong benefits for the minimising resource use objective as safeguarding a broad range of minerals resources would help protect resources for possible future use. Similarly, an additional benefit was noted for climate adaptation as safeguarding potash and polyhalite will help save a key resource for manufacturing fertiliser, which ultimately will help tackle the issue of food security (which is a recognised climate change vulnerability).</p> <p>There were however some minor negative effects noted in relation to the economy, community vitality and changing population objectives. This is because some economically valuable development may be deterred from taking place (though the policy does contain a criteria which considers the need for the development and whether this outweighs the need to safeguard the mineral), while some housing projects may also be less viable (though there are exemptions which help moderate this). The economy objective also records a long term benefit arising from having greater access to minerals for extraction.</p>
<p>Recommendations</p> <p>No mitigation is suggested.</p>

Part 2 - Preferred options to Publication

Consultation Responses to Preferred Options	
Developments proposed within Minerals Safeguarding Areas	
8.24	This section sets out how applications for development proposed in Minerals Resource Safeguarding Areas will be assessed.
8.25	As a two-tier planning system exists in the NYCC planning authority area, the District and Borough councils in that area will be responsible for ensuring that relevant development proposals that they determine in Safeguarding Areas are assessed appropriately. This can be implemented through using defined Minerals Consultation Areas, within which the District/Borough Councils would consult with NYCC, as minerals planning authority, before decisions are taken on certain forms of development which could sterilise minerals resources. Policy S06 deals with Minerals Consultation Areas. Forms of development which, when proposed within Safeguarding Areas, are considered to be

Comment [JJ223]: 3023 (Chas Long) 1046, 1134 (Fenstone) 0485- The need for MPAs to be notified should be made clearer and operators affected by the development should also be notified. Note – extra text added to clarify the role of the MPA. It is not considered appropriate to include a policy requirement to consult with operators as implementation of the safeguarding process is a matter for planning authorities.

2685/1197- make sure the mwj does not prejudice the development of allocations within the cyc local plan, Note – If CYC local Plan not adopted then site allocations will have to meet criteria under Part One, CYC is a Unitary so will consider both minerals and housing/business development so can resolve conflict easier.

exempt from requirements for consultation are set out later in this section.

Policy S02: Developments proposed within Minerals Safeguarding Areas

Part one - Surface mineral resources:

Within Surface Minerals Safeguarding Areas shown on the Policies Map permission for development other than minerals extraction will be granted where:

- i. It would not sterilise the mineral or prejudice future extraction; or
- ii. The mineral will be extracted prior to the development (where this can be achieved without unacceptable impact on the environment or local amenity) or
- iii. The need for the non-mineral development can be demonstrated to outweigh the need to safeguard the mineral; or
- iv. It can be demonstrated that the mineral in the location concerned is no longer of any potential value as it does not represent an economically viable and therefore exploitable resource; or
- v. The non-mineral development is of a temporary nature that does not inhibit extraction within the timescale that the mineral is likely to be needed; or
- vi. It constitutes 'exempt' development (as defined in the safeguarding areas exemption list).

Applications for non-mineral development in Minerals Safeguarding Areas should include an assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development.

Part two - Deep minerals resources:

In areas identified as Underground Mineral Safeguarding Areas on the Policies Map, proposals for the following types of development should be accompanied by information on the effect of the proposed development on the potential future extraction of the safeguarded underground resource, as well as on the potential for the proposed surface development to be impacted by subsidence arising from working of the underlying minerals resource:

- Large institutional and public buildings;
- Major industrial buildings including those with sensitive processes and precision equipment vulnerable to ground movement;
- Major retail complexes;
- Non-residential high rise buildings (3 storeys plus);
- Strategic gas, oil, naphtha and petrol pipelines;
- Vulnerable parts of main highways and motorway networks (e.g. viaducts, large bridges, service stations and interchanges);
- Security sensitive structures;
- Strategic water pumping stations, waterworks, reservoirs, sewage works and pumping stations;
- Ecclesiastical property;
- Power stations; and
- Wind turbines

Permission will be granted where the assessment demonstrates that a significant risk of adverse impact on the development from mining subsidence will not arise or that the criteria in Part one of the policy (other than the final criterion) are met.

Part three – Protecting potash and polyhalite resources from other underground minerals development:

Comment [JJ224]: 0127 (Harworth Estates) 1078- indicate that restrictions are only applicable to certain types of development (as outlined in p 8.50) and indicate the requirement to assess the impact of the listed development types on potential future extraction of minerals.... Is not applicable to other types of development including those on the exemption list. Note – Exempt development is already referred to in the policy. This comment mainly relates to the closure of Kellingley Colliery and that the safeguarding should be removed, which has been done

Comment [MS225]: 3703 (INEOS) 1313- Clarification of criterion (iii) needed, where minerals safeguarding overlaps another mineral resource it does not prevent the extraction of the other resource.

Comment [JJ226]: 115 (MPA) 0650- Need additional reference to mineral assessments in the Policy – wording provided

Comment [MS227]: 1111 (the Coal Authority)1192/ 0074 (Selby DC)1309 review in light of current state of the coal industry to ensure that the requirements are not over burdensome. -Note - this has been addressed in the context of policy SO1 by removing safeguarding of deep coal from that policy

Comment [MS228]: 3846/1937- add in 'or seismic activity' text, include 'housing' within the list Note - it is not considered appropriate to add in reference to seismic activity as the only underground mineral now proposed for safeguarding is potash, which is not expected to give rise to induced seismicity as a result of underground working.

Comment [MS229]: 0252 (York Potash) 0913, 0150 (Egdon) 0992- Part three needs to be revised to ensure proposals for gas and CCS take account of the area safeguarded for potash. Note - this is already clarified via policies SO1 and SO2 and the supporting text

Comment [MS230]: 0127 (Harworth Estates) 1078- objects to safeguarding deep coal resources, if the suggested changes to SO1 are made then this policy would not apply to Kellingley - Note safeguarding of deep coal is no longer proposed

Where proposals for appraisal or production of underground gas resources or the underground storage of gas or carbon are located within the area safeguarded for potash, salt and polyhalite shown on the Policies Map, permission for development will only be granted where it can be demonstrated that the proposed development will not adversely affect the potential future extraction of the protected mineral.

Main responsibility for implementation of policy: NYCC, NYMNP, CYC, Minerals and Waste industry and District and Borough Councils

Key links to other relevant policies and objectives

S01, S04, S05, S06

Objective 3

Monitoring: Monitoring indicator 40 (see Appendix 3)

Policy Justification

- 8.26 The purpose of safeguarding is not to protect the minerals resource in all circumstances, but to ensure that the presence and potential significance of the resource is taken into account when other proposals in a safeguarded area are under consideration, and that sterilisation of the resource only takes place where there is appropriate justification. In some cases it may be practicable for prior extraction of the resource to take place, where this can be done without unacceptable impacts on local communities or the environment, in line with the development management policies in the Plan. In other cases the need for the sterilising development may outweigh the need to protect the resource, or it may be possible to demonstrate that the safeguarded resource is no longer justified for safeguarding. Where non-exempt development (see Safeguarding Exemptions list) is proposed in a safeguarded area for surface mineral resources, or where development of the forms identified in Policy S02 (part two) is proposed in an area safeguarded for underground resources, applicants should consider at an early stage any implications for their proposals arising from the presence of the safeguarded resource and include information in any application about measures that would be implemented to avoid unnecessary sterilisation, or to demonstrate that the need for the sterilising development outweighs the need to protect the resource.
- 8.27 Certain forms of surface development proposals are unlikely to lead to significant sterilisation of minerals resources, even when proposed in a safeguarded area. These are identified in the Safeguarding Exemptions list later in this Chapter. Where development falls within the scope of the exemptions list then applicants do not need to address safeguarding issues in their proposals, and there is no requirement for planning authorities to consider minerals safeguarding issues when taking decisions on development proposals.
- 8.28 In order to implement an approach to safeguarding in the two-tier part of the Joint Plan area it will be necessary for consultation to take place between District/Borough Councils and the mineral planning authority. Further information on the approach to this is set out in the section on Minerals Consultation Areas later in this Chapter.

SA/SEA

Summary of assessment In terms of the environmental sustainability objectives there are minor benefits from this policy, as arguably it would potentially reduce the amount of development in safeguarding areas, though to some extent some of this development would simply go somewhere else (with uncertain impacts). The assessment also picked strong benefits for the minimising resource use objective as safeguarding a broad range of minerals resources would help protect resources for possible future use. Similarly, an additional benefit was noted for climate adaptation as safeguarding potash and polyhalite will help save a key resource for manufacturing fertiliser, which ultimately will help tackle the issue of food security (which is a recognised climate change vulnerability).

There were however some minor negative effects noted in relation to the economy, community vitality and

changing population objectives. This is because some economically valuable development may be deterred from taking place (though the policy does contain a criteria which considers the need for the development and whether this outweighs the need to safeguard the mineral), while some housing projects may also be less viable (though there are exemptions which help moderate this). The economy objective also records a long term benefit arising from having greater access to minerals for extraction.

Recommendations No mitigation is suggested.

Overall Summary of Reasons for Change

In their representations some mineral operators requested that the policy be changed so that mineral operators would be notified if a proposed development would impact on their sites. It would not be practicable to include this within the policy which seeks to ensure appropriate coordination between different tier planning authorities.

It was pointed out that need to make sure the Minerals and Waste Joint Plan does not prejudice the development of allocations within the City of York Local Plan. If the City of York Local Plan is not adopted then site allocations will have to meet the criteria under Part One of the policy. City of York Council is a unitary authority so will consider both minerals and housing/business development and will be able to resolve conflict easier.

Concern was raised about the redevelopment of the land at Kellingley Colliery if the deep coal there continued to be safeguarded, need to ensure the requirements are not over burdensome. The safeguarding of deep coal has been removed from policy S01 and so will not impact on the future use of the land.

The gas industry have asked for clarification of criterion (iii), where mineral safeguarding areas overlap with another mineral resource. In terms of gas as a rule the safeguarded potash areas do not overlap any PEDL areas and so will not affect gas production.

The Minerals Products Association requested an additional reference to minerals assessments in the policy, the suggested text provided was added to the policy.

It was suggested that the words 'or seismic activity' be added after subsidence in Part Two of the policy and to include housing in the list. It is not considered appropriate to add an a reference to seismic activity as the only underground mineral proposed for safeguarding is potash which is not expected to give rise to induced seismicity as a result of underground working.

York Potash suggests that Part Three needs revising to ensure proposals for gas and Carbon Capture and Storage take account of the area safeguarded for potash. This is already clarified via policies S01 and S02 and the supporting text so no revision to Part three required.

Development of Policy S03: Waste management facility safeguarding.

Part 1 - Issues and Options to Preferred Options

Id53 - Waste management facility safeguarding	
<i>Options presented at Issues and</i>	Option 1: This option would identify a limited number of strategically significant sites for specific safeguarding. This could include strategically important sites and

<p><i>options stage</i></p>	<p>facilities for recovery or disposal of residual waste such as the Allerton Park and Harewood Whin sites, as well as any allocations for strategically important facilities (such as those dealing with large volumes of waste or which would meet specialised waste management needs which cannot readily be met elsewhere). Other forms of development that may prejudice the operation of these facilities would not be supported without overriding justification.</p> <p>Other waste facilities and sites would be safeguarded through a development control policy requiring the presence of an existing waste site or facility to be taken into account in other development control decisions, with a presumption that other forms of development which may prejudice the waste use would not be acceptable in the absence of overriding justification.</p> <p>OR</p>								
<p>Option 2:</p>	<p>This option would rely on national policy to achieve the safeguarding of waste sites and facilities.</p>								
<p>What the SA told us</p>									
<p>It is not possible to identify effects against a number of environmental sustainability objectives without knowing the nature of any proposed development or alternative locations for either this or displaced waste management facilities. Option 1 would provide positive effects against waste management objectives by providing certainty over safeguarding these facilities throughout the Plan period. However Option 2 may perform better against wider economic objectives by providing a greater element of flexibility in decision making. Relying on national policies provides uncertainties in the longer term should national policy be amended or replaced (further to the existing proposed updated national waste planning policy).</p>									
<p>Number of consultation responses</p>									
<p>Total Number of comments against id:</p>	<p>18</p>								
<p>Question 128) Do you have a preference for either of the options presented above?</p>	<table border="1"> <tr> <td colspan="2" data-bbox="632 1272 1203 1308"> <p>Number of respondents: 11</p> </td> </tr> <tr> <td data-bbox="632 1308 914 1413"> <p>Option 1: 5 SC: 1 MWI: 1 Local Authorities: 1</p> </td> <td data-bbox="914 1308 1203 1413"> <p>Combination: 0</p> </td> </tr> <tr> <td data-bbox="632 1413 914 1496"> <p>Option 2: 4 MWI: 1 Local Authorities: 1</p> </td> <td data-bbox="914 1413 1203 1496"> <p>Did Not Specify: 1</p> </td> </tr> <tr> <td data-bbox="632 1496 914 1585"> <p></p> </td> <td data-bbox="914 1496 1203 1585"> <p>None: 1</p> </td> </tr> </table>	<p>Number of respondents: 11</p>		<p>Option 1: 5 SC: 1 MWI: 1 Local Authorities: 1</p>	<p>Combination: 0</p>	<p>Option 2: 4 MWI: 1 Local Authorities: 1</p>	<p>Did Not Specify: 1</p>	<p></p>	<p>None: 1</p>
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<p>Option 2: 4 MWI: 1 Local Authorities: 1</p>	<p>Did Not Specify: 1</p>								
<p></p>	<p>None: 1</p>								
<p>Question 129) Are there any alternative options the Authorities should consider in relation to waste management facility safeguarding?</p>	<p>Number of respondents: 3 SC: 0 MWI: 1 Local Authorities: 0</p>								
<p>Question 130) Do you have any views on the types of waste sites which should be considered for specific safeguarding under Option 1 above?</p>	<p>Number of respondents: 4 SC: 0 MWI: 1 Local Authorities: 1</p>								
<p>Brief overview of consultation responses</p>									
<p>Key Messages Q128) <i>Option 1:</i></p>									

- This policy provides greater certainty
- Amend Option 1 to include reference to potential harm to the environment or amenities of the local community from the proposed use of the site
- Strategic sites should not be limited to those for the management of LACW
- Allerton park quarry should not be identified as strategically important as there are many other such quarries in the NY area.
- Only safeguarding a limited number of facilities provides a greater risk than a modular approach to safeguarding

Option 2:

- Allerton Park site should not be considered a strategically significant site
- All waste facilities that can be safeguarded should be
- Special safeguarding should not be provided to strategic sites

General comments on options:

- Any DM policy developed should seek to safeguard facilities with a clearly defined buffer.
- No strategic sites should also be safeguarded within the policy
- Strategic sized facilities are not in keeping with the key tenet of the MWJP to support appropriately sized local facilities
- Overall objective to minimise risk by adopting a modular approach to number of sites
- Safeguarding only a limited number of strategic sites goes against the view of appropriately scaled facilities near to sources of arisings

Key Messages Q129)

A range of alternative options were suggested in the responses, these are detailed in the 'Suggested new options Chapter 6 – Waste table' along with justification as to why they have or have not been taken forward. Any realistic alternatives are summarised and worked up below:

Proposed Option 3

- Develop an option which focuses on ensuring both strategic and non-strategic facilities are safeguarded.

Suggested approach

Under this approach all waste management facilities would be safeguarded. Other forms of development that may prejudice the operation of these facilities would not be supported without overriding justification.

Proposed Option 4

- Safeguard all waste management facilities with current planning permission.

Suggested approach

This option would aim to safeguard all waste management facilities with current planning permission at the time the Joint Plan is adopted.

Key Messages Q130)

- Support the retention of HWRCs as important sites for the public
- Only safeguard existing sites

General)

- Include a commitment by a certain date to restore the site at the Harewood Whin facility
- Suggests a 300m buffer around AWRP
-

<p>SA of options including alternatives</p> <p>Summary of assessment</p> <p>It is not possible to identify effects against a number of environmental sustainability objectives without knowing the nature of any proposed development or alternative locations for either this or displaced waste management facilities. Option 1 would provide positive effects against waste management objectives by providing certainty over safeguarding these facilities throughout the Plan period however Option 2 may perform better against wider economic objectives by providing a greater element of flexibility in decision making. Relying on national policies provides uncertainties in the longer term should national policy be amended or replaced (further to the existing proposed updated national waste planning policy). Options 3 and 4 would have similar uncertain effects arising out of the fact that other development would be displaced by safeguarded existing or planned waste development although option 4 would apply to a slightly broader range of sites than option 3. Slightly more certainty is observed in relation to transport and climate change which have uncertain to positive affects arising out of the fact that these safeguarded sites, having already had to operate as commercial concerns are slightly more likely than not to be reasonably well placed in terms of accessibility to sources / markets. They would also have mixed economic effects because if so many sites, large and small, operational and closed, were safeguarded there would be less flexibility over the locational choices made by other development.</p> <p>Revised Recommendations</p> <p>It is recommended that Option 1 be adopted as this would support the overall approach to provision of waste management facilities in the Plan area in line with other policies in this Plan.</p> <p>Joint Authorities response to consultation responses</p> <p>The lack of a clear preference amongst consultees for either option is noted. It is agreed that a specific policy would allow provision of greater clarity on the approach to safeguarding than could be provided through reliance on national policy. It is not considered appropriate to make reference to environment or amenity in safeguarding policy as these are dealt with in other policies in the Plan. It is agreed that strategic sites need not be limited to those receiving LACW. However, the justification for strategic sites (as opposed to consideration of their safeguarding) is a distinct policy consideration. It is considered that there is a need to address safeguarding sites which may be important to delivery of the objectives of the Plan, and such an approach would be generally consistent with national policy. It is also agreed that safeguarding a buffer zone around safeguarded sites could be appropriate. It is not considered realistic or necessary to safeguard all waste sites as some of these are temporary or very small in scale and the total 'portfolio' of sites within the Plan area may be expected to change significantly over the plan period.</p> <p>Evidence base update</p> <p>The new National Planning Policy for Waste, published October 2014, replaced PPS10 and sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management. Section 8 of the Policy requires planning authorities, when determining planning applications, to 'ensure that the likely impact of proposed, non-waste related development on existing waste management facilities, and on areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;'</p> <p>The Yorkshire and Humber Regional Waste Position Paper 2014 - identifies strategically important waste management infrastructure within the plan area (and wider region) with a capacity over 75,000 tonnes per annum.</p> <p>Duty to Cooperate</p> <p>Is this a duty to cooperate matter? Yes. At a general level implementation of safeguarding</p>

requires cooperation between the County Council and District/Borough Councils in the two-tier part of the Plan area.

Discussion around development of preferred policy approach

Option 1 received marginally more support over Option 2. During the Issues and Options Consultation two possible alternatives were put for consideration. The proposed Option 3 would develop an approach which focuses on ensuring both strategic and non-strategic facilities are safeguarded. A further option, proposed Option 4 suggested safeguard all waste management facilities with current planning permission.

So that safeguarding can be effective it is important to establish what constitutes a strategically important waste management facility in the context of the Joint Plan area. The Yorkshire and Humber Regional Waste Position Paper (July 2014) identifies strategically important waste management infrastructure within the Yorkshire and Humber area, a number of which fall within the administrative boundaries of the Joint plan area. This document identifies waste treatment facilities with an EA permit capacity exceeding 75kt per annum as well as major energy recovery capacity (excluding biomass combustion plants) and major landfill sites for non-inert waste as being strategically significant for the Yorkshire and Humber area. The following sites within these categories are within the MWJP area:

- Harewood Whin Composting Facility
- Allerton Park Landfill
- Harewood Whin Landfill
- Allerton Waste Recovery Park (Incineration EFW)
- The Maltings

Whilst these facilities provide (or are expected to provide) an important role in the waste management network of the MWJP area, it might be relevant to identify other types of facility which, although they may manage lower volumes of waste, could be considered as strategically important to the delivery of the Plan due to the specialist nature of the facility or the nature of the waste they manage. As there are a large number of waste management facilities in total in the Plan area, and a lack of good quality information about the role of some of them, it is considered that a targeted approach may be appropriate. In particular, it is considered that it might be appropriate to give priority to safeguarding facilities which manage hazardous or non-inert waste rather than those dealing with inert waste, and those dealing with recycling, composting and treatment rather than transfer, as well as a number of other facility types which are either scarce or more specialised in nature.

The waste capacity model database developed as part of the evidence base for the Plan can be used to help identify those facilities which could be considered strategically significant sites within the Plan area for the purposes of safeguarding. These are identified below:

Restricted/Specialist Landfill (these sites manage the ash residues generated by the large scale and strategically important power generators located in or immediately adjacent to the Plan area - Drax, Eggborough and Ferrybridge Power Stations).

- Barlow (ash disposal)
- Gale Common (ash disposal)
- Brotherton (ash disposal)

Landfill (non-hazardous) (there has been a decline in the number of operational landfill sites for non-hazardous waste in the Plan area in recent years and remaining capacity is concentrated largely in two sites).

- Harewood Whin (landfill)
- Allerton Park (landfill)

Transfer stations provide a valuable component in the overall waste management infrastructure within the Joint plan area. There are a large number of transfer stations in the

Plan area but a small proportion of them have the capability to manage hazardous waste. As a significant amount of hazardous waste arising in the area is treated or disposed of at facilities outside the Plan area, transfer stations for hazardous waste provide an important role in the bulking and transporting such wastes to the appropriate facilities.

Transfer stations (hazardous)

- Todds Waste management, Thirsk
- Hazel Court HWRC, York
- Treacle Jug Farm, Knaresborough
- Unit 8 Marsdon Business Park, Tockwith
- Genta Environmental, Marsdon Business Park, Tockwith
- Dean Road Depot, Scarborough

Similar to hazardous transfer stations, the network of transfer stations for the reception, bulking and transport of LACW waste is important as they will play a key role in the bulking and transfer of residual waste for management at the Allerton Waste Recovery Park, as well as in the onward transfer of materials for recycling at reprocessing facilities outside the Plan area. Transfer stations (non-hazardous) LACW

- Seamer Carr (transfer facility)
- Tofts road, Kirkby Misperton
- Halton east works
- Whitby recycling facility
- Claro road, Harrogate
- Hessay Recycling Centre
- Tancred transfer

Further transfer station capacity for LACW may be required, for example for the Selby area and this also would be safeguarded in the Plan if a site is identified prior to completion of the Plan.

A number of other facilities exist or are permitted within the Plan area and which are important due to their specialised nature or strategic scale or role.

Energy recovery

- Allerton Waste Recovery Park (Incineration EFW)
- Dalkia Bio Energy Ltd
- Southmoor Energy Centre
- Former Arbre site, Eggborough

AD Facility (capacity over 24,000 tonnes)

- North Selby mine
- Clapham Lodge
- Allerton Waste Recovery Park
- Park Barn Farm

Composting facilities (capacity over 5,000 tonnes)

- Harewood Whin
- The Maltings
- Tancred transfer station
- Seamer Carr (transfer facility)
- Knapton Quarry
- Sandhutton Airfield

The existing Household Waste Recycling Centres (HWRC) provide an important network of

facilities for the local receipt and transfer of LACW waste to treatment, disposal or reprocessing facilities, sometimes located outside the Plan area. Although the evidence indicates that there is adequate provision of these facilities, due to the fact that they are often located on industrial sites and business parks alongside a wide range of other types of development, and often relatively close proximity to residential areas, they are often vulnerable to encroachment from other potentially incompatible developments. It may therefore be appropriate to safeguarding them. There are 20 HWRCs within the NYCC area and 2 within the City of York:

- Catterick Bridge
- Leyburn
- Leeming Bar
- Stokesley
- Whitby
- Burniston
- Seamer Carr
- Malton & Norton
- Thornton-le-dale
- Northallerton
- Harrogate
- Wombledon
- Sowerby
- Skibeden
- Ripon
- Settle
- Tadcaster
- Selby
- Tholthorpe
- West Harrogate
- Hazel Court
- Towthorpe.

It would also be appropriate to safeguard any allocations for waste facilities included in the Plan.

The preferred policy approach is therefore based on Option 1.

Preferred policy approach – title changed to S03: Waste management facility safeguarding

Waste management facilities shown on the Policies map, including a 250m buffer zone, will be safeguarded from incompatible development.

Other forms of non-exempt development which would replace the safeguarded waste use will be permitted where there is overriding justification, or a suitable alternative location can be provided. Where other forms of non-exempt development are proposed in the safeguarded buffer zone, development will only be permitted where adequate mitigation can, if necessary, be provided within the encroaching development proposals in order to reduce any impacts from the adjacent waste use to an acceptable level.

Supporting text

Waste facilities are an important part of the total infrastructure of an area and it is important that key facilities are protected in order to ensure their ongoing availability. As some waste developments are relatively low value developments, they are at risk from replacement by competing, higher value land uses. Safeguarding key facilities can help prevent this. In other

cases, certain forms of waste infrastructure are relatively specialised or of strategic scale and form key parts of the overall facility network. The purpose of safeguarding certain waste facilities is not to prevent other development from taking place but to ensure that waste infrastructure needs are factored into decision making in other forms of development. This will be particularly important in the two tier parts of the Plan area, where many development decisions are not taken by the waste planning authority.

In some cases, the introduction of other forms of development such as residential or certain community and commercial uses, in close proximity to established or allocated waste uses, can lead to conflict through the potential for impacts on local amenity or other important matters. The identification of a buffer zone around safeguarded waste facilities provides an opportunity to ensure that the potential for such impacts is taken into account and can therefore benefit both the continuing use of the waste facility, as well as the ensuring that any impacts associated with waste uses are taken into account where other forms of development are proposed in close proximity. A 250m buffer zone reflects the potential for significant impacts arising from some waste uses.

As a two-tier planning system exists in the NYCC planning authority area, it is the district and borough councils that are responsible for ensuring that relevant non-waste related development proposals are assessed in line with this policy. The districts and boroughs will be required to consult the County Planning authority on any non-exempt development before any decision can be made on the application. Exempt development is identified at the end of this chapter.

Maps showing the boundaries of the listed sites have been produced.

Links to Objectives and Policies

Link to Objectives:

Objective 2

Objective 6

Objective 7

Links to other relevant policies in the Plan:

Id52: Waste site identification principles

Id58: Presumption in favour of sustainable minerals and waste development

Id59: Local amenity and cumulative impacts

SA/SEA

Summary of assessment

It is not possible to identify effects against a number of environmental sustainability objectives without knowing the nature of any proposed development or alternative locations for either this or displaced waste management facilities. This policy may however provide positive effects in relation to a number of objectives including minimising the use of resources, managing waste as high up the waste hierarchy as practicable and meeting the needs of a changing population. Minor negative impacts may arise should the policy result in facilities that manage waste lower down the waste hierarchy (e.g. landfill and incineration facilities) being safeguarded.

Recommendations

None

Part 2 - Preferred options to Publication

Consultation Responses to Preferred Options

- 8.29 National waste planning policy requires all planning authorities, including district and borough Councils in two-tier planning areas, to ensure that the impact of proposed, non-waste related development on existing waste management facilities and on sites and areas allocated for waste management is acceptable and does not prejudice the implementation of the waste hierarchy.
- 8.30 As not all waste management facilities are subject of planning permissions granted by the waste planning authority (for example they may be operating under established use rights or permitted uses under the Use Classes Order), comprehensive information on the full extent of the facility network in the Plan area is not available. Also, it is likely that there will be significant changes to the network over the life of the Plan. It is not therefore practicable to identify all facilities for safeguarding in the Plan.
- 8.31 However, certain facilities or sites which are considered to be particularly important should be subject of specific safeguarding, well as site allocations for new waste development. More information about the approach to identifying relevant waste infrastructure for safeguarding can be found in the evidence base for the Plan.

Policy S03: Waste management facility safeguarding

Waste management sites shown on the Policies Map, including a 250m buffer zone, will be safeguarded from incompatible development.

Other forms of non-exempt development which would replace the safeguarded waste site will be permitted where there is overriding justification, or a suitable alternative location for the waste development can be provided. Where other forms of non-exempt development are proposed in the safeguarded buffer zone, development will only be permitted where adequate mitigation can, if necessary, be provided within the encroaching development proposals in order to reduce any impacts from existing or proposed adjacent waste uses to an acceptable level, or where the benefits of the proposed use outweigh any safeguarding considerations.

Main responsibility for implementation of policy: NYCC, CYC, NYMNPA and Waste Industry

Key links to other relevant policies and objectives

W02, W11, S04, S06, D01, D02 | *Objectives 2, 6, 7*

Monitoring: Monitoring indicator 41 (see Appendix 3)

Policy Justification

- 8.32 Waste facilities are an essential part of the total infrastructure of an area and it is important that key facilities are protected in order to ensure their continued availability. Certain forms of waste infrastructure are relatively specialised or of strategic scale, or are in other ways particularly important in terms of the contribution they make to the overall network. In combination they contribute to delivering the objectives of moving waste up the hierarchy and enabling communities to take responsibility for waste arising in their area, in line with local, national and european policy and legislation.
- 8.33 As some waste uses are relatively low value developments, they are at risk from replacement by competing, higher value land uses. Safeguarding facilities can help prevent this. The purpose of safeguarding certain waste facilities is not to prevent other development from taking place but to ensure that the need to maintain important waste infrastructure is factored into decision making for other forms of development. This will be particularly important in the two tier parts of the Plan area, where many development decisions are not taken by the waste planning authority.

Comment [MS231]: -129 (Yorwaste) 0992- remove Hessay from the list. Done 3742/2059, 3743/1919, 3374/0014, 3720/0490, 1097/0447- Harewood Whin should be revised or removed 127/1080,2180 (Peel) 0812- revise southmoor boundary and north selby mine Note - these changes should be reflected on the policies map

Comment [MS232]: 0127 (Harworth Estates)1080- the buffer could potentially prejudice other economically beneficial uses from coming forward. 0342 (Mone Bros) 1296/ 0129(Yorwaste) 0931 - buffer zones should be based on the circumstances of a particular operation. 3542/1111- increase the buffer distance Note - it is not considered practicable to define buffer zones on a site by site basis. 250m is considered to represent a reasonable balance

Comment [MS233]: 0075 (Bradford MBC) 0906Consider a buffer for all waste sites and define what is incompatible - Note it is not considered practicable to define buffer zones on a site by site basis. 250m is considered to represent a reasonable balance

Comment [MS234]: 0127 (Harworth Estates)1080- define what is exempt and non-exempt development. Define incompatible development, which should be limited to sensitive uses and exclude industrial and commercial uses. Note - exempt development (and by implication non-exempt development is defined later in the chapter, as already referred to in the supporting text. Further clarification in the text can be provided on incompatible development.

- 8.34 In some cases, the introduction of other forms of development in close proximity to established or allocated waste uses, can lead to conflict through the potential for impacts on local amenity or other important matters, such as from noise, dust odour or bioaerosols. Whilst it is not practicable to define all such forms of development, they include residential uses and commercial and industrial uses dependent on a high quality local environment for example within the food and health care sectors. The identification of a buffer zone around safeguarded waste facilities provides an opportunity to ensure that the potential for such impacts is taken into account and can therefore benefit both the continuing use of the waste facility, as well as the ensuring that any impacts associated with waste uses are taken into account where other forms of development are proposed in close proximity. Whilst a range of types and scales of activity could be associated with waste management activity, it is not practicable to define individual buffer zones for each facility to be safeguarded. A 250m buffer zone reflects a balance between ensuring that the potential for significant impacts arising from some waste uses is allowed for, whilst limiting the extent to which consultation for safeguarding purposes is required. It is also consistent with the Environment Agency's restrictions on open composting of waste taking place within 250m of residential property.
- 8.35 As a two-tier planning system exists in the NYCC area, it is the District and Borough councils that are responsible for ensuring that relevant non-waste related development proposals are assessed in line with this policy. Consultation with the County Planning authority will be required on any non-exempt development before any decision can be made on the application. Exempt development is identified at the end of this Chapter.

SA/SEA

Summary of assessment It is not possible to accurately identify effects against a number of environmental sustainability objectives as often the main sustainability effect arises as a result of a safeguarded site and its buffer displacing another type of development to an alternative location (which may be positive or negative for the SA objectives). On the other hand, there could be some positive benefits from not developing the area, including the buffer, which is safeguarded, and safeguarding sites also benefits a number of objectives because it simply reduces the need to develop wholly new sites.

This policy may also however provide positive effects in relation to a number of objectives including minimising the use of resources, managing waste as high up the waste hierarchy as practicable and meeting the needs of a changing population. Minor negative impacts may arise as the policy could also result in facilities that manage waste lower down the waste hierarchy (e.g. landfill and incineration facilities) being safeguarded.

Recommendations None

Overall Summary of Reasons for Change

Some comments from industry requested revisions to some of the maps and the removal of one facility which is not operational any more. The proposed revisions have been actioned. In terms of the non-operational facility if there is potential for the land to continue to be used for a waste facility it should continue to be safeguarded.

Several comments were made about the buffer zones including considering buffers on a site by site basis and changing the size of the buffer. It is not considered practicable to define buffer zones on a site by site basis, 250 meters is considered to represent a reasonable balance.

A request was made to define exempt and non-exempt development and define incompatible development which should be limited to sensitive uses and exclude industrial and commercial uses. Exempt development (and by implication non-exempt development) is defined later in the chapter and is already referred to in the supporting text. Further clarification in the text has been provided for incompatible development.

Development of Policy S04: Transport infrastructure safeguarding.

Part 1 - Issues and Options to Preferred Options

Id55 - Transport infrastructure safeguarding	
<i>Options presented at Issues and options stage</i>	<p>Option 1: This option would safeguard all known railheads, rail links and wharfs which have the potential for minerals transport against encroaching or replacement development which would prevent the use of land for mineral transport purposes, unless the need for the alternative development would outweigh the benefits of retaining the facility or a suitable alternative for the displaced use can be found.</p> <p>OR</p>
	<p>Option 2: This option would only safeguard railheads, rail links to quarries and wharfs which are in active use for minerals transport against encroaching or replacement development which would prevent the use of the land for mineral transport purposes, unless the need for the alternative development would outweigh the benefits of retaining the facility or a suitable alternative for the displaced use can be found.</p> <p>OR</p>
	<p>Option 3: This option would consider each railhead, quarry rail-link and wharfage to assess its potential for minerals transport now and in the future, and only those where a high degree of confidence in the potential for such use can be demonstrated would be safeguarded.</p>
What the SA told us	
<p>Option 1 is likely to provide the most flexibility compared to both Options 2 and 3 in terms of the future movement of minerals to the market. This would have a positive effect in ensuring that all possibilities for transporting minerals using these methods are safeguarded. However, this option may result in greater potential for vacant sites. Option 3 would only safeguard where there is identified potential now and in the future, which would link the location of minerals movement with assessment of actual and projected use and would allow sites without sufficient potential to be redeveloped for alternative (non-minerals related) uses. Option 2 could restrict future transport capability by only safeguarding currently used rail heads, links and wharves, which could have negative effects on the economy and minerals supply in the longer term.</p> <p>Recommendations It is considered that Option 3 shows more positive benefits overall when compared to Options 1 and 2, although it is acknowledged that for the majority of objectives no strong preference for any option was identified. Any policy would need to address potential for vacant sites and length of time / issues related to this would need to be considered when considering alternative developments.</p>	

Number of consultation responses		
Total Number of comments against id:	19	
Question 133) Do you have a preference for any of the options presented above?	Number of respondents: 18	
	Option 1: 13 SC: 1 MWI: 3	Combination: 0
	Option 2: 1	Did Not Specify: 0
	Option 3: 4 Local Authorities: 2	None: 0
Question 134) Are there any alternative options the Authorities should consider in relation to transport infrastructure safeguarding?	Number of respondents: 1 SC: 0 MWI: 0 Local Authorities: 0	
Question 135) Are there any particular facilities which you think should be safeguarded if Option 3 were to be followed? (Please refer to the document: Minerals and Waste Local Plan Evidence Base: safeguarding of minerals Infrastructure', via the link www.northyorks.gov.uk/mwevidence).	Number of respondents: 0 SC: 0 MWI: 0 Local Authorities: 0	
Brief overview of consultation responses		
<p>Key Messages Q133:</p> <p><i>Option 1:</i></p> <ul style="list-style-type: none"> • Provides flexibility for movement of minerals by waterways and by existing wharfs • Positive effect on safeguarding sustainable transport modes • Supports movement of waterborne freight along inland waterways • Closest to national policy as it safeguards potential and existing sites • Other options would lead to a reduction in the number of wharves over time • Provides strongest protection for existing and future rail and wharf infrastructure <p><i>Option 3:</i></p> <ul style="list-style-type: none"> • Realistic and does not result in unnecessary safeguarding • Provides a reasonable compromise <p><i>General comments on the Options:</i></p> <ul style="list-style-type: none"> • The number of sites to safeguard is dependent upon the amount of sites submitted and the likelihood of increased supply in the future <p>Key Messages Q134: One alternative option was suggested which was to preserve all future water and rail infrastructure, this is already covered by the existing options and so has not been taken forward.</p> <p>Key Messages Q135: No Comments were received</p>		
SA of options including alternatives		
N/A		
Joint Authorities response to consultation responses		
The preference of the majority of respondents for Option 1 is noted. It is agreed that this would provide the maximum amount of protection for minerals and waste transport		

infrastructure. However, it is also considered necessary to ensure that any approach is balanced and that safeguarding of existing infrastructure can be justified in any particular case.

Evidence base update

New evidence as of January 2015.

The NPPG published in March 2014 provided guidance on minerals infrastructure and transport safeguarding.

Planning authorities should safeguard existing, planned and potential storage, handling and transport sites to:

- Ensure that sites for these purposes are available should they be needed,
- Prevent sensitive or inappropriate development that would conflict with the use of sites identified for these purposes.

In areas where there are County and District authorities, responsibility for safeguarding facilities and sites for the storage, handling and transport of minerals in local plans will rest largely with the district planning authority. Exceptions will be where such facilities and sites are located at quarries or aggregate wharves or rail terminals.

The Guidance also states that planning authorities should consider the possibility of combining safeguarded sites for the storage, handling and transport of minerals with those for processing and distribution of recycled and secondary aggregate.

Duty to Cooperate

Is this a duty to cooperate matter? Yes

Safeguarding of minerals and waste transport infrastructure will require cooperation between the County Council and District/Borough Councils in the two tier part of the Joint Plan area.

Discussion around development of preferred policy approach

The majority of respondents, including industry, supported Option 1 which would safeguard all known railheads, rail links and wharfs unless the need for alternative development would outweigh the benefits of retaining the facility. The SA states that there was no strong preference for any of the Options under most of the objectives, but Option 1 provides the greatest flexibility and Option 3, which represents a more targeted approach to safeguarding, the most positive benefits overall. Option 1 is also most in line with national policy and guidance.

A disbenefit of Option 1 is that for the non-operational wharfs, sidings or railheads identified in the Plan area, no information is available as to their potential future viability for minerals or waste transport and how this might change over the Plan period. Safeguarding such sites could unnecessarily prevent the site reverting to some other use in future. During consultation at Issues and Options stage views were sought on which facilities should be safeguarded if a more targeted approach were to be followed. No responses to this question were received.

Taking this into account it is considered that the preferred approach should be to either safeguard all facilities (active or potential), subject to further views on their future potential through consultation at preferred options stage, or, just safeguard those in current use in view of their known role and the expectation that this is likely to continue in future.

At this stage in preparation of the Plan it is suggested that all known facilities (active or potential) should be subject to safeguarding against alternative forms of development and encroaching development which may conflict with their ongoing or future use. This position will be reviewed in the light of consultation responses at preferred options stage.

In line with national planning guidance it is acknowledged that, in some circumstances, sites for minerals transport could appropriately be combined with sites for the processing and redistribution of secondary and recycled aggregate. This is addressed further in draft policy relating to supply of alternatives to land won primary aggregate.

Preferred policy approach – title changed to S04: Transport infrastructure safeguarding

Railheads, rail links and wharves identified on the Policies map will be safeguarded against replacement development which would prevent the use of the land for minerals and waste transport purposes, unless;

- **The need for the alternative development outweighs the benefits of retaining the facility, or**
- **A suitable alternative location can be provided for the displaced facility, or**
- **The facility is not in use and there is no reasonable prospect of it being used for minerals transport in the foreseeable future**

An additional 100m buffer zone around each facility, as shown on the proposals map, is also safeguarded against encroaching development which would not be compatible with the use of the facility for minerals or waste transport. Where development in the safeguarded buffer zone would substantially restrict the continued use or potential future use of the facility for the transport of minerals or waste then permission will be refused unless adequate mitigation can be provided.

Where non-exempt District matter development is proposed in a safeguarded area consultation with the County Planning Authority will be required.

Supporting text

Transport infrastructure includes facilities or sites which are used, or which may provide potential for, non-road transport of minerals or waste, such as rail heads, sidings, and canal or river wharves. Some minerals, but not waste, are currently transported by rail via rail heads located in the Plan area, including coal from Kellingley Colliery, potash from Boulby Mine and the importation of aggregate into two rail linked sites in Selby district. There are a number of known facilities in the area, such as the rail link at the former Gascoigne Wood Mine site, also in Selby district, which have previously played a role in the transport of minerals, and where future potential may still exist.

National policy and guidance encourages the safeguarding of existing, planned and potential minerals transport infrastructure. Although national policy doesn't indicate a specific requirement to safeguard transport infrastructure for waste it does indicate that, where practicable and beneficial, modes other than road should be used to transport waste.

In order to ensure that opportunities for the sustainable transport of minerals or waste are protected for the future, known active and potential transport infrastructure sites are therefore safeguarded in the Plan. Applicants for development which may result in the loss of a safeguarded facility should include information in their application to demonstrate how the safeguarded use will be protected, or is no longer appropriate for safeguarding, in line with the criteria in the policy.

In order to protect safeguarded facilities from encroachment by other non-compatible development which may compromise the continued use of the facility for the transport of minerals or waste, for example development which may be sensitive to disturbance from noise or dust, a buffer zone around safeguarded facilities has also been identified. Where proposals for non-exempt development in these zones would not be compatible with the safeguarded use then permission will be refused unless suitable mitigation can be provided as part of the proposals for the encroaching development.

In those parts of the Joint Plan area covered by both County and District tier planning authorities, district councils should consult with the County Council as minerals and waste planning authority before granting permission for non-exempt development in an area safeguarded for transport infrastructure. Exemption criteria are set out in id70 Consideration of applications in Mineral Consultation Areas

Links to Objectives and Policies

Link to Objectives

Objective 3

Objective 7

Objective 8

Links to other relevant policies in the Plan

Id54: Transport infrastructure

Id55: Locations for ancillary infrastructure safeguarding

Id56: Minerals ancillary infrastructure safeguarding

Id58: Presumption in favour of sustainable minerals and waste development

Id59: Local amenity and cumulative impacts

Id60: Transport of minerals and waste and associated impacts

Id70: Developments proposed within Mineral Safeguarding Areas

Id71: Consideration of applications in Mineral Consultation Areas

SA/SEA

Summary of assessment

This policy would ensure that wharves and railheads/rail links are safeguarded for the transportation of minerals and waste but retains an element of flexibility to ensure that unused sites with little potential for future use or sites that would have greater benefit being used for an alternative purpose are not safeguarded. Positive impacts have been identified in relation to encouraging the use of more sustainable modes of transport, air quality, land use, climate change, resource use and the economy. There is an element of uncertainty throughout the assessment as safeguarding may displace other forms of development that may otherwise have taken place in an area and the consequences of this displacement is not known.

Recommendations

No mitigation is proposed.

Part 2 - Preferred options to Publication

Consultation Responses to Preferred Options

8.36 In order to ensure that opportunities for the sustainable transport of minerals or waste are protected for the future, it is important to safeguard relevant transport infrastructure sites in the Plan. The NPPF encourages the safeguarding of minerals transport infrastructure and states that mineral planning authorities should safeguard existing, planned and potential railheads, rail links to quarries, wharfage and associated storage, handling and processing facilities for the bulk transport by rail, sea or inland waterways of minerals. In the interests of sustainable development,

similar principles should apply to infrastructure with the potential for transport of waste.

Policy S04: Transport infrastructure safeguarding

Railheads, rail links and wharves identified on the Policies Map will be safeguarded against replacement development which would prevent the use of the infrastructure for minerals or waste transport purposes, unless;

- i) **The need for the alternative development outweighs the benefits of retaining the facility; and**
- ii) **Where the minerals or waste transport infrastructure is in active use on the land a suitable alternative location can be provided for the displaced infrastructure; or**
- iii) **The infrastructure is not in use and there is no reasonable prospect of it being used for minerals or waste transport in the foreseeable future.**

An additional 100m buffer zone around each site, as shown on the Policies Map, is also safeguarded against encroaching development which would not be compatible with the use of the site for minerals or waste transport. Where development in the safeguarded buffer zone would substantially restrict the continued use or potential future use of the site for the transport of minerals or waste then permission will be refused unless adequate mitigation can be provided.

Main responsibility for implementation of policy: NYCC, CYC and NYMNP and District and Borough Councils

Key links to other relevant policies and objectives

101, S01, S02, S03, S05, S06, D01, Objectives 3, 7, 8

Monitoring: Monitoring indicator 42 (see Appendix 3)

Comment [MS237]: 2310 (CBOA) 0765- include access to the facilities within the boundaries of the safeguarded sites.

Comment [MS235]: 0115 (MPA)0651- the policy currently allows for the loss of mineral infrastructure if the need for alternative development is overriding, this is not sufficient. The minerals interest should be left no worse off than if there were no development. Therefore the link between I and ii should be 'and' not 'or' thus the mineral infrastructure is replaced. Note – It is agreed that there should be a requirement for an alternative location to be provided where the site is in active use and this is reflected in revised wording to the policy.

Comment [MS236]: 2771 (Kent CC) 0859- new facilities should be identified to ensure full compliance with the NPPF. 3732 (Inland Waterways) 0825- facilities for leisure or navigational use should also be safeguarded. Add Great Heck and Pollington (Dalkia) to the sites. Note – any new sites that have been suggested have been investigated and only taken forward if likely to be used for minerals or waste transport in the future. It is outside the scope of the Plan to safeguard sites for navigation or leisure use.

Comment [MS238]: 2180 (Peel) 0810, 0127 (Harworth Estates)- recognise that these facilities may have multi modal non-mineral or waste related use and as such facilities should not be safeguarded exclusively for mineral use. Note - this is noted but as a minerals and waste plan this cannot be addressed directly in the policy

Comment [MS239]: 0294 (Canal & River Trust), 0127 (Harworth estates) 1083, 0129 (Yorwaste) 0933- each site should be considered on its own merits. Note - it is not practicable to identify specific buffer zones for each site 0115 (MPA) 0680- buffer is adequate

Comment [MS240]: 2310 (CBOA) proposes 3 new sites for safeguarding. 2180 (Peel) 0810- new area and original wharf at Kellingley should be safeguarded.

Policy Justification

- 8.37 Transport infrastructure includes facilities or sites which are used, or which may provide potential for, non-road transport of minerals or waste, such as rail heads, sidings, and canal or river wharves. Some minerals, but not waste, are currently transported by rail via rail heads located in the Plan area, including potash from Boulby Mine and the importation of aggregate into two rail linked sites in Selby district. There are a number of known facilities in the area, such as the rail link at the former Gascoigne Wood Mine site and the rail link at Kellingley Colliery, which has now closed, which have previously played a role in the transport of minerals, and where future potential may still exist.
- 8.38 Transport of coal by barge has previously occurred in the Selby area, and some infrastructure remains but needs repair if it is to be used again. Growing interest in the potential for increased supply of marine aggregate into the Yorkshire and Humber area may increase the significance of both water and rail transport of minerals in future, adding to the justification for safeguarding of wharfs and railheads.
- 8.39 In order to protect safeguarded facilities from encroachment by other non-compatible development which may compromise the continued use of the facility for the transport of minerals or waste, for example development which may be sensitive to disturbance from noise or dust, a buffer zone around safeguarded facilities has also been identified. A 100m buffer zone is considered to be adequate to ensure that the potential for significant impacts are taken into account for these forms of development. Where proposals for non-exempt development in these zones would not be compatible with the safeguarded use then permission will be refused unless suitable mitigation can be provided as part of the proposals for the encroaching development.

8.40 In those parts of the Joint Plan area covered by both County and District tier planning authorities, District Councils should consult with the County Council as minerals and waste planning authority before granting permission for non-exempt development in an area safeguarded for transport infrastructure. Exemption criteria are set out in the sections dealing with Safeguarding and Consultation, later in this Chapter.

SA/SEA

Summary of assessment This policy would ensure that wharves and railheads/rail links are safeguarded for the transportation of minerals and waste but retains an element of flexibility to ensure that unused sites with little potential for future use or sites that would have greater benefit being used for an alternative purpose are not safeguarded. Positive impacts have been identified in relation to encouraging the use of more sustainable modes of transport, air quality, land use, climate change, resource use and the economy. There is an element of uncertainty throughout the assessment as safeguarding may displace other forms of development that may otherwise have taken place in an area and the consequences of this displacement is not known.

Recommendations No mitigation is proposed.

Overall Summary of Reasons for Change

One comment suggested that if transport infrastructure that was lost due to new development it should be replaced, It is agreed that there should be a requirement for an alternative location to be provided where the site is in active use and this is reflected in revised wording to the policy.

It was suggested that new facilities should be identified to ensure full compliance with the NPPF and facilities for leisure and navigational use should also be safeguarded. Several additional sites were suggested and these have been investigated and would only be taken forward if likely to be used for minerals or waste transport in the future.

One comment stated that the Plan should recognise that these facilities may have multi-modal non mineral or waste related use and so the facilities should not be safeguarded exclusively for mineral or waste use. This point is noted but as a minerals and waste Plan this cannot be addressed directly by this policy.

In terms of the buffer comments suggested that each site should be considered on its own merits. It is not practicable to identify specific buffer zones for each site and the size of the buffer is considered adequate.

Development of Policy S05: Minerals ancillary infrastructure safeguarding.

Part 1 - Issues and Options to Preferred Options

Id57 - Minerals ancillary infrastructure safeguarding

<i>Options presented at Issues and options stage</i>	<p>Option 1: This option would safeguard all known sites for concrete batching, roadstone manufacture, other concrete products manufacture, and the handling, processing and distribution of recycled and secondary aggregate against encroaching or replacement development which would prevent the use of the land for ancillary aggregates purposes.</p> <p>OR</p>
------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	<p>Option 2: This option would safeguard only stand-alone sites for concrete batching, roadstone manufacture, other concrete products manufacture, and the handling, processing and distribution of recycled and secondary aggregate against encroaching or replacement development which would prevent the use of the land for ancillary aggregates purposes.</p> <p>OR</p> <p>Option 3: This option would consider each site for concrete batching, roadstone manufacture, other concrete products manufacture, and the handling, processing and distribution of recycled and secondary aggregate on an individual basis to assess its risk of being affected by new development, and those with greater potential to be impacted by encroaching or replacement development would be safeguarded.</p> <p>OR</p> <p>Option 4: This option would safeguard all known sites for concrete batching, roadstone manufacture, other concrete products manufacture, and the handling, processing and distribution of recycled and secondary aggregate against encroaching or replacement development which would prevent the use of the land for ancillary aggregates purposes, unless a suitable alternative location for the displaced use is found or it is considered that the need for the alternative development outweighs the need to retain the infrastructure.</p>								
What the SA told us									
<p>Option 1 is likely to have economic benefits through enabling choice for minerals operators. However, it is possible that pursuing this option may result in the creation of vacant sites with associated effects on landscape and community safety and wellbeing. Options 3 and, most significantly, 4 are likely to create more flexibility around future alternative uses for these sites than Option 1, with Option 4 providing the most economic benefits in this respect. All of the options are likely to have uncertain social and environmental impacts, dependent upon the nature of any displaced development.</p> <p>Recommendations On balance, it is considered that option 4 would have the most sustainability benefits. However, this option would benefit from considering which sites have the most potential for continuing use in the future.</p>									
Number of consultation responses									
Total Number of comments against id:	8								
Question 138) Do you have a preference for any of the options presented above?	Number of respondents: 7								
	<table border="1"> <tr> <td>Option 1: 2 <i>MWI: 1</i> <i>Local Authorities: 1</i></td> <td>Combination: 0</td> </tr> <tr> <td>Option 2: 2 <i>MWI: 2</i></td> <td>Did Not Specify: 1 <i>Local Authorities: 1</i></td> </tr> <tr> <td>Option 3: 2</td> <td>None: 0</td> </tr> <tr> <td>Option 4: 0</td> <td></td> </tr> </table>	Option 1: 2 <i>MWI: 1</i> <i>Local Authorities: 1</i>	Combination: 0	Option 2: 2 <i>MWI: 2</i>	Did Not Specify: 1 <i>Local Authorities: 1</i>	Option 3: 2	None: 0	Option 4: 0	
	Option 1: 2 <i>MWI: 1</i> <i>Local Authorities: 1</i>	Combination: 0							
	Option 2: 2 <i>MWI: 2</i>	Did Not Specify: 1 <i>Local Authorities: 1</i>							
	Option 3: 2	None: 0							
Option 4: 0									
Question 139) Are there any alternative options the Authorities should consider in relation to ancillary minerals infrastructure safeguarding?	Number of respondents: 1 <i>SC: 0</i> <i>MWI: 0</i> <i>Local Authorities: 0</i>								
Question 140) Are there any particular	Number of respondents: 0								

<p>facilities which should be safeguarded if Option 3 were to be followed? (Please refer to the document: 'Minerals and Waste Local Plan Evidence Base: safeguarding of minerals Infrastructure', via the link www.northyorks.gov.uk/mwevidence).</p>	<p>SC: 0 MWI: 0 Local Authorities: 0</p>
<p>Brief overview of consultation responses</p>	
<p>Key Messages Q138: <i>Option 2:</i></p> <ul style="list-style-type: none"> • Not necessary to safeguard facilities on time limited mineral operations which will come to a programmed end <p><i>Option 3:</i></p> <ul style="list-style-type: none"> • This options depends on threats which may be underestimated <p><i>Option 4:</i></p> <ul style="list-style-type: none"> • Care would need to be taken in determining what alternative sites would be available <p>Key Messages Q139: Proposed Option 5 This option would safeguard the surface infrastructure for oil and gas developments</p> <p>The point was also made that it is the last mineral use that should be safeguarded and not just current upstanding operational plant.</p>	
<p>SA of options including alternatives</p>	
<p>Summary of Assessment Option 1 is likely to have economic benefits through enabling choice for minerals operators. However, it is possible that pursuing this option may result in the creation of vacant sites with associated effects on landscape and community safety and wellbeing. Option 2 has similar effects, though at a lower scale. Options 3 and, most significantly, 4 are likely to create more flexibility around future alternative uses for these sites than Option 1, with Option 4 providing the most economic benefits in this respect.</p> <p>The addition of Option 5 is likely to result in some minor positive effects in relation to encouraging safeguarding, achieving sustainable economic growth and efficient land use.</p> <p>All of the options are likely to have uncertain social and environmental impacts, dependent upon the nature of any displaced development.</p> <p>Recommendations On balance, it is considered that Option 4 combined with Option 5 would have the most sustainability benefits. However, Option 4 (or a combined option 4 /5) would benefit from considering which sites have the most potential for continuing use in the future.</p>	
<p>Joint Authorities response to consultation responses</p>	
<p>It is agreed that it should not be necessary to safeguard ancillary facilities located within areas permitted for mineral extraction as these should already receive protection through the relevant minerals permission/s. It is also agreed that it may be difficult in practice to evaluate the level of risk from encroachment or replacement over the lifetime of the Plan. With regard to provision of alternative locations (Option 4) this matter could only be considered on a case by case basis at the time when specific proposals are submitted which may impact on a safeguarded site. It is agreed that it would also be appropriate to safeguard key infrastructure</p>	

related to gas development. In particular it is considered that this should include the gas powered generating station at Knapton, and the recently permitted but as yet undeveloped site for a processing facility at Thonton-le-Dale.

Evidence base update

Updated evidence as of January 2015.

The NPPG published in March 2014 suggests that Planning Authorities should safeguard existing, planned and potential storage, handling and transport sites to:

- Ensure that sites for those purposes are available should they be needed.
- Prevent sensitive or inappropriate development that would conflict with the use of sites identified for these purposes.

Duty to Cooperate

Is this a duty to cooperate matter? Yes

Safeguarding in the two tier parts of the Plan area will require cooperation between the County Planning Authority and District/Borough Planning Authorities.

Discussion around development of preferred policy approach

Responses provided equal support for Options 1, 2 and 3, with none for Option 4. The three options with consultee support are distinctly different so cannot readily be combined.

It is considered that in safeguarding ancillary infrastructure the emphasis should be on the protection of 'free standing' infrastructure sites as these are by definition not subject of any protection through an associated permission for minerals extraction. Although Option 2 was not the most favoured by the SA of the initial options it is considered, taking into account consultation comments received, to be the most realistic option. It could be made more sustainable by incorporating the references in Option 4 relating to identification of a suitable alternative location for the displaced use and consideration of whether the need for the alternative development outweighs the need to retain the infrastructure, as well as new Option 5 relating to safeguarding of surface gas infrastructure.

The preferred policy approach is therefore Option 2 combined with elements of Option 4 and Option 5.

For sites which are safeguarded a buffer zone around the site should be considered to protect the safeguarded site from being impacted by unsuitable proximal development such as land uses which may be sensitive to factors such as noise and dust. It is considered that a 100m buffer zone would be appropriate.

Preferred policy approach – title changed to S05: Minerals ancillary infrastructure safeguarding

Minerals ancillary infrastructure sites identified on the Policies map are safeguarded against replacement development which would prevent the use of the land for minerals ancillary infrastructure purposes, unless;

- **The need for the alternative development outweighs the benefits of retaining the site, or**
- **A suitable alternative location can be provided for the displaced use, or**
- **The site is not in use and there is no reasonable prospect of it being used for minerals ancillary infrastructure in the foreseeable future**

An additional 100m buffer zone around each site, as shown on the Policies map, is also safeguarded against encroaching development which would not be compatible with the use of the site for ancillary minerals infrastructure. Where development in the

safeguarded buffer zone would substantially restrict the continued use or potential future use of the site for minerals ancillary infrastructure then permission will be refused unless adequate mitigation can be provided.

Supporting text

Minerals ancillary infrastructure includes plant for processes such as concrete batching, manufacture of coated materials and other concrete products as well as the handling, processing and distribution of substitute, recycled and secondary aggregate material. Their main purpose is to produce value added products using minerals as a key raw material. National policy and guidance encourages safeguarding of minerals ancillary infrastructure including existing, planned and potential sites.

In many cases ancillary infrastructure is located at the site where the minerals they wholly or partly depend on are produced. In these circumstances they are protected from replacement by alternative forms of development by the associated minerals extraction permission and specific safeguarding is not required. As minerals extraction sites tend to be located outside urban areas, the risk of encroachment by other conflicting development is also relatively low.

In other cases, ancillary minerals infrastructure is located at free standing sites which don't receive protection through an associated minerals extraction permission. Such sites are typically on industrial estates where there may be a greater risk of competition from other forms of development and, potentially, a greater risk of encroachment from other forms of development which, if located in close proximity to the ancillary infrastructure, could impact on its future operation.

In order to ensure that sites for minerals ancillary infrastructure are protected for the future, known free standing ancillary infrastructure sites are therefore safeguarded in the Plan. Applicants for development which would result in the loss of a safeguarded facility should include information in their application to demonstrate how the safeguarded use will be protected, or is no longer appropriate for safeguarding, in line with the criteria in the policy.

In order to protect safeguarded facilities from encroachment by other non-compatible development which may compromise the continued use of the site minerals ancillary infrastructure a buffer zone around safeguarded facilities has also been identified. Where proposals for non-exempt development in these zones would not be compatible with the safeguarded use then permission will be refused unless suitable mitigation can be provided as part of the proposals for the encroaching development.

In those parts of the Joint Plan area covered by both County and District tier planning authorities, district councils should consult with the County Council as minerals and waste planning authority before granting permission for non-exempt development in an area safeguarded for transport infrastructure. Exemption criteria are set out in id70: Consideration of applications in Mineral Consultation Areas

Links to Objectives and Policies

Link to Objectives:

Objective 3

Objective 6

Objective 7

Links to other relevant policies in the Plan:

Id56: Locations for ancillary minerals infrastructure

Id58: Presumption in favour of sustainable minerals and waste development

Id59: Local amenity and cumulative impacts

Id60: Transport infrastructure safeguarding

Id71: Consideration of applications in Mineral Consultation Areas
SA/SEA
<p>Summary of assessment</p> <p>There are some very minor benefits that occur because this policy essentially reduces the likelihood of development within 100m of safeguarded sites. Alternatively it may displace some development, leading to uncertain effects (which depend on the location that development is displaced to).</p> <p>Elsewhere in the assessment a strong benefit was noted relating to minimising resource use, as safeguarding land for ancillary infrastructure would cover land for facilities for processing and distribution of substitute, recycled and secondary aggregate material. Where this is the case an indirect positive effect on minimising resources is expected. The policy also allows an option for future minerals ancillary infrastructure development to happen which would add value to minerals and help promote economic viability.</p> <p>Effects on communities and health are minimised by the application of the 100m buffer, whereas mixed positive and negative effects were predicted for the changing population objective (as some limited housing development might be displaced, but minerals supply would be facilitated).</p> <p>Recommendations</p> <p>No recommendations are made.</p>

Part 2 - Preferred options to Publication

Consultation Responses to Preferred Options	
8.41	National planning policy encourages the safeguarding of minerals ancillary infrastructure and states that mineral planning authorities should safeguard existing, planned and potential sites for concrete batching, the manufacture of coated materials and other concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material.
	<p>Policy S05: Minerals ancillary infrastructure safeguarding</p> <p>Minerals ancillary infrastructure sites identified on the Policies Map are safeguarded against replacement development which would prevent the use of the site for minerals ancillary infrastructure purposes, unless;</p> <ul style="list-style-type: none"> • The need for the alternative development outweighs the benefits of retaining the site; and • Where minerals ancillary infrastructure is in active use on the land a suitable alternative location can be provided for the displaced infrastructure; or • The site is not in use and there is no reasonable prospect of it being used for minerals ancillary infrastructure in the foreseeable future. <p>An additional 100m buffer zone around each site, as shown on the Policies Map, is also safeguarded against encroaching development which would not be compatible with the use of the site for ancillary minerals infrastructure. Where development in the safeguarded buffer zone would substantially restrict the continued use or potential future use of the site for minerals ancillary infrastructure then permission will be refused unless adequate mitigation can be provided.</p> <p>Main responsibility for implementation of policy: NYCC, CYC and NYMNP and District and Borough Councils</p> <p>Key links to other relevant policies and objectives</p>

Comment [MS241]: 0115 (MPA)0652- the policy currently allows for the loss of mineral infrastructure if the need for alternative development is overriding, this is not sufficient. The minerals interest should be left no worse off than if there were no development. Therefore the link between I and ii should be 'and' not 'or' thus the mineral infrastructure is replaced. Note – It is agreed that there should be a requirement for an alternative location to be provided where the site is in active use and this is reflected in revised wording to the policy

Comment [MS242]: 2771 (Kent CC) 0858- safeguard marine aggregate infrastructure – Note – no marine infrastructure present in Plan area.

<i>I02, D01, D02, S03, S04, S06</i>	<i>Objectives 3, 6, 7</i>
Monitoring: Monitoring indicator 43 (see Appendix 3)	
Policy Justification	
8.42	In many cases ancillary infrastructure is located at the site where the minerals they wholly or partly depend on are produced. In these circumstances they are protected from replacement by alternative forms of development by the associated minerals extraction permission and specific safeguarding is not required. As minerals extraction sites tend to be located outside urban areas, the risk of encroachment by other conflicting development is also relatively low.
8.43	In other cases, ancillary minerals infrastructure is located at free standing sites which don't receive similar protection. Such sites are typically on industrial estates where there may be a greater risk of competition from, or encroachment by, other forms of development which, if located in close proximity to the ancillary infrastructure, could impact on its future operation.
8.44	In order to ensure that sites for minerals ancillary infrastructure are protected for the future, known free standing ancillary infrastructure sites are therefore safeguarded in the Plan. Applicants for development which would result in the loss of a safeguarded facility should include information in their application to demonstrate how the safeguarded use will be protected, or is no longer appropriate for safeguarding, in line with the criteria in the policy.
8.45	In order to protect safeguarded facilities from encroachment by other non-compatible development which may compromise the continued use of the site minerals ancillary infrastructure, for example development which may be sensitive to disturbance from noise or dust, a buffer zone around safeguarded facilities has also been identified. A 100m buffer zone is considered to be adequate to ensure that the potential for significant impacts are taken into account for these forms of development. Where proposals for non-exempt development in these zones would not be compatible with the safeguarded use then permission will be refused unless suitable mitigation can be provided as part of the proposals for the encroaching development.
8.46	In those parts of the Joint Plan area covered by both county and district tier planning authorities, District Councils should consult with the County Council as minerals and waste planning authority before granting permission for non-exempt development in an area safeguarded for ancillary infrastructure. Exemption criteria are set out later in this section.
SA/SEA	
<p>Summary of assessment There are some very minor benefits that occur because this policy essentially reduces the likelihood of development within 100m of safeguarded sites. Alternatively it may displace some development, leading to uncertain effects (which depend on the location that development is displaced to).</p> <p>Elsewhere in the assessment a moderate benefit was noted relating to minimising resource use, as safeguarding land for ancillary infrastructure would save the need for developing new plant. The policy also enables retention of minerals ancillary infrastructure development for future use, which would add value to minerals and help promote economic viability.</p> <p>Effects on communities and health are minimised by the application of the 100m buffer, whereas mixed positive and negative effects were predicted for the changing population objective (as some limited housing development might be displaced, but minerals supply</p>	

would be facilitated).

Recommendations No recommendations are made.

Overall Summary of Reasons for Change

One comment suggested that if minerals ancillary infrastructure was lost then it should be replaced in another location. It is agreed that there should be a requirement for an alternative location to be provided where the site is in active use and this is reflected in revised wording to the policy.

One respondent stated that any marine infrastructure should be safeguarded, but there is no infrastructure in the Plan area dealing with marine aggregates.

Development of Policy S06: Consideration of applications in Consultation Areas.

Part 1 - Issues and Options to Preferred Options

Id71 - Consideration of applications in Mineral Consultation Areas				
<i>Options presented at Issues and options stage</i>	Option 1: Where safeguarding of a particular minerals resource is identified in the Plan, this option would define the whole of that area (to the extent that it falls within NYCC) as a Minerals Consultation Area, where District/Borough Councils would be required to consult the County Council in respect of any non-exempt proposals.			
What the SA told us				
This option scores positively by adding additional certainty over the process of operating the Minerals Safeguarding Areas policy, thus ensuring minerals are not sterilised by development being given permission by district or borough councils.				
Recommendations It is recommended that this option be pursued to ensure that the Minerals Safeguarding Area policy is applied consistently across the Joint Plan area.				
Number of consultation responses				
Total Number of comments against id:	12			
Question 183) Do you agree with option 1 above?	Number of respondents: 11			
	<table border="1"> <tr> <td>Option 1: 11 SC: 1 MWI: 5 Local Authorities: 2</td> <td>Did Not Specify: 0</td> </tr> <tr> <td></td> <td>None: 0</td> </tr> </table>	Option 1: 11 SC: 1 MWI: 5 Local Authorities: 2	Did Not Specify: 0	
Option 1: 11 SC: 1 MWI: 5 Local Authorities: 2	Did Not Specify: 0			
	None: 0			
Question 184) Are there any alternative options the Authorities should consider in relation to the extent of Mineral Consultation Areas, for example should any areas be excluded?	Number of respondents: 1 SC: 0 MWI: 1 Local Authorities: 0			
Brief overview of consultation responses				
Key Messages Q183:				

<p><i>Option 1:</i></p> <ul style="list-style-type: none"> It is considered essential that lower tier authorities take full account of safeguarded mineral resources to ensure they are not sterilised <p>Key Messages Q184: One realistic additional option was suggested and is summarised below:</p> <p>Proposed Option 2</p> <ul style="list-style-type: none"> Safeguarded mineral infrastructure and ancillary development should be included in MCAs <p><i>Suggested approach</i> <i>Areas safeguarded for minerals infrastructure and ancillary development would be included within Mineral Consultation Areas.</i></p>
<p>SA of options including alternatives</p> <p>Summary of assessment Both options score positively by adding additional certainty over the process of operating the Minerals Safeguarding Areas policy, thus ensuring minerals are not sterilised by development being given permission by district or borough councils.</p> <p>Recommendations It is recommended that the combination of both options be pursued to ensure that the Minerals Safeguarding Area policy and safeguarding of infrastructure and ancillary development is applied consistently across the Joint Plan area.</p>
<p>Joint Authorities response to consultation responses</p> <p>It is agreed that a policy mechanism would need to be in place to ensure consultation between District/Borough Councils and the mineral planning authority where development is proposed in areas safeguarded for infrastructure/ancillary development. Although not raised specifically in consultation responses, it is considered that it would be appropriate to extend this approach to where development is proposed in areas safeguarded for waste infrastructure.</p>
<p>Evidence base update</p> <p>The National Planning Practice Guidance (NPPG) states that in those areas where a mineral planning authority has defined a Minerals Consultation Area (MCA), district councils should consult the mineral planning authority and take account of the local minerals plan before determining a planning application on any proposal for non-minerals development within the MCA.</p> <p>This evidence is accurate as of January 2015.</p>
<p>Duty to Cooperate</p> <p>Is this a duty to cooperate matter? Yes</p> <p>At a general level, operation of minerals and waste safeguarding arrangements requires cooperation between district/borough councils and the minerals and waste planning authority in the two tier part of the Joint Plan area.</p>
<p>Discussion around development of preferred policy approach</p> <p>The general support for the option presented is noted. One additional suggestion was the need to identify areas safeguarded for minerals and ancillary infrastructure as Minerals Consultation Areas, as well as areas of safeguarded resources. It is agreed that this would be appropriate in the two-tier part of the Plan area and it would also be appropriate to follow</p>

this approach for safeguarded waste infrastructure.

The SA states that both options score positively by adding additional certainty over the process of operating the MSA policy, thus ensuring minerals are not sterilised by development being given by district or borough councils. The SA recommends that both options are pursued to ensure Mineral Safeguarding Policy is applied consistently across the Joint Plan area.

The preferred approach is therefore based on Option 1 and additional Option 2.

Preferred policy approach – title changed to S06: Consideration of applications in Consultation Areas

Where non-exempt development is proposed in an area safeguarded on the Policies Map for minerals resources, minerals transport infrastructure, minerals ancillary infrastructure and waste infrastructure, and the proposed development site is located outside the City of York and North York Moors National Park areas, consultation with North Yorkshire County Council will be required before permission is granted.

Supporting text

This policy only applies in those parts of the Joint Plan area outside the City of York and North York Moors National Park unitary planning authority areas. National policy states that Minerals Consultation Areas (MCAs) should be identified based upon areas defined as Mineral Safeguarding Areas (MSA). Within those areas district and borough councils should consult the MPA and take account of any local minerals plan before determining a planning application for relevant non-minerals development within it. Consultation will not be required where the non-minerals development proposed is included in the list of exempt forms of development. The purpose of consultation is to help ensure the implementation of the safeguarding policy requirements, contained in the MWJP, in those parts of the Joint Plan area where there is a 'two-tier' planning structure.

As well as safeguarding minerals resources, the Plan seeks the safeguarding of minerals transport infrastructure and ancillary development, as well as important waste management infrastructure. It is therefore appropriate to identify, within the NYCC area, corresponding consultation areas for these safeguarded areas too. Consultation will not be required where the non-minerals or waste development proposed is included in the list of exempt forms of development. As with minerals resource safeguarding, the purpose of consultation is to help ensure the implementation of the safeguarding policy requirements, contained in the MWJP, in those parts of the Joint Plan area where there is a 'two-tier' planning structure.

Links to Objectives and Policies

Link to Objectives:

Objective 3

Links to other relevant policies in the Plan:

Id06: Safeguarding sand and gravel

Id09: Safeguarding crushed rock

Id16: Safeguarding silica sand

Id19: Safeguarding clay

Id22: Safeguarding building stone

Id31: Safeguarding shallow coal

Id32: Safeguarding deep coal

Id35: Safeguarding potash

Id37: Safeguarding gypsum

Id38: Safeguarding deep mineral resources

Id40: Safeguarding vein minerals

Id53: Waste management facility safeguarding

<p><i>Id55: Transport Infrastructure safeguarding</i> <i>Id57: Minerals ancillary infrastructure safeguarding</i> <i>Id70: Developments proposed within Minerals Safeguarding Areas</i></p>
<p>SA/SEA</p>
<p>Summary of assessment <i>In most cases this preferred option has no link with the SA objectives. However, there are positive effects in relation to three objectives. In terms of minimising resource use, this would prevent needless sterilisation of minerals resources. In terms of the historic environment building stone may be protected from sterilisation, and these benefits would also support the changing population objective. Similarly requiring consultation with the County Council over development affecting safeguarded infrastructure performs positively as it reduces the need for resource use and supports future supply and distribution of minerals for the population.</i></p>
<p>Recommendations. <i>No mitigation is proposed.</i></p>

Part 2 - Preferred options to Publication

Consultation Responses to Preferred Options													
8.47	The following policy addresses the consultation process between the District and Borough Councils and the County Council within that part of the Joint plan area falling within NYCC, where district matter development is proposed in safeguarding areas identified in the Minerals and Waste Joint Plan. This consultation process does not apply to all forms of development dealt with by District and Borough Councils. A list of forms of development which are exempt from the process is provided later in this section.												
<table border="1"> <tr> <th colspan="2">Policy S06: Consideration of applications in Consultation Areas</th> </tr> <tr> <td colspan="2">Where non-exempt development is proposed in an area safeguarded on the Policies Map for minerals resources, minerals transport infrastructure, minerals ancillary infrastructure and waste infrastructure, and the proposed development site is located outside the City of York and North York Moors National Park areas, consultation with North Yorkshire County Council will be required before permission is granted.</td> </tr> <tr> <td colspan="2">Main responsibility for implementation of policy: NYCC, NYMNPA, CYC, and District and Borough Councils</td> </tr> <tr> <td colspan="2">Key links to other relevant policies and objectives</td> </tr> <tr> <td><i>S01, S02, S03, S04, S05</i></td> <td><i>Objective 3</i></td> </tr> <tr> <td colspan="2">Monitoring: Monitoring indicator 44 (see Appendix 3)</td> </tr> </table>		Policy S06: Consideration of applications in Consultation Areas		Where non-exempt development is proposed in an area safeguarded on the Policies Map for minerals resources, minerals transport infrastructure, minerals ancillary infrastructure and waste infrastructure, and the proposed development site is located outside the City of York and North York Moors National Park areas, consultation with North Yorkshire County Council will be required before permission is granted.		Main responsibility for implementation of policy: NYCC, NYMNPA, CYC, and District and Borough Councils		Key links to other relevant policies and objectives		<i>S01, S02, S03, S04, S05</i>	<i>Objective 3</i>	Monitoring: Monitoring indicator 44 (see Appendix 3)	
Policy S06: Consideration of applications in Consultation Areas													
Where non-exempt development is proposed in an area safeguarded on the Policies Map for minerals resources, minerals transport infrastructure, minerals ancillary infrastructure and waste infrastructure, and the proposed development site is located outside the City of York and North York Moors National Park areas, consultation with North Yorkshire County Council will be required before permission is granted.													
Main responsibility for implementation of policy: NYCC, NYMNPA, CYC, and District and Borough Councils													
Key links to other relevant policies and objectives													
<i>S01, S02, S03, S04, S05</i>	<i>Objective 3</i>												
Monitoring: Monitoring indicator 44 (see Appendix 3)													
Policy Justification													
8.48	This policy only applies in those parts of the Joint Plan area outside the City of York and North York Moors National Park unitary planning authority areas. National policy states that Minerals Consultation Areas (MCAs) should be identified based upon areas defined as Mineral Safeguarding Areas (MSA). Within those areas District and Borough councils should consult the MPA and take account of any local minerals plan before determining a planning application for relevant non-minerals development within it.												
8.49	As well as safeguarding minerals resources, the Plan safeguards minerals transport infrastructure and ancillary development, as well as important waste management												

Comment [MS243]: 1134 (Fenstone) 0485, 3023 (Chas Long)1047- operators should be consulted on development that may impact upon their site. Note – it would not be practicable to include this within the policy, which seeks to ensure appropriate coordination between different tier planning authorities.

Comment [MS244]: 0115 (MPA) 0653- how are these consultation areas going to be updated as new facilities and sites come on stream.- Note this would be a matter to be addressed when the Plan is reviewed.,

Comment [MS245]: 0116 9Ryedale DC) clarify what is exempt development – Note – exempt development discussed in para 8.50

infrastructure, in line with national policy. It is therefore appropriate to identify, within the NYCC area, corresponding consultation areas for these safeguarded areas too. Consultation will not be required where the development proposed is included in the list of exempt forms of development. As with minerals resource safeguarding, the purpose of consultation is to help ensure the implementation of the safeguarding policy requirements in those parts of the Joint Plan area where there is a 'two-tier' planning structure.

It is intended that consultation areas will be updated when the Plan is reviewed, in order to ensure that it reflects the distribution of any new resources, sites or infrastructure that may be identified.

SA/SEA

Summary of assessment. In most cases this policy has no link with the SA objectives. However, there are indirect positive effects in relation to three objectives. In terms of minimising resource use, this would prevent needless sterilisation of minerals resources. In terms of the historic environment, building stone may be protected from sterilisation, and these benefits would also support the changing population objective. Similarly requiring consultation with the County Council over development affecting safeguarded infrastructure (minerals transport infrastructure, minerals ancillary infrastructure and waste infrastructure) performs positively as it reduces the need for resource use and supports future supply and distribution of minerals for the population.

Recommendations. No further mitigation is proposed.

Overall Summary of Reasons for Change

In their representations some mineral operators requested that the policy be changed so that operators would be notified if proposed development would impact on their sites. It would not be practicable to include this within the policy which seeks to ensure appropriate coordination between different tier planning authorities.

Comments were raised about how the consultation areas are going to be updated as new facilities and sites come on stream. The addition of new facilities and sites would be addressed when the Plan is reviewed.

Clarification was requested about the term exempt development. Exempt development is discussed at the end of the chapter.

One respondent suggested including an additional exemption on the exemption list at the end of the chapter, this related to the redevelopment of previously developed land which would stay within the footprint of the former development. This addition was added to the exemptions list.

Safeguarding Exemption Criteria

8.50 The following application types will be regarded as 'exempt' development and, where proposed within an area safeguarded in the Minerals and Waste Joint Plan for surface minerals resources, minerals ancillary infrastructure, minerals transport infrastructure or waste infrastructure, do not require consideration under relevant safeguarding policies in the Plan:

- Infilling in an otherwise built up frontage within settlement
- Householder applications within the curtilage of a property

- Advertisement applications
- Reserved matters applications
- Applications for new or improved accesses
- ‘Minor’ extensions/alterations to existing uses/buildings which do not fundamentally change the scale and character of the use/building
- ‘Temporary’ development (for up to five years)
- Agricultural buildings adjacent to existing farmsteads
- ‘Minor’ works such as fences, bus shelters, gates, walls, accesses.
- Amendments to current permissions (with no additional land take involved)
- Changes of use
- Applications for development on land which is already allocated in an adopted local plan where the plan took account of minerals and waste safeguarding requirements
- Listed Building Consent and applications for planning permission for demolition in a conservation area
- Applications for work on trees or removal of hedgerows
- Prior notifications for telecommunications, forestry, agriculture and demolition
- Certificates of Lawfulness of Existing Use of Development and
- Certificates of Lawfulness of Proposed Use or Development.
- Redevelopment of previously developed land not substantially increasing the footprint of the former development.

Comment [JJ246]: 0127 (Harworth Estates) 1084 & 1077 - list of exempt development should be amended to include ‘Redevelopment of previously developed land of a scale and extent not substantially increasing the footprint of the former development’ - Note – text added in.

Sites proposed for safeguarding

- 8.51 Policies S03, S04 and S05 deal with the safeguarding of individual waste sites, transport infrastructure, (rail and wharves), and stand-alone minerals ancillary infrastructure. Safeguarding the sites will aim to protect them from replacement or from the encroachment of unsuitable development which could limit or stop the use of the site for minerals and waste activities.
- 8.52 Location details and plans of the sites which are safeguarded under these policies are included in Appendix 2. The individual plans in the appendix do not include the suggested buffer zones mentioned in the policies, but the relevant buffer zone has been added to each site as shown on the Policies Map, which can be viewed at www.northyorks.gov.uk/mwconsult .

Development of Policy: D01: Presumption in favour of sustainable minerals and waste development.

Part 1 - Issues and Options to Preferred Options

Id58 - Presumption in favour of sustainable minerals and waste development	
<i>Options presented at Issues and options stage</i>	<p>Option 1: This option would use the wording of the model policy with a minor adjustment to replace the word ‘council’ with ‘authority’ to reflect it being a Joint Plan involving both Councils and a National Park Authority and to replace the reference to ‘neighbourhood plans’ with a reference to ‘and other relevant documents which comprise the Development Plan’.</p> <p>OR</p> <p>Option 2:</p>

	<p>Develop a more specific phrasing based on the national presumption but which promotes not only working proactively with applicants, but also with other stakeholders including consultees and communities jointly, to find solutions to planning issues in line with the draft vision of the Joint Plan.</p> <p>OR</p>						
	<p>Option 3: Use the model wording (under either Option 1 or 2 above) as a starting point but adapt it to specifically state that within the North York Moors National Park and the AONBs the starting point for any decisions will be ensuring that development is consistent with delivering sustainable development within the context of their statutory purposes. For major development in these areas, the starting point for consideration of applications would be the Major Development Test.</p>						
What the SA told us							
<p>The assessment has revealed that under Options 2 and 3 more positive effects are likely, particularly in the longer term should policies in the Plan be considered to become out of date. Option 2 would have significant positive effects in relation to community engagement and may also enable other effects of development to be mitigated through this engagement process. Option 3 would provide significant positive effects for the landscape and environment of the National Park and the AONBs.</p> <p>A significant negative effect of using the model policy under both Options 1 and 2 is that, through just referring to the NPPF and not PPS10 or its replacement, in the longer term it would provide no policy basis for the consideration of waste proposals. Negative effects under Option 3 are associated with potentially restricting or controlling minerals and waste developments coming forward in the longer term, however this may be compared against the potential for cumulative negative effects on the economy (in terms of tourism and maintaining the wider North Yorkshire area as an attractive location for investment) should development be allowed to go ahead with limited control.</p> <p>In the short and medium term the positive effects are negligible as all options essentially state that development which accords with the Plan should go ahead, which is generally the case either with or without such a policy.</p>							
Number of consultation responses							
Total Number of comments against id:	32						
Question 141) Do you have a preference for any of the options presented above?	<p>Number of respondents: 24</p> <table border="1" data-bbox="630 1417 1190 1637"> <tr> <td data-bbox="630 1417 914 1498">Option 1: 4 MWI: 2 Local Authorities: 1</td> <td data-bbox="914 1417 1190 1498">Combination: 1 Opt. 2+3: 1</td> </tr> <tr> <td data-bbox="630 1498 914 1579">Option 2: 4 SC: 1 MWI: 1</td> <td data-bbox="914 1498 1190 1579">Did Not Specify: 5 SC: 1 MWI: 2</td> </tr> <tr> <td data-bbox="630 1579 914 1637">Option 3: 7 SC: 1</td> <td data-bbox="914 1579 1190 1637">None: 3 MWI: 0</td> </tr> </table>	Option 1: 4 MWI: 2 Local Authorities: 1	Combination: 1 Opt. 2+3: 1	Option 2: 4 SC: 1 MWI: 1	Did Not Specify: 5 SC: 1 MWI: 2	Option 3: 7 SC: 1	None: 3 MWI: 0
Option 1: 4 MWI: 2 Local Authorities: 1	Combination: 1 Opt. 2+3: 1						
Option 2: 4 SC: 1 MWI: 1	Did Not Specify: 5 SC: 1 MWI: 2						
Option 3: 7 SC: 1	None: 3 MWI: 0						
Question 142) Are there any alternative options the Authorities should consider in relation to the presumption in favour of sustainable minerals and waste development?	<p>Number of respondents: 8 SC: 0 MWI: 0 Local Authorities: 0</p>						
Brief overview of consultation responses							
<p>Key Messages Q141: <i>Option 1:</i></p> <ul style="list-style-type: none"> Consistent with the NPPF and supported at various local plan enquiries 							

Option 2:

- Whilst according with national policy this option allows developers, consultees and communities to engage early in the development process promoting a mutually acceptable balanced proposal
- This option promotes working with stakeholders and statutory consultees to ensure the viability of potential waste sites including meeting environmental standards
- Would also welcome recognition that minerals and waste affect conditions outside the Plan area i.e. energy consumption

Option 3:

- Ensure this approach also protects SSSI's other areas of high value biodiversity outside of national parks and AONB's
- The SA identifies that this option provides positive effects for the landscape and environment of national parks and AONBs

Option 2+3:

- The reference to major development test may be confusing

General comments on the options:

- The NPPF introduces a 'presumption in favour of sustainable development' and Local Plans should consider the economic benefits of minerals extraction, including Potash
- The Options are too long, difficult to understand and not credible
- The Plan should be more assertive to protect communities and the countryside
- The NPPF guidance contradicts the definition of sustainable development
- The Plan should have a high threshold for minerals development to ensure they do not have 'adverse impacts on the natural and historic environment or local amenities or human health' as the NPPF states
- The options should state that only a small minority of proposals are likely to meet the agreed sustainable development criteria
- The options do not reflect European Guidance

Key Messages Q142:

A range of alternative options were suggested in the responses, these are detailed in the 'Suggested new options Chapter 8 – Development Management table' along with justification as to why they have or have not been taken forward. There are no alternative options to be taken forward although a small number of points were put forward which should be taken into consideration when progressing the policy to Preferred Options stage. The EU does not prohibit mineral extraction in Natura 2000 areas, but the development should be sustainable and have minimal impact, this should be reflected in the policy approach. The policy should not only protect high value landscapes in the National Park and AONBs but also in the rest of the Joint Plan area, as well as to ensure sustainable development.

SA of options including alternatives

N/A

Joint Authorities response to consultation responses

A broad range of views were expressed, some of which more directly relate to matters addressed under other topics covered in the Plan. It is not considered necessary to refer to them specifically in this policy as when finalised the Plan will need to be read as a whole. It is agreed, in relation to Option 3, that it would not be appropriate to quote the national Major Development Test in full in the policy as this would add unnecessary complexity.

Evidence base update

Evidence updates as of January 2015

New national planning policy for waste (Oct 2014) confirms that positive planning plays a pivotal role in delivering the Government's ambition for a more sustainable and efficient approach to resource use and management.

Duty to Cooperate

Is this a duty to cooperate matter? No

Discussion around development of preferred policy approach

A small majority of respondents considered option 3 to be the preferred policy approach although a range of views were expressed. Although option 3 suggested that there should be a reference to the major development test full reference to this would add unnecessary complexity policy. It is considered that this could be addressed by including a cross reference to the Major Development Test in the policy instead. Whilst the SA indicated that Option 2 would have significant positive effects in relation to community engagement it is considered that this matter can be addressed in specific policy in the Plan dealing with local amenity. The preferred option is therefore to take forward Option 1 as modified by Option 3 to make reference to the relevance of the major development test in regard to the National Park and AONBs.

Preferred policy approach – title changed to D01: Presumption in favour of sustainable minerals and waste development

When considering development proposals the Authorities will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. The authorities will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this Local Plan (and where relevant with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the applications or relevant policies are out of date then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- **Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or**
- **Specific policies in the NPPF indicate that development should be restricted such as in National Parks and AONBs. Where proposals constitute major development in the National Park and AONBs they will be assessed against the requirements for Major Development in designated areas set out in national policy.**

Supporting Text

At the heart of the National Planning Policy Framework is the Presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision making. This forms the basis of the Government's 'model policy' on the presumption in favour of sustainable development. Paragraph 14 of the NPPF states that the presumption in favour of sustainable development would not apply where specific policies in the Framework indicate that development should be restricted and includes reference in a footnote that this includes National Parks and AONBs, as well as certain other designations. Whilst the 'model policy' contains a cross reference to other parts of the NPPF which would

restrict development, as around a third of the Plan area is within either the North York Moors National Park or one of the AONBs, it is considered appropriate to refer to these specifically in the policy.

In the National Park and AONBs 'major development' (which is not defined in legislation or guidance) is also required to be subject to the national Major Development Test, as set out in the NPPF. Within these parts of the Plan area the presumption in favour of sustainable development will need to be applied in the context of the need also to satisfy the Test. As there is potential for minerals and waste development to constitute major development for the purposes of the Test, it is considered appropriate to reference the Test in this policy.

Links to Objectives and Policies

Link to Objectives:

Objective 1
Objective 2
Objective 4
Objective 5
Objective 6
Objective 7
Objective 8
Objective 9
Objective 10
Objective 11
Objective 12

Links to other relevant policies in the Plan:

Id51: Overall locational principles for provision of new waste capacity
Id54: Transport infrastructure
Id56: Locations for ancillary minerals infrastructure
Id59: Local amenity and cumulative impacts
Id61: North York Moors National Park and the AONBs
Id68: Sustainable design, construction and operation of development

SA/SEA

Summary of assessment

Most environmental SA objectives report neutral effects in the short and medium term as a result of this policy as this is largely an affirmation that the policies in the Plan, and national policy and Neighbourhood Plans, will be taken into account. However, uncertainty creeps into the assessment in the longer term as some locally distinctive issues may get a lesser degree of emphasis if the NPPF becomes the sole decision making document when the plan becomes out of date. In terms of National Parks and AONBs however, the continued application of the Major Development Test positively supports the long term outlook for achieving the landscape objective.

The preferred policy supports the economic objective due to its 'pro-active approach' to finding solutions. It also supports the community vitality, wellbeing and population needs objectives in the short and medium term as it takes into account community defined Neighbourhood Plans. In the longer term the policy makes decision making more reliant on national policy than local views.

Recommendations

No specific recommendation is made. However, when policies in the Plan become out of date they should be updated to ensure that a locally relevant approach to sustainable development is still applied.

Part 2- Preferred options to Publication

Consultation Responses to Preferred Options

9.2 At the heart of the National Planning Policy Framework is the principle of sustainable development, which should be seen as a golden thread running through both plan making and decision making. This forms the basis of the Government's 'model policy' on the presumption in favour of sustainable development.

Policy D01: Presumption in favour of sustainable minerals and waste development

When considering development proposals the Authorities will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. The authorities will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this Local Plan (and where relevant with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date then the Council will grant permission unless material considerations indicate otherwise taking into account whether:

- **Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or**
- **Specific policies in the NPPF indicate that development should be restricted such as in National Parks and AONBs. Where proposals constitute major development in the National Park and AONBs they will be assessed against the requirements for major development in designated areas set out in national policy and Policy D04 of this Plan.**

Main responsibility for implementation of policy: NYCC, CYC and NYMNP and Minerals and Waste industry

Key links to other relevant policies and objectives

D04 | *Objectives 1; 2; 4, 5, 6, 7, 8, 9, 10, 11, 12*

Monitoring: Monitoring indicator 45 (see Appendix 3)

Policy Justification

9.3 Paragraph 14 of the NPPF states that the presumption in favour of sustainable development does not apply where specific policies in the Framework indicate that development should be restricted. A footnote indicates that this includes National Parks and AONBs, as well as certain other designations²². Whilst the 'model policy' contains a cross reference to other parts of the NPPF which would restrict development, the fact that around a third of the Plan area is within either the North York Moors National Park or one of the AONBs suggests it is considered appropriate to refer to these specifically in the policy.

9.4 In the National Park and AONBs proposals for 'major development' (which is not defined in legislation or guidance) should be refused except in exceptional

²² These include sites protected under the Birds and Habitats Directives, Sites of Special Scientific Interest, Green Belt, Local Green Space, Heritage Coast

<p>circumstances and where it can be demonstrated they are in the public interest. Within these parts of the Plan area the presumption in favour of sustainable development will need to be applied in the context of this requirement. As there is potential for minerals and waste development to constitute major development it is considered appropriate to refer to this requirement in the policy.</p>
<p>SA/SEA</p>
<p>Summary of assessment Most environmental SA objectives report neutral effects in the short and medium term as a result of this policy as this is largely an affirmation that the policies in the Plan, and national policy and Neighbourhood Plans will be taken into account. However, uncertainty creeps into the assessment in the longer term as some locally distinctive issues may get a lesser degree of emphasis if the NPPF becomes the sole decision making document when the plan becomes out of date. In terms of National Parks and AONBs however, the continued application of the major development test positively supports the long term outlook for achieving the landscape objective.</p> <p>The preferred policy supports the economic objective due to its 'pro-active approach' to finding solutions. It also supports the community vitality, wellbeing and population needs objectives in the short and medium term as it takes into account community defined Neighbourhood Plans. In the longer term the policy makes decision making more reliant on national policy than local views.</p> <p>Recommendations No specific recommendation is made. However, when policies in the Plan become out of date they should be updated to ensure that a locally relevant approach to sustainable development is still applied.</p>
<p>Overall Summary of Reasons for Change</p>
<p>Minor edits to Policy and supporting text for clarity</p>

Development of Policy D02: Local amenity and cumulative impacts.

Part 1 Issues and Options to Preferred Options

id59 Local amenity and cumulative impacts	
<p><i>Options presented at Issues and options stage</i></p>	<p>Option 1: Proposals will be supported where it can be demonstrated that unacceptable effects (including cumulative effects) on local amenity will not arise, including as a result of: noise, dust, vibration, odour and other emissions to air, vermin and litter, visual impact, the public rights of way network and access to open space. Proposals will be expected as a first priority to prevent adverse impacts through avoidance, with the use of robust mitigation measures where avoidance is not practicable.</p> <p>AND</p> <p>Option 2: In addition to the matters identified in Option 1, this option would specifically encourage applicants for new development to conduct early and meaningful engagement with local communities, in line with statements of community involvement, prior to submission of an application, and to reflect the outcome of those discussions in the design of proposals as far as practicable.</p>
What the SA told us	

Both Options 1 and 2 would minimise negative effects and may lead to positive effects on communities and the local environment. Option 2 would provide additional greater positive effects by supporting the involvement of local communities.							
Number of consultation responses							
Total Number of comments against id:	38						
Question 143) Do you have a preference for either of the options presented above?	Number of respondents: 23						
	<table border="1"> <tr> <td>Option 1: 3 <i>MWI: 2</i></td> <td>Combination: 5 <i>MWI: 1</i> <i>Local Authorities: 2</i></td> </tr> <tr> <td>Option 2: 11 <i>SC: 1</i> <i>MWI: 1</i></td> <td>Did Not Specify: 4 <i>SC: 1</i> <i>MWI: 2</i> <i>Local Authorities: 1</i></td> </tr> <tr> <td></td> <td>None: 0</td> </tr> </table>	Option 1: 3 <i>MWI: 2</i>	Combination: 5 <i>MWI: 1</i> <i>Local Authorities: 2</i>	Option 2: 11 <i>SC: 1</i> <i>MWI: 1</i>	Did Not Specify: 4 <i>SC: 1</i> <i>MWI: 2</i> <i>Local Authorities: 1</i>		None: 0
	Option 1: 3 <i>MWI: 2</i>	Combination: 5 <i>MWI: 1</i> <i>Local Authorities: 2</i>					
	Option 2: 11 <i>SC: 1</i> <i>MWI: 1</i>	Did Not Specify: 4 <i>SC: 1</i> <i>MWI: 2</i> <i>Local Authorities: 1</i>					
	None: 0						
Question 144) Are there any alternative options the Authorities should consider in relation to local amenity and cumulative impacts?	Number of respondents: 5 <i>SC: 0</i> <i>MWI: 0</i> <i>Local Authorities: 0</i>						
Question 145) Are there any additional criteria which should be included in a local amenity policy?	Number of respondents: 10 <i>SC: 0</i> <i>MWI: 3</i> <i>Local Authorities: 0</i>						
Brief overview of consultation responses							
Key Messages Q143:							
<i>Option 1:</i>							
<ul style="list-style-type: none"> • Should include a list of unacceptable effects such as increased flood risk • Should also have regard to the benefits of a proposal • Should only assess impacts of a proposal following mitigation 							
<i>Option 2:</i>							
<ul style="list-style-type: none"> • Replace the word 'encourage' with 'require' • Developers should also be required to invest in local renewable energy • Should encourage community involvement and reduce the number of uninformed objections • Supports early liaison with the local community • This option would duplicate other policy requirements 							
General comments on the options:							
<ul style="list-style-type: none"> • Both options ensure protection of local amenity and consider cumulative impact • Amend 'local amenity' to 'local and surrounding amenity' as some impacts may be greater than local e.g. air pollution 							
Key Messages Q144:							
A range of alternative options were suggested in the responses, these are detailed in the 'Suggested new options Chapter 8 – Development Management table' along with justification as to why they have or have not been taken forward. There are no alternative options to take forward but a small number of points were suggested as requiring consideration when progressing the policy to the Preferred Option stage. The policy should take account of all unacceptable effects and insist developers engage with local communities. The policy should not just consider 'local amenity' but should consider the surrounding area as well. It should consider including mitigation and benefits of developments and include a reference to traffic							

impacts. The cumulative impacts of all development should be taken into consideration, not just impacts from minerals and waste. Consider including an assessment of the impact on environment and climate change.

Key Messages Q145:

- *Transport and traffic impacts should also be considered*
- *Should also seek to improve local amenity in the long term i.e. increased provision of access*
- *Highest possible design standards*
- *Protection of natural environment above and below ground*
- *High restoration standards as soon as possible after working has ceased*
- *Contribution to CIL funding road improvement, noise attenuation, and community and environmental schemes*
- *Cumulative effects of mineral extraction*
- *The benefits of funds to local communities from developers should not override environmental and climate change impacts*
- *Avoid duplication of the statutory roles of other agencies*
- *Impacts from lighting on site*

SA of options including alternatives

N/A

Joint Authorities response to consultation responses

The overall preference for Option 2 is noted. A substantial number of the specific suggestions for additional matters to be considered under the policy are matters which are more appropriately dealt with under one or more other policies dealing with other relevant issues, such as traffic and transport, the water environment, reclamation and afteruse and sustainable design, operation and construction of development. It is not considered appropriate to include a policy in the development plan, which has statutory significance, to require applicants to undertake prior consultation with local communities. It is not considered appropriate to make reference to local and surrounding amenity at this term is not sufficiently precise. It is considered that the reference to local would need to be interpreted in the context of the specific proposals and the nature of the locality in which the development would take place. The specific purpose of this policy is to help protect local communities from unacceptable impacts from minerals and waste development. It is not, therefore, considered appropriate to make reference to benefits from development in this context, although this is addressed where relevant in a number of other policy areas in the Plan, for example reclamation and afteruse. It is agreed that it would be appropriate to make reference to site lighting in the policy as this could give rise to adverse impacts on local amenity.

Evidence base update

Evidence updates as of January 2015

Since Issues and Options consultation new online National Planning Guidance has been published, together with a new National Planning Policy for Waste. These both make reference to local amenity considerations in the context of minerals and waste development, although the overall national policy and guidance on these matters has not changed significantly since consultation at Issues and Options stage.

Duty to Cooperate

Is this a duty to cooperate matter? No

Discussion around development of preferred policy approach

The majority of respondents supported option 2, although a number of respondents suggested various modifications to the policy. Option 2 was also favoured by the SA. The preferred approach is Option 2 with the addition of specific reference to site lighting. A number of additional criteria, previously covered in the option id69 'Other key criteria' have also been incorporated into this policy to help ensure a more logical differentiation between policy areas.

Preferred policy approach – title changed to M02: Local amenity and cumulative impacts

Proposals for minerals and waste development, including ancillary development and minerals and waste transport infrastructure, will be permitted where it can be demonstrated that there will be no unacceptable effects on local amenity and local businesses, including as a result of impacts from: noise, dust, vibration, odour and other emissions to air, vermin and litter, public safety, visual impact arising from the design, scale and location of the development, site lighting, cumulative effects, or as a result of adverse impacts on the public rights of way network and access to open space including, in the National Park, on opportunities for enjoyment and understanding of the special qualities of the National Park.

Proposals will be expected as a first priority to prevent adverse impacts through avoidance, with the use of robust mitigation measures where avoidance is not practicable.

Applicants are encouraged to conduct early and meaningful engagement with local communities in line with Statements of Community Involvement prior to submission of an application and to reflect the outcome of those discussions in the design of proposals as far as practicable.

Supporting text

As minerals and waste development can, if not adequately controlled, lead to significant disturbance to local communities (including residents, visitors and local businesses operating in those communities) there is a need to ensure that any impacts are avoided or minimised. As well as helping to protect local communities, this can also allow development to take place in locations where it may otherwise be unacceptable. In many cases potentially harmful impacts can be avoided or minimised through careful siting, design and operational practices, including use of mitigation measures such as acoustic bunds, screen planting, dust suppression systems and careful placement of site lighting and applicants should give careful consideration to these matters when bringing forward proposals. Some impacts may have a cumulative effect alongside other impacts associated with the proposed development, or in association with impacts from other nearby development and these will also need to be taken into account by applicants bringing forward development proposals and by the Planning Authorities in taking decisions. In some instances, where it is not practicable to avoid an unacceptable level of impact, permission for new development may need to be refused.

Some activities, which may otherwise be regarded as unacceptable, may be necessary in the short-term to facilitate minerals extraction, such as some noisy short-term operations such as soil and overburden stripping and therefore some flexibility will be required when setting noise limits.

In many cases, particularly for larger scale development, it is beneficial for developers to have early discussions with local communities in the vicinity of the proposed development site. This can help ensure that local concerns and opportunities are taken into account in the design of the scheme, including any mitigation measures proposed. Early communication between potential applicants and local communities is supported in the Statements of Community Involvement adopted by the three Authorities and is also supported by national

policy and guidance. Prospective applicants for planning permission are therefore strongly encouraged to carry out consultation with local communities in advance of submission of an application and, where practicable, reflect the outcome of that consultation in the design and implementation of the scheme.

Planning authorities are advised in national planning practice guidance not to duplicate other statutory means of pollution control. For example the Environmental Protection Act sets out a number of statutory controls which are administered by organisations such as the Environment Agency and District/Borough Council environmental health services. Examples include issuing of environmental permits for waste operations and crushing plant, and control of statutory noise nuisance. However, certain pollution control matters can also be relevant to determination of minerals and waste planning applications, particularly where they are relevant to the use and development of land. Applicants are advised to have early discussions with other relevant regulatory authorities to help ensure a coordinated approach where possible.

Links to Objectives and Policies

Link to Objectives:

Objective 9

Objective 10

Objective 12

Links to other relevant policies in the Plan:

Id60: Transport of minerals and waste and associated traffic impacts

Id63: Landscape

Id64: Biodiversity and geodiversity

Id65: Historic environment

Id66: Water environment

Id67: Strategic approach to reclamation and afteruse

Id68: Sustainable design, construction and operation of development

SA/SEA

Summary of assessment

Broadly this policy performs well against the sustainability appraisal objectives. In particular it strongly contributes to the wellbeing, health and safety objective. Although broadly positive for the economy as amenity is important to local businesses, there is an uncertain effect on the viability of some proposals.

Recommendations

Although no mitigation is proposed for this policy it will be important to address the uncertain effect on the viability of local businesses through monitoring this aspect of the plan

Part 2- Preferred options to Publication

Consultation Responses to Preferred Options

9.5 Planning law requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. In considering proposals for minerals development the NPPF indicates that local plans should contain a limited set of development management policies.

9.6 There are a range of matters which need to be considered in determining planning applications for minerals and waste developments, in addition to the specific considerations relating to particular types of minerals supply, waste management capacity and related infrastructure addressed in the preceding Chapters. These

include matters such as protection of the environment and local communities and, where applicable, reclamation and aftercare requirements.

- 9.7 The NPPF requires minerals plans to ‘set out environmental criteria to ensure that minerals operations do not have unacceptable adverse impacts on the natural and historic environment or human health including from noise, dust, visual intrusion, traffic, tip and quarry slope stability, differential settlement of quarry backfill, mining subsidence, increased flood risk, impacts on the flow and quantity of surface and groundwater and migration of contamination from the site; and take into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality’. National Waste Planning Policy requires planning authorities to give consideration to a range of effects including on water resources, land stability, visual intrusion, nature conservation, the historic environment, traffic and access, air emissions, dust, odour, vermin and birds, noise and vibration and litter.
- 9.8 The following sections present a range of development management policies for minerals and waste development. These policies operate alongside any relevant strategic policies in the Plan, specific to that mineral or waste type or waste management method.

Local Amenity Issues

- 9.9 Although essential forms of activity, minerals and waste developments can, as a result of the nature and sometimes scale of activity, have the potential to cause adverse impacts on local communities (including residents, visitors and local businesses operating in those communities). A key role for the Plan is to help ensure that, where development does need to take place, it can be managed and controlled to ensure that unacceptable impacts on amenity do not arise.

Policy D02: Local amenity and cumulative impacts

Proposals for minerals and waste development, including ancillary development and minerals and waste transport infrastructure, will be permitted where it can be demonstrated that there will be no unacceptable impacts on local amenity, local businesses and users of the public rights of way network and public open space, including as a result of:

- noise,
- dust,
- vibration,
- odour,
- emissions to air, land or water
- visual intrusion,
- site lighting
- Vermin, birds and litter
- subsidence and land instability
- public health and safety
- disruption to the public rights of way network
- the effect of the development on opportunities for enjoyment and understanding of the special qualities of the National Park
- cumulative effects arising from one or more of the above impacts in conjunction at a single site and/or as a result of a number of sites operating in the locality

Comment [MS247]: KEY MESSAGES OF POLICY-GENERAL

Policy is vague and woolly and doesn't go far enough to provide adequate protection on issues such as health and water. In terms of consultation with local communities, the policy should set out how this could be made meaningful. The policy should be more explicit in regard to community engagement. The policy should recognise that some activities only have short term adverse environmental and amenity impacts. Therefore, the policy should not be unduly onerous and only refer to the long term adverse impacts from developments.

Comment [JJ248]: 0250 (Igas) 1268 add 'following mitigation' Note - the role of mitigation is already referred to in the 2nd para of the policy.

Comment [MS249]: 0150 (Egdon Resources) 0995. The word 'long term' should be inserted before 'unacceptable effects' Note - it is not considered appropriate to refer to long term effects only, as it is possible that short term but high intensity impacts could be unacceptable in some circumstances

Comment [JJ250]: 0127 Harworth Estates 1087 add 'and planned future development,' Note - it is not considered appropriate to refer to planned future development in the Policy as this would lack sufficient clarity about what is to be protected.

Proposals will be expected as a first priority to prevent adverse impacts through avoidance, with the use of robust mitigation measures where avoidance is not practicable.	
Applicants are encouraged to conduct early and meaningful engagement with local communities in line with Statements of Community Involvement prior to submission of an application and to reflect the outcome of those discussions in the design of proposals as far as practicable.	
Main responsibility for implementation of policy: NYCC, CYC and NYMNP and Minerals and Waste industry	
Key links to other relevant policies and objectives	
<i>Strategic policies in Chapters 5, 6 and 7 D03, D06, D07, D08, D09, D10, D11</i>	<i>Objectives 9, 10, 12</i>
Monitoring: Monitoring indicator 46 (see Appendix 3)	

Comment [MS251]: DELETE THIS PARAGRAPH 0250 (Igas) 1268
 Note - it is considered that the para. as worded provides appropriate guidance to applicants and other relevant parties on the approach to be taken in order to ensure best practice in reducing impacts.

Comment [JJ252]: 0713 (Kirkby Fleetham with Fencotes PC) 1486 replace 'encouraged' with 'required'
 Note - it is not considered appropriate to make this a policy requirement and there is no legislative basis on which to achieve this.

Policy Justification

- 9.10 The potentially harmful impacts of minerals and waste proposals can often be avoided or minimised through careful siting, design and operational practices. This can include use of mitigation measures such as acoustic and screening bunds, screen planting, dust suppression systems and sensitive placement of site lighting and applicants should give careful consideration to these and other relevant matters when bringing forward proposals, having regard also to any relevant national guidance and standards. Minerals development, which often takes place in rural areas can involve the extensive development of land and in some instances can impact directly or indirectly on the public rights of way network or use of public open space. Proposals should, where relevant, provide for the protection of the rights of way network and the amenity of users of the network and open space including, where necessary, the provision of suitable temporary or permanent alternatives. Some impacts may have a cumulative effect alongside other impacts associated with the proposed development, or in association with impacts from other nearby development. In some cases such effects may be 'synergistic' (i.e. in combination the effects amount to more than the sum of the individual effects). Such effects will also need to be taken into account by applicants bringing forward development proposals and by the Planning Authorities in taking decisions. In some instances, where it is not practicable to avoid an unacceptable level of impact, permission for new development may need to be refused. The requirements of this Policy apply alongside any more specific local amenity considerations identified in the minerals and waste specific policies in Chapters 5 and 6. Impact on local amenity as a result of minerals and waste transport is also an important matter and is addressed in Policy D03. Other policies in this Chapter deal with a range of impacts on matters such as the historic environment and landscape and will be applied as necessary when proposals are being considered.
- 9.11 Some activities, which may otherwise be regarded as unacceptable, may be necessary in the short-term to facilitate minerals extraction, including some noisy short-term operations such as soil and overburden stripping and therefore some flexibility will be required when setting noise limits. Regard will be had to any national guidance and standards in establishing such limits, with the objective of establishing a high standard of protection.
- 9.12 In many cases, particularly for larger scale development, it is beneficial for developers to have early discussions with local communities in the vicinity of the proposed development site. This can help ensure that local concerns and

opportunities are taken into account in the design of the scheme, including any mitigation measures proposed. Early communication between potential applicants and local communities is supported in the Statements of Community Involvement adopted by the three Authorities and is also supported by national policy and guidance. Prospective applicants for planning permission are therefore strongly encouraged to carry out consultation with local communities in advance of submission of an application and, where practicable, reflect the outcome of that consultation in the design and implementation of the scheme.

- 9.13 Planning authorities are advised in national planning practice guidance not to duplicate other statutory means of pollution control. For example the Environmental Protection Act sets out a number of statutory controls which are administered by organisations such as the Environment Agency and District/Borough Council environmental health services. Examples include issuing of environmental permits for waste operations and crushing plant, and control of statutory noise nuisance. However, certain pollution control matters can also be relevant to determination of minerals and waste planning applications, particularly where they are relevant to the use and development of land. Applicants are advised to have early discussions with other relevant regulatory authorities to help ensure a coordinated approach where possible.

SA/SEA

Summary of assessment Broadly this policy performs very well against the sustainability appraisal objectives. In particular it strongly contributes to the wellbeing, health and safety objective, as well as objectives where it directly seeks to reduce relevant impacts, such as impacts to water and air. Although broadly positive for the economy as amenity is important to local businesses, there is an uncertain effect on the viability of some proposals.

Recommendations Although no mitigation is proposed for this policy it will be important to address the uncertain effect on the viability of local businesses through monitoring this aspect of the Plan.

Overall Summary of Reasons for Change

Policy restructured for clarity and amendments made for clarity and to ensure a suitably comprehensive approach.

Development of Policy D03: Transport of minerals and waste and associated traffic impacts.

Part 1 Issues and Options to Preferred Options

Id60 - Transport of minerals and waste and associated traffic impacts	
<i>Options presented at Issues and options stage</i>	Option 1: This option would give priority to proposals for minerals and waste development which would enable transport of minerals and waste via a sustainable (non-road) transport mode.
	Option 2: This option would not seek to give preferential consideration to proposals which would include non-road modes of transport but would require all proposals involving significant transport of minerals or waste by road to

	<p>demonstrate that the development would, taking into account minerals resource constraints where relevant, be well located in relation to sources of arisings or markets and in relation to suitable road networks.</p> <p>AND</p> <p>Option 3: This option could be used with either Option 1 or 2 above and would set out criteria to address the various potential impacts arising from unavoidable road transport of minerals and waste, including:</p> <ul style="list-style-type: none"> • Access arrangements appropriate to the volume & nature of any road traffic generated • Suitable arrangements for on-site vehicle manoeuvring, parking and loading/unloading • Level of traffic within the capacity of the road network • Mitigation of adverse traffic impacts where necessary by traffic controls, highway improvements and traffic routeing agreements • The use of Green Travel Plans. <p>In all cases involving significant new traffic generation, a transport assessment would be required to demonstrate that opportunities for sustainable transport modes have been taken up and that safe and suitable access to the site can be achieved for all users of the site.</p>	
What the SA told us		
<p>Option 1 is likely to have positive environmental and social effects through reducing use of road vehicles. Option 1 could also have implications for minerals supply due to relatively low availability of alternative modes of transport across the Plan area. Option 2 is likely to have greater positive economic effects through providing a more flexible approach although may result in effects on air quality, noise and vibration on local communities. Option 3 would result in additional positive effects for the local environment, climate change and communities where used in conjunction with Option 1 or 2.</p>		
Number of consultation responses		
Total Number of comments against id:	44	
Question 146) Do you have a preference for any of the options presented above?	Number of respondents: 26	
	Option 1: 4 SC: 1	Combination: 8 Opt. 1+3: 1 SC: 1 MWI: 1 Local Authorities: 1
	Option 2: 4 MWI: 4	Did Not Specify: 2 SC: 1
	Option 3: 5	None: 3
Question 147) Are there any alternative options or criteria the Authorities should consider in relation to transport and associated impacts?	Number of respondents: 9 SC: 0 MWI: 2 Local Authorities: 0	
Question 148) If Option 3 were to be followed do you have any views on the criteria which should be applied?	Number of respondents: 9 SC: 0 MWI: 1 Local Authorities: 1	

Brief overview of consultation responses

Key Messages Q146:

Option 1:

- This option would affect flexibility due to the limited range of non-road transport infrastructure
- Prioritise developments which can be accessed by non-road transport

Option 2:

- This option is not workable for York Potash proposals due to lack of choice for surface infrastructure
- Could apply to non-energy minerals where proximity to market may be an appropriate consideration
- Remove the requirement to demonstrate location of mineral sites to markets as transport costs will determine the nearest site
- Supported only where it does not add unacceptable additional costs
- The Plan should note that a potential rail connection may not be a viable option due when developing due to capacity on the network etc.
- Support the use of transport assessments and Green Travel Plans for significant large scale developments

Option 3:

- SA indicates this will result in positive effects
- This option would be suitable if option 1 is not practicable
- This option should include reference to all other equipment and materials required by the development
- Appropriate to water intensive extraction of unconventional hydrocarbons

Option 1+3:

- Strongest direction for prioritising sustainable non-road transport
- Option 3 ensures appropriate consideration to impact upon the road network
- Include assessment of carbon impacts of transport

Option 2+3:

- Recognises that views out of National Parks are important to their scenic beauty

General comments on the options:

- A single approach cannot be developed across all minerals and waste proposals
- A MWI consultee supports both options 2 and 3
- None of the options provide sustainable development, granting the least worse proposal is not good enough

Key Messages Q147)

A range of alternative options were suggested in the responses, these are detailed in the 'Suggested new options Chapter 8 – Development Management table' along with justification as to why they have or have not been taken forward. Realistic alternative options have been summarised and worked up below:

Proposed Option 4

- Combining Options 1 and 2, where the Option 2 element only relates to waste and non-energy mineral developments.

Suggested Approach

This option would give priority to proposals for minerals and waste development which would enable transport of minerals and waste via a sustainable (non-road) transport mode.

Proposals for waste and non-energy minerals developments should demonstrate that the

development would, taking into account minerals resource constraints where relevant, be well located in relation to sources of arisings or markets and in relation to suitable road networks.

Proposed Option 5

- Should not seek to give preferential consideration to proposals which would include non-road modes of transport.

Suggested approach

This option would not seek to give preferential consideration to proposals which would include non-road modes of transport.

Proposed Option 6

- The transport method used should result in the lowest greenhouse emissions.

Suggested approach

This option would support proposals where the proposed transportation method is that which would result in the lowest greenhouse gas emissions.

An additional point to be taken into consideration during progression to preferred options is to include reference to transportation by pipeline and conveyor.

Key Messages Q148)

- Better control of HGV movements on local roads i.e. air quality issues
- Include carbon impacts of transport
- Impact upon international and national nature conservation designations

SA of options including alternatives

Summary of assessment

Option 1 is likely to have a number of positive environmental and social effects through reducing use of road vehicles, though for some objectives there may also be some local negative impacts if the option requires new infrastructure (such as pipelines) to be built. Option 1 could also have implications for minerals supply due to relatively low availability of alternative modes of transport across the Plan area. Option 2 is likely to have greater positive economic effects through providing a more flexible approach although may result in effects on air quality, noise and vibration on local communities. Option 3 would result in additional positive effects for the local environment, climate change and communities where used in conjunction with Option 1 or 2.

Option 4 would have impacts that are broadly similar to a combination of options 1 and 2 and potentially has greater benefits in terms of an overall reduction in traffic and a reduction in greenhouse gas emissions as it presents opportunities for both sustainable location and sustainable mode, though like many other options there is considerable uncertainty in the assessment. It may also be more restrictive than some other options generating possible negative effect on the economy SA objective.

Option 5 is much more negative than other options, as this will broadly allow a continuation of current trends in transport which will work against several of the SA objectives (e.g. climate change / air pollution / wellbeing).

Option 6 is broadly positive in relation to most SA objectives, and particularly the climate change objective, though may also lead to some negative effects, e.g. if future improvements in alternative fuels allow high levels of low carbon vehicles to continue to be used.

Recommendations

Option 4 combined with option 3 are considered to be most sustainable.

Joint Authorities response to consultation responses

The broad range of responses to this issue is noted. It is agreed that any preferred policy should contain a degree of flexibility, recognising the constraints that exist in the delivery of

use of alternative transport modes for minerals and waste in the Plan area. It is also acknowledged that, particularly for some minerals, there is very little flexibility over choice of location, as minerals can only be worked where they occur. Whilst it is noted that one alternative option suggested that more flexibility for locating development near to markets could be provided for waste and non-energy minerals, it is considered that other forms of minerals may be similarly constrained. There may be more scope for locational flexibility for waste development but this issue is more appropriately addressed in locational policy for waste management facilities. It is further accepted that, so far as practicable, it is likely that industry will already seek to work minerals resources, and develop waste facilities, near to key markets or sources of arisings in order to help minimise transport costs. These factors also point towards the need for a degree of flexibility in policy. With regard to carbon assessments, it is agreed that these could be appropriate as part of a comparative assessment for larger scale proposals and in circumstances where the potential for alternative to road transport may be realistic.

Evidence base update

No new evidence as of January 2015.

Duty to Cooperate

Is this a duty to cooperate matter? No

Discussion around development of preferred policy approach

A range of views were expressed with a number of respondents seeking a degree of flexibility in the policy. It is agreed that some flexibility should be included bearing in mind the range of locational constraints that apply to minerals and waste development, particularly the former and the potential to encourage the locating of minerals and waste development near to markets or sources of arisings (as sought in Options 2 and 4) through other locational policies in the Plan. In many cases road transport is likely to be the only feasible option. Support for use of sustainable transport modes is provided under the Transport Infrastructure policy, including a requirement for carbon assessments where relevant. It is therefore considered that the main focus of this policy should be on addressing the effects of road transport of minerals and waste. This policy could therefore operate in conjunction with that dealing with transport infrastructure to address the range of issues related to minerals and waste transport.

Preferred policy approach – title changed to D03: Transport of minerals and waste and associated traffic impacts

Where practicable minerals and waste movements should utilise alternatives to road transport.

Where road transport is necessary, proposals for minerals and waste development will be permitted where;

- **There is capacity within the existing network for the level of traffic proposed, and**
- **Access arrangements are appropriate to the volume and nature of any road traffic generated and safe and suitable access can be achieved for all users of the site, and**
- **There are suitable arrangements in place for on-site manoeuvring, parking and loading/unloading, and**
- **An adverse impacts can be appropriately mitigated for example by traffic controls, highway improvements and traffic routing agreements**

For all proposals involving significant levels of road traffic generation, a transport

assessment and green travel plan will also be required to demonstrate that opportunities for sustainable transport have been considered and will be implemented where practicable.

Supporting text

Whilst national policy encourages greater use of alternatives to road transport it is recognised that, in the Joint Plan area, sources of supply and demand for minerals are relatively dispersed, as are locations of waste arisings and management. These factors, together with a relative absence of existing infrastructure in many parts of the Plan area to support the use of alternatives to road transport, suggests that road haulage will remain the main means of transport for the foreseeable future. Whilst use of alternative modes where practicable is therefore encouraged, it is also important to ensure that road transport is as sustainable as possible and controlled so as to minimise any adverse impacts.

Impacts from road haulage can include adverse effects on traffic congestion and highway safety and impacts on local amenity including through increased noise, dust and vibration where heavy vehicle movements pass through local communities or other sensitive locations. Air quality can also be affected, for example through use of heavy diesel fuels. It will therefore be important for any proposals involving additional traffic generation to address potential impacts and for adequate control measures to be applied if necessary. In some cases where additional movements are likely to be significant, applications should be accompanied by a transport assessment and/or a green travel plan. The purpose of these assessments is to help ensure that full consideration is given to measures to ensure the proposed transport arrangements for the minerals or waste involved, and the means of access to the site by staff and visitors, are as sustainable as possible. Prospective applicants are advised to contact the relevant planning authority at an early stage to establish whether a transport assessment and/or green travel plan is likely to be required in support of a particular proposal.

Links to Objectives and Policies

Link to Objectives:

Objective 6
Objective 7
Objective 8
Objective 11

Links to other relevant policies in the Plan:

Id02: Locational approach to new sources of supply of aggregate
Id51: Overall locational principles for provision of new waste management capacity
Id52: Waste site identification principles
Id54: Transport infrastructure
Id55: Transport infrastructure safeguarding
Id56: Locations for ancillary minerals infrastructure
Id59: Local amenity and cumulative impacts
Id68: Sustainable design, construction and operation of development

SA/SEA

Summary of assessment

Mostly this preferred policy option either supports or has no effect on the SA objectives. Key positives (all minor) relate to the transport, air quality, climate change, economic growth, community vitality and population needs objectives. Some uncertainty was noted in relation to the effect of road improvements etc on sensitive landscapes as well as a mixed positive / uncertain outcome for the health and wellbeing objective as the policy supporting text currently does not link well to other policies relating to amenity and cumulative impacts.

Recommendations

Better linkages between this policy and the landscape and amenity / cumulative effects policies in the supporting text would help reduce the uncertainties identified in this assessment.

Part 2- Preferred options to Publication

Consultation Responses to Preferred Options

- 9.14 The provision and safeguarding of transport infrastructure, in order to help encourage a shift away from road transport towards greater use of alternative forms of transport, has been considered earlier in the Plan (see chapters 7 and 8). This section considers potential impacts associated with transport of minerals and waste.
- 9.15 Impacts from road haulage associated with waste and minerals development can include adverse effects on traffic congestion and highway safety and impacts on local amenity including through increased noise, dust and vibration where heavy vehicles pass through local communities or other sensitive locations. Air quality can also be affected e.g. through the use of heavy diesel fuels. It will therefore be important for any proposals involving additional traffic generation to address potential impacts and for adequate control measures to be used if necessary.

Policy D03: Transport of minerals and waste and associated traffic impacts

Minerals and waste movements should utilise alternatives to road transport including rail, water, pipeline or conveyor where practicable.

Where road transport is necessary, proposals will be permitted where;

- **There is capacity within the existing network for the level of traffic proposed and the nature, volume and routing of traffic generated by the development would not give rise to unacceptable impact on local communities, businesses or other users of the highway or, where necessary, any such impacts can be appropriately mitigated for example by traffic controls, highway improvements and traffic routing arrangements; and**
- **Access arrangements are appropriate to the volume and nature of any road traffic generated and safe and suitable access can be achieved for all users of the site, including the needs of non-motorised users where relevant; and**
- **There are suitable arrangements in place for on-site manoeuvring, parking and loading/unloading; and/or**

Where access infrastructure improvements are needed to ensure that the requirements above can be complied with, information on the nature, timing and delivery of these should be included within the proposals.

For all proposals generating significant levels of road traffic, a transport assessment and, where relevant, green travel plan will also be required to demonstrate that opportunities for sustainable transport and travel have been considered and will be implemented where practicable.

Main responsibility for implementation of policy: NYCC, CYC and NYMNP and Minerals and Waste industry

Key links to other relevant policies and objectives

Strategic policies in Chapters 5, 6 and 7, Policies D06, D07, D08	Objectives 6, 7, 8, 11
-------------------------------------------------------------------	------------------------

Comment [MS253]: KEY MESSAGES OF POLICY-GENERAL

The policy should recognise that alternatives to road transport are not always the most preferable/sustainable. The policy needs to do more in relation to transport impacts from fracking developments.

Note - The supporting text to Policy I01 recognises a range of constraints to use of alternatives to road transport. The focus of D03 is in amenity impacts of road transport, which is expected to remain the main mode of minerals and waste transport in the Plan area. However, it is considered appropriate to make reference, in the supporting justification, that alternative transport modes may not always represent the most sustainable option as site specific circumstances, opportunities and impacts will vary.

Comment [MS254]: Too Vague 2200/1668

Note - the role of transport assessments is clarified in para. 9.17 of the supporting justification.

Monitoring: Monitoring indicator 47 (see Appendix 3)

Policy Justification

- 9.16 Whilst national policy encourages greater use of alternatives to road transport it is recognised that, in the Joint Plan area, sources of supply and demand for minerals are relatively dispersed, as are locations of waste arisings and management. Furthermore, use of alternative modes of transport may not always represent a more sustainable option, depending on the circumstances in any individual case. These factors, together with a relative absence of existing infrastructure in many parts of the Plan area to support the use of alternatives to road transport, suggests that road haulage will remain the main means of transport for the foreseeable future. Whilst use of alternative modes where practicable is therefore encouraged, it is also important to ensure that road transport is as sustainable as possible and controlled so as to minimise any adverse impacts. Vehicle movements can have a range of impacts, including cumulative impacts, such as on local amenity and in some cases on the landscape and tranquility and other development management policies in the Plan will therefore also be relevant in some circumstances.
- 9.17 It will therefore be important for any proposals involving additional traffic generation to address potential impacts and for adequate control measures to be applied if necessary. Where additional movements are likely to be significant, applications should be accompanied by a transport assessment and if the development would give rise to substantial employment or result in significant visitor numbers, a green travel plan may also be required. The purpose of these assessments is to help ensure that full consideration is given to measures to ensure the proposed transport arrangements for the minerals or waste involved, and the means of access to the site by staff and visitors, are as sustainable as possible. Prospective applicants are advised to contact the relevant planning authority at an early stage to establish whether a transport assessment and/or green travel plan is likely to be required in support of a particular proposal.

SA/SEA

Summary of assessment Mostly this preferred policy option either supports or has no effect on the SA objectives. Key positives relate to the transport, air quality, climate change, economic growth, community vitality and population needs objectives. Some uncertainty was noted in relation to the effect of road improvements etc. on sensitive landscapes as well as a mixed positive / uncertain outcome for the health and wellbeing objective as the policy supporting text currently does not link well to other policies relating to amenity and cumulative impacts.

Recommendations Better linkages between this policy and the amenity / cumulative effects policy (D02) in the 'key links to other relevant policies and objectives' box would help reduce the uncertainties identified in this assessment.

Overall Summary of Reasons for Change

Minor revisions made to policy for clarity of the approach and in response to representations received at preferred options stage.

Development of Policy D04: North York Moors National Park and the AONBs.

Part 1 Issues and Options to Preferred Options

Id61 - North York Moors National Park and the AONBs		
<i>Options presented at Issues and options stage</i>	<p>Option 1: Include the Major Development Test, as worded in the NPPF (see above), and rely on generic Development Management policies for considering non-major development in the National Park and AONBs.</p> <p>OR</p>	
	<p>Option 2: Include the Major Development Test, as in Option 1, but also include a criteria based policy setting out the factors that should be considered for any development in the National Park and AONBs, including non-major development. For the National Park this could include specific consideration of impact upon the Park's special qualities, effects on providing opportunities for understanding and enjoyment of the National Park, effects on tranquillity and effects on the image and brand of the Park and, more generally, the ability to achieve the aims of the National Park Management Plan. For the AONBs this could include effects on the special qualities and on the ability to achieve the aims of the AONB Management Plans. In relation to major development, this option would include detailed explanations around each of the strands of the Major Development Test to explain what considerations would be relevant in the case of minerals and waste developments.</p> <p>AND</p>	
	<p>Option 3: In association with either Option 1 or Option 2, for development outside of National Parks and AONBs this option would require consideration to be given to the effects on the setting of and views out of these protected areas. These considerations would also apply to the setting of and views out of the adjacent Yorkshire Dales National Park.</p>	
What the SA told us		
<p>Option 2 scores more positively than Option 1, particularly in relation to sustainability objectives that reflect the special qualities of these areas, such as those related to biodiversity, landscape, cultural heritage and clean air. Whilst the assessment recognises there may be negative effects for the economy of these areas through restricting minerals and waste developments it also identifies potential positive effects on the tourism economy of maintaining these high quality environments. Option 3, which could be applied in combination with either Option 1 or Option 2, would on balance have positive effects for the environment of the Plan area, although recognises there may be localised negative effects elsewhere should development be directed away from these protected areas and their surroundings.</p>		
Number of consultation responses		
Total Number of comments against id:	21	
Question 149) Do you have a preference for any of the above options?	Number of respondents: 19	
	<table border="1"> <tbody> <tr> <td>Option 1: 6 SC: 1 MWI: 3</td> <td>Combination: 7 Opt. 2+3: 7 SC: 2 Local Authorities: 2</td> </tr> </tbody> </table>	Option 1: 6 SC: 1 MWI: 3
Option 1: 6 SC: 1 MWI: 3	Combination: 7 Opt. 2+3: 7 SC: 2 Local Authorities: 2	

	Option 2: 1	Did Not Specify: 2 <i>MWI: 2</i>
	Option 3: 2	None: 1 <i>MWI: 1</i>
Question 150) Are there any alternative options the Authorities should consider in relation to North York Moors National Park and AONBs?	Number of respondents: 2 <i>SC: 1</i> <i>MWI: 0</i> <i>Local Authorities: 0</i>	
Brief overview of consultation responses		
Key Messages Q149:		
<i>Option 1:</i>		
<ul style="list-style-type: none"> • Not necessary for the Joint Plan to go beyond national policy • Minerals extraction is not incompatible with National Park or AONB status • Repeats national policy 		
<i>Option 2:</i>		
<ul style="list-style-type: none"> • Relies upon a subjective interpretation of the 'special qualities' of the National Park 		
<i>Option 3:</i>		
<ul style="list-style-type: none"> • This option appears to unfairly extend the boundaries of the National Park, para 115 of the NPPF does not support this approach • If this option was taken forward the 'setting' and views of the National Parks would need to be spatially defined and guidelines for the weight to attach to it 		
<i>Option 2+3:</i>		
<ul style="list-style-type: none"> • Supports the use of the Major Development Test together with affect upon 'special qualities' • National Park and AONB policy should relate to developments both within the boundary and within the setting • Ensures that specific special qualities of protected landscapes are not harmed • Supports the approach that development outside of designated areas should take into account impact upon views from these areas 		
General comments on the options:		
<ul style="list-style-type: none"> • This policy should retain the approach set out in Core Policy E of the NYM Core Strategy and Development Policies (2008) • Need to define 'Major Development Test' • As a large part of the Joint Plan area is designated the options would appear to preclude minerals development • Concerned that views into and out of designated areas will be used against the minerals industry by its opponents 		
Key Messages Q150:		
A range of alternative options were suggested in the responses, these are detailed in the 'Suggested new options Chapter 8 – Development Management table' along with justification as to why they have or have not been taken forward. No alternative options have been taken forward		
SA of options including alternatives		
N/A		
Joint Authorities response to consultation responses		
The wide range of views received on this issue is noted. It is agreed that the Plan needs to give guidance on how the Major Development test will be applied at a local level. Whilst it is acknowledged that minerals extraction may not always be incompatible with AONB or		

National Park designation, in many cases such extraction will comprise major development which will need to satisfy the major development test. Minerals supply policies in the Plan indicate where minerals development in the NP or AONBs may be acceptable in principle, subject where necessary to the Major Development Test being satisfied. Whilst concerns about the approach to development outside NPs and AONBs but which may impact on the designated area are noted, it is considered necessary to address this issue in policy as it is referenced in national planning guidance.

Evidence base update

Updated evidence as of January 2015

Since consultation on the Issues and Options took place the Government has issued a Ministerial Statement, which says that applications for major development for unconventional hydrocarbons should be refused in National Parks, the Broads and AONBs except in exceptional circumstances and where it can be demonstrated that they are in the public interest. Therefore the principle of the Major Development Test has not changed.

Duty to Cooperate

Is this a duty to cooperate matter? No

At a general level there may be issues associated with impacts across the boundaries between NYCC and the North York Moors and Yorkshire Dales National Parks, although these are unlikely to be strategic scale issues.

Discussion around development of preferred policy approach

A combination of options 2 and 3 was the favoured approach of respondents, although significant support was also expressed for Option 1. It is considered necessary to include the exact wording of paragraph 116 of the NPPF in order to ensure that there is a robust policy in place. It is clear from recent experience that there is a lack of clarity in the wording of the NPPF in terms of how the major development test is applied in practice. For this reason it is considered necessary to include some information in the supporting text of how the decision maker should apply the test and what is likely to be considered as major development. A number of respondents also wanted further clarification of what is meant by “setting” with the Howardian Hills AONB commenting that the impacts of development within the setting can be as or even more significant than the impacts of development within the designated boundary itself. Concerns were raised by one respondent about effectively extending the designated area boundaries through this approach, however the protection of setting is clearly established in the Natural Environment section of the NPPG. For this reason further details have been set in the supporting text with regards to what is meant by “setting” what factors should be considered.

Preferred policy approach – title changed to D04: North York Moors National Park and AONBs

Planning permission for major development in the National Park, Howardian Hills, Nidderdale, North Pennines and Forest of Bowland Areas of Outstanding Natural Beauty will be refused except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications will include an assessment of:

- **The need for development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;**
- **The cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and**
- **Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.**

Where the requirements of this test are met or proposals are not considered to be major development, planning permission will be granted where proposals contribute to the achievement of, or are consistent with, the aims, policies and aspirations of the relevant Management Plan and are consistent with other relevant development control policies in the Plan.

Proposals for development outside of the National Parks and AONBs will be permitted where it would not have a harmful effect on the setting of the designated area.

Supporting text

The NPPF states that great weight should be given to conserving landscape and scenic beauty in National Parks and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The preferred policy approach utilises the wording set out in Paragraph 116 of the NPPF. Applicants will be expected to supply sufficient information to robustly demonstrate that proposals fulfil the requirements of the Major Development Test.

Major development in or adjacent to the boundary of a National Park or AONB can have a significant impact on the qualities for which the area was designated. National Planning Guidance states that what constitutes major development in National Parks is a matter for the decision maker. Whether an application is considered as major development will depend on its nature, scale and location and whether it has more than a local impact. It should be noted that major development in terms of paragraph 116 is not the same as that defined under the Town and Country Planning Act (Development Management Procedure Order) (England) Order 2010.

For major development in the National Park and AONBs, the three strands of the Major Development Test need to be addressed in order to determine whether the proposals represents an exceptional circumstance and is in the 'public interest'. The outcome of these considerations will then, where relevant, need to be assessed in accordance with the Habitats Regulations and other relevant policies contained in this Plan and the NPPF.

[Section 11A\(2\) of the National Parks and Access to the Countryside Act 1949](#), [Section 17A of the Norfolk and Suffolk Broads Act 1988](#) and [Section 85 of the Countryside and Rights of Way Act 2000](#) requires that 'in exercising or performing any functions in relation to, or so as to affect, land' in National Parks and Areas of Outstanding Natural Beauty, relevant authorities 'shall have regard' to their purposes. The duty applies to all local planning authorities, not just national park authorities. The Planning Policy Guidance explains that this duty is relevant in considering development proposals that are situated outside National Parks or Area of Outstanding Natural Beauty boundaries, but which might have an impact on the setting of, and implementation of, the statutory purposes of these protected areas.

When considering the setting of National Parks and AONBs the issue is not whether the proposal will be seen but whether its scale and location will detract from the special qualities of the area. One of the purposes of National Park designation is to promote opportunities for the understanding and enjoyment of the special qualities of the Park by the public. This purpose can be significantly eroded by development located outside the National Park boundary, especially where the development would be prominent in context of the views into and out of the Park, particularly from important public rights of way, or where it would harm tranquillity and impact on the dark night skies. Applicants will be expected to demonstrate that proposals will not harm the special qualities of the AONBs and the North York Moors National Park. Although the Yorkshire Dales National Park is producing its own development plan for minerals and waste, consideration also needs to be given to any impact of the setting of this National Park from proposals in the Joint Plan Area.

Links to Objectives and Policies
<p><i>Link to Objectives:</i> <i>Objective 6</i> <i>Objective 9</i> <i>Objective 10</i></p> <p><i>Links to other relevant policies in the Plan:</i> <i>Id59: Local amenity and cumulative Impacts</i> <i>Id63: Landscape</i> <i>Id64: Biodiversity and geodiversity</i> <i>Id65: Historic environment</i> <i>Id68: Sustainable design, construction and operation of development</i></p>
SA/SEA
<p>Summary of assessment</p> <p>Whilst the assessment identifies that there may be negative effects for the economy of these areas through restricting minerals and waste developments it also identifies potential positive effects on the tourism economy of maintaining these high quality environments. Particularly positive impacts have been identified in relation to recreation and leisure and landscape whilst some minor negative impacts have been identified in relation to land use, as development may be displaced to areas of higher agricultural land value and cultural heritage as this policy may restrict the supply of local building stone in the National Parks and AONBs.</p> <p>Recommendations</p> <p>Overall the policy is considered to be largely positive and no mitigation is suggested.</p>

Part 2- Preferred options to Publication

Consultation Responses to Preferred Options	
9.18	National Parks are designated under the National Parks and Access to the Countryside Act 1949. The North York Moors National Park was designated primarily for its landscape quality and diversity, and also hosts a variety of important habitats and thousands of historic assets as well as providing opportunities for outdoor recreation, enjoying impressive views and experiencing peace and tranquillity.
9.19	<p>The statutory purposes of National Parks as set out in the 1995 Environment Act:</p> <ul style="list-style-type: none"> • To 'conserve and enhance the natural beauty, wildlife and cultural heritage of the Park'; and • To 'promote opportunities for the understanding and enjoyment of the special qualities of the Park by the public'. <p>In pursuing these two purposes the 1995 Act also places a duty on National Park Authorities 'to seek to foster the economic and social well-being of local communities'.</p>
9.20	The North York Moors Core Strategy and Development Policies, which provides the overarching planning policy for the National Park, is framed around delivering these National Park purposes and achieving sustainable development within the context of them. The North York Moors National Park Management Plan sets out the long term vision for the National Park and the special qualities of the National Park.

- 9.21 Areas of Outstanding Natural Beauty are also established under the 1949 National Parks and Access to the Countryside Act and are designated for the quality of their flora, fauna, historical and cultural associations as well as scenic views. The landscapes of AONBs are defined as having the same value as those of National Parks. The Nidderdale AONB is recognised for its heather moorland to the west, where it abuts the Yorkshire Dales National Park, and its rolling farmland landscapes to the east. The Howardian Hills AONB is recognised for its woodland, rolling agricultural landscapes and parkland. Small parts of the Forest of Bowland AONB, characterised by upland fells and vast tracts of heather moorland, and North Pennines AONB, characterised by extensive and remote high moorland and upland dales, are within the Joint Plan area. The same level of protection is afforded to both National Parks and AONBs in the NPPF.
- 9.22 Around a third of the Joint Plan area is within either the North York Moors National Park or one of the area's AONBs, and its western boundary adjoins the Yorkshire Dales National Park. The NPPF requires great weight to be given to conserving landscape and scenic beauty in the National Parks and AONBs. In the National Park the conservation of wildlife and cultural heritage are important considerations and should be given great weight. The NPPF also states that in determining planning applications, local planning authorities should, as far as practicable, provide for the maintenance of landbanks for non-energy minerals from outside National Parks and AONBs (as well as World Heritage sites, Scheduled Monuments and Conservation Areas) and this is considered earlier in the Plan in Chapter 5.

Policy D04: Development affecting the North York Moors National Park and the AONBs

Part One – Major Development

Proposals for major development in the National Park, Howardian Hills, Nidderdale, North Pennines and Forest of Bowland Areas of Outstanding Natural Beauty will be refused except in exceptional circumstances and where it can be demonstrated it is in the public interest. The demonstration of exceptional circumstances and public interest will require justification based on the following:

- a) **The need for the development, which will include a national need for the mineral and the impact of the development on the national economy; and**
- b) **The impact of permitting it, or refusing it upon the local economy of the National Park or AONB; and**
- c) **Whether the development can technically and viably be located elsewhere outside the designated area, or the need for it can be met in some other way; and**
- d) **Whether any detrimental effect on the environment, the landscape and recreational opportunities, can be moderated to a level which does not significantly compromise the reason for the designation**

Where exceptional circumstances are justified and the proposal is considered to be in the public interest, then every effort to avoid adverse effects will be required. Where adverse effects cannot be avoided, harm should be minimised through appropriate mitigation measures. Appropriate and practicable compensation will be required for any avoidable effects which cannot be mitigated.

Part Two – All other developments

Planning permission will be supported where proposals contribute to the achievement of, or are consistent with, the aims, policies and aspirations of the

Comment [MS255]: 0120 (Historic England) 0128- rename policy to Development affecting the National Park and AONBs Note - it is agreed the title of the policy should be changed for clarity

Comment [MS256]: 2768 (norfolk cc) part 1 only duplicated national policy and isn't necessary. Where it is different it places onerous restrictions on the applicant. Noted. It is considered important to have a specific local policy test given the potential for major development proposals to come forward in these highly designated areas. Revisions made to policy to ensure greater compatibility with national policy position and to clarify the approach to be taken.

Comment [JJ257]: 3684 (frack free Ryedale) 0440, 3828/1638, 3857/2041 add 'and underneath' Note - this is not necessary as the definition of development includes development in, on, over or under land

Comment [JJ258]: 2768 (Norfolk CC) 0686 delete 'in' add 'where they meet the test of' and add 'as set out in paragraph 116 of the NPPF' at end of sentence. Delete the rest of the text in Part One Noted. It is considered important to have a specific local policy test given the potential for major development proposals to come forward in these highly designated areas. Revisions made to policy to ensure greater compatibility with national policy position and to clarify the approach to be taken

relevant AONB or National Park Management Plan.	
Part Three – Proposals which impact the setting of Designated Areas	
Proposals for development outside of the National Parks and AONBs will be permitted where it would not have a harmful effect on the objectives of the designation or any such harm would be clearly outweighed by and environmental, social or economic benefits of the development.	
Main responsibility for implementation of policy: NYCC and NYMNP and Minerals and Waste industry	
Key links to other relevant policies and objectives	
<i>M01, D01, D06, D07, D08, D11</i>	<i>Objectives 6, 9, 10</i>
Monitoring: Monitoring indicator 48 (see Appendix 3)	

Policy Justification

9.23 The NPPF states that great weight should be given to conserving the landscape and scenic beauty in National Parks and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these matters. In the context of the National Park and AONBs, major development is defined as development which is likely to have a greater than local impact and has the potential to have significant adverse impact on the protected area and its special qualities due to its scale, nature and character.

9.24 Major development in or adjacent to the boundary of a National Park or AONB can have a significant impact on the qualities for which the area was designated. National Planning Guidance states that what constitutes major development in National Parks and AONBs is a matter for the decision maker. Whether an application is considered as major development will depend on its nature, scale and location and the extent to which it has more than a local impact. It should be noted that major development in terms of paragraph 116 of the NPPF is not the same as that defined under the Town and Country Planning Act (Development Management Procedure Order) (England) Order 2010. For this reason, Policy D04 expands and clarifies the wording of paragraph 116 of the NPPF in order to provide further local guidance on the approach to be taken.

9.25 For major development in the National Park and AONBs, the four strands of the major development test need to be addressed in order to determine whether the proposal represents an exceptional circumstance and is in the ‘public interest’. One of the main considerations in this assessment, where relating to proposals for minerals extraction, should be the need for the resource itself, including at a national level and whether there are alternative sources available to meet any national need. The outcome of these considerations will then, where relevant, need to be assessed in accordance with the Habitats Regulations and other relevant policies contained in this Plan and the NPPF. Applicants will be expected to supply sufficient information to robustly demonstrate that proposals fulfil the requirements of the major development test.

9.26 [Section 11A\(2\) of the National Parks and Access to the Countryside Act 1949](#), [Section 17A of the Norfolk and Suffolk Broads Act 1988](#) and [Section 85 of the Countryside and Rights of Way Act 2000](#) require that ‘in exercising or performing any functions in relation to, or so as to affect, land’ in National Parks and Areas of Outstanding Natural Beauty, relevant authorities shall have regard’ to their purposes. The duty applies to all local public bodies, not just National Park Authorities. Planning Policy Guidance explains that this duty is relevant in considering development

Comment [MS259]: 2768 (Norfolk CC) 0687 New paragraph text to add : ‘MAJOR DEVELOPMENT WITHIN NATIONAL PARKS AND AONBS ARE SUBJECT TO A TEST TO ENSURE THAT THESE ARE ONLY CONSIDERED ACCEPTABLE IN EXCEPTIONAL CIRCUMSTANCES AND WHEN THE PROPOSAL IS IN THE PUBLIC INTEREST. THIS TEST IS SET OUT IN PARAGRAPH 116 OF THE NPPF, AND THE ASSESSMENT CRITERIA TO BE CONSIDERED ARE REPRODUCED BELOW FOR INFORMATION.

- 1) THE NEED FOR THE DEVELOPMENT, INCLUDING IN TERMS OF ANY NATIONAL CONSIDERATIONS, AND THE IMPACT OF PERMITTING IT, OR REFUSING IT, UPON THE LOCAL ECONOMY;
- 2) THE COST OF, AND SCOPE FOR, DEVELOPMENT ELSEWHERE OUTSIDE THE DESIGNATED AREA, OR MEETING THE NEED FOR IT IN SOME OTHER WAY; AND
- 3) ANY DETRIMENTAL EFFECT ON THE ENVIRONMENT, THE LANDSCAPE AND RECREATIONAL OPPORTUNITIES, AND EXTENT TO WHICH THAT COULD BE MODERATED.’

Noted. It is considered important to have a specific local policy test given the potential for major development proposals to come forward in these highly designated areas. Revisions made to policy to ensure greater compatibility with national policy position and to clarify the approach to be taken.

Comment [MS260]: The duty applies to all public bodies, not just local planning authorities or NPAs
 Note - relevant authorities are defined in the relevant legislation.

proposals that are situated outside National Parks or Area of Outstanding Natural Beauty boundaries, but which might have an impact on, and implementation of, the statutory purposes of these protected areas.

- 9.27 When considering the setting of National Parks and AONBs the issue is not whether the proposal will be seen but whether its scale, nature and location will detract from the special qualities of the area. One of the purposes of National Park designation is to promote opportunities for the understanding and enjoyment of the special qualities of the Park by the public. This purpose can be significantly eroded by development located outside the National Park boundary, especially where the development would be prominent in context of the views into and out of the Park, particularly from important public rights of way, or where it would harm tranquillity and impact on the dark night skies. Applicants will be expected to demonstrate that proposals will not harm the special qualities of the AONBs and the North York Moors National Park. Although the Yorkshire Dales National Park is producing its own development plan for minerals and waste, consideration also needs to be given to the potential for any impact on the setting of this National Park as a result of proposals in the Joint Plan area.

SA/SEA

Summary of assessment Whilst the assessment identifies that there may be negative effects for the economy of these areas through restricting minerals and waste developments it also identifies potential positive effects on the tourism economy of maintaining these high quality environments. Particularly positive impacts have been identified in relation to recreation and leisure and landscape whilst some minor negative impacts have been identified in relation to land use, as development may be displaced to areas of higher agricultural land value, and cultural heritage, as this policy may restrict the supply of local building stone in the National Parks and AONBs. There are mixed effects for health and wellbeing as development will be less likely to happen in designated landscapes, reducing health effects there, but that development may take place somewhere else in the Plan Area.

Recommendations Overall the policy is considered to be largely positive and no mitigation is suggested.

Overall Summary of Reasons for Change

Revisions made to policy and supporting text in response to representations received and to improve clarity.

Development of Policy D05: Minerals and waste development in the Green Belt.

Part 1 Issues and Options to Preferred Options

Id62 - Minerals and waste development in the Green Belt	
<i>Options presented at Issues and options stage</i>	<p>Option 1:</p> <p>Include a specific policy supporting waste development and minerals extraction and minerals ancillary development within the Green Belt unless it conflicts with the purposes of the Green Belt designation. This option would rely on national planning policy on minerals and waste development in the Green Belt. The NPPF defines minerals extraction as 'not inappropriate' in the Green Belt provided the openness of the Green Belt is maintained (para 90). Draft updated national waste planning policy proposes removing the</p>

	<p>current approach in PPS10 which requires planning authorities to give significant weight to the locational needs and wider environmental and economic benefits when considering waste proposals in the Green Belt, thereby not giving waste proposals any more weight than other proposals. OR</p>								
	<p>Option 2: Allow a more flexible local approach to waste development proposals in the Green Belt subject to demonstration that the development would make a significant contribution to the provision of an appropriate overall network of facilities, enabling waste to be moved up the hierarchy and managed in proximity to arisings, and where particularly high standards of siting, design and mitigation of any impacts can be achieved. Under this option the approach for minerals would be the same as for Option 1. OR</p>								
	<p>Option 3: This option would represent an alternative to Option 2 by only providing a more flexible approach to waste development in the Green Belt where the development would be located at existing Green Belt waste management facilities within the Plan area, as well as being subject to the other criteria outlined in Option 2.</p>								
<p>What the SA told us</p>									
<p>Option 1 is likely to have positive effects on the landscape and historic environment as they are part of the reason for local Green Belt designation. However, this may result in effects on the economy and minerals supply through potentially restricting extraction in the Green Belt. Under option 2 there would be no local policy basis for the consideration of minerals proposals in the Green Belt so effects would, by default, be the same as option 1, although with greater uncertainty as to what the policy framework would be. Option 1 may have implications for provision of sufficient waste management facilities around York and the southern part of the Plan area. However, Option 2 would enable a more flexible approach which would deal with these issues, although could result in effects similar to Option 1 on the landscape and historic character and setting of the historic towns and cities. Similarly, Option 3 would have a flexible approach to location using existing sites in the greenbelt. This option may have positive implications for land use efficiency and potentially minimise additional adverse effects on the landscape and historic environment although it is acknowledged that it may also reduce opportunities where alternative locations in the greenbelt may be preferable.</p> <p>Recommendations: It is recommended that option 1 is pursued for minerals and option 3 pursued for waste. However, to minimise the effects on the green belt, more specific criteria could be developed, particularly in relation to waste sites in option 3, to address outstanding concerns regarding the historic character and landscape setting.</p>									
<p>Number of consultation responses</p>									
<p>Total Number of comments against id:</p>	<p>29</p>								
<p>Question 151) Do you have a preference for any of the options presented above?</p>	<table border="1"> <tr> <td colspan="2" data-bbox="663 1628 1198 1664"> <p>Number of respondents: 18</p> </td> </tr> <tr> <td data-bbox="663 1664 914 1760"> <p>Option 1: 11 SC: 1 MWI: 4</p> </td> <td data-bbox="914 1664 1198 1760"> <p>Combination: 2 Opt. 1+3: 2 Local Authorities: 1</p> </td> </tr> <tr> <td data-bbox="663 1760 914 1825"> <p>Option 2: 1 MWI: 1</p> </td> <td data-bbox="914 1760 1198 1825"> <p>Did Not Specify: 0</p> </td> </tr> <tr> <td data-bbox="663 1825 914 1899"> <p>Option 3: 1</p> </td> <td data-bbox="914 1825 1198 1899"> <p>None: 3 SC: 1</p> </td> </tr> </table>	<p>Number of respondents: 18</p>		<p>Option 1: 11 SC: 1 MWI: 4</p>	<p>Combination: 2 Opt. 1+3: 2 Local Authorities: 1</p>	<p>Option 2: 1 MWI: 1</p>	<p>Did Not Specify: 0</p>	<p>Option 3: 1</p>	<p>None: 3 SC: 1</p>
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<p>Option 1: 11 SC: 1 MWI: 4</p>	<p>Combination: 2 Opt. 1+3: 2 Local Authorities: 1</p>								
<p>Option 2: 1 MWI: 1</p>	<p>Did Not Specify: 0</p>								
<p>Option 3: 1</p>	<p>None: 3 SC: 1</p>								

Question 152) Are there any alternative options the Authorities should consider in relation to minerals and waste development in the Green Belt?	Number of respondents: 3 SC: 0 MWI: 0 Local Authorities: 0
Question 153) Should there be a policy, or policies, in respect of minerals in the Green Belt or should reliance be placed on national policy?	Number of respondents: 7 SC: 0 MWI: 2 Local Authorities: 1
Question 154) Should there be a policy, or policies, in respect of waste developments in the Green Belt or should reliance be placed on national policy?	Number of respondents: 1 SC: 0 MWI: 0 Local Authorities: 0
Brief overview of consultation responses	
<p>Key Messages Q151:</p> <p><i>Option 1:</i></p> <ul style="list-style-type: none"> • Supports mineral development in the greenbelt • Welcomes the acknowledgement that the NPPF states minerals development is 'not inappropriate' in the greenbelt • This approach relies upon draft national waste policy, which is considered not appropriate until fully published • This approach follows national greenbelt policy within the NPPF and there is no reason why this should be relaxed <p><i>Option 2:</i></p> <ul style="list-style-type: none"> • Provides flexibility for waste facilities in the greenbelt, such as composting and Anaerobic Digestion, which are more suited to rural locations <p><i>Option 3:</i></p> <ul style="list-style-type: none"> • The approach set out in this option would be covered under the last bullet point of Para 89 in the NPPF <p>General comments on the options:</p> <ul style="list-style-type: none"> • The NPPF provides sufficient guidance on minerals development in the greenbelt so no need for additional local policy <p>Key Messages Q152:</p> <p>A range of alternative options were suggested in the responses, these are detailed in the 'Suggested new options Chapter 8 – Development Management table' along with justification as to why they have or have not been taken forward. The alternative option which has been taken forward is:</p> <p>Proposed Option 4</p> <ul style="list-style-type: none"> • National policy would be followed, but development would be permitted in the green belt if it could be proved it had to be located there. <p><i>Suggested approach</i></p> <p><i>This Option would support development within the Green Belt where it can be demonstrated that the location is required for operational reasons.</i></p> <p>Key Messages Q153:</p> <p>Rely on National Policy: 2</p> <ul style="list-style-type: none"> • Further development of local policy is not justified <p>Need for Local Policy: 5</p> <ul style="list-style-type: none"> • Protect the integrity of greenbelt areas • Based upon emerging national policy but reflect local circumstances 	

- The NPPF is the bare minimum and local criteria is required
- Local Policy should reflect the NPPF presumption that inappropriate development in the greenbelt will be refused as opposed to the three options provided
- Reflect the NPPF insofar as all waste development is inappropriate in the greenbelt

Key Messages Q154:

Rely on National Policy: 0

Need for Local Policy: 2

- Based upon emerging national policy but reflect local circumstances

General:

- Former mineral extraction sites restored to biodiversity have greater value for wildlife in the greenbelt than arable farmland, support is provided as long as this use would be in perpetuity

SA of options including alternatives**Summary of assessment**

Option 1 is likely to have positive effects on the landscape and historic environment as they are part of the reason for local Green Belt designation. However, this may result in effects on the economy and minerals supply through potentially restricting extraction in the Green Belt. Under Option 2 there would be no local policy basis for the consideration of minerals proposals in the Green Belt so effects would, by default, be the same as option 1, although with greater uncertainty as to what the policy framework would be.

Option 1 may have implications for provision of sufficient waste management facilities around York and the southern part of the Plan area. However, Option 2 would enable a more flexible approach which would deal with these issues, although could result in effects similar to Option 1 on the landscape and historic character and setting of the historic towns and cities. Similarly, Option 3 would have a flexible approach to location using existing sites in the greenbelt. This option may have positive implications for land use efficiency and potentially minimise additional adverse effects on the landscape and historic environment although it is acknowledged that it may also reduce opportunities where alternative locations in the Green Belt may be preferable.

Option 4 has the potential to result in negative impacts upon cultural heritage and landscape as it would support development that would conflict with the purpose and beneficial use of the Green Belt designation where it can be shown that development is required in that location for operational purposes. This may however lead to some positive effects in relation to the economy, transport and addressing the needs of a changing population as it would enable necessary development.

Revised recommendations

It is recommended that option 1 is pursued for minerals and option 3 pursued for waste. However, to minimise the effects on the green belt, more specific criteria could be developed, particularly in relation to waste sites in option 3, to address outstanding concerns regarding the historic character and landscape setting.

Joint Authorities response to consultation responses

The support of the majority of respondents for a local policy in line with national policy is noted. A small number of respondents sought an approach with more flexibility, particularly in relation to waste development in the Green Belt, including those which are more appropriate in rural areas, such as composting and anaerobic digestion. It is acknowledged that some flexibility could be beneficial although it would also be important to ensure that any local policy is generally consistent with the national policy position.

Evidence base update

Evidence updates as of January 2015.

New national waste policy, published in October 2014, replaced PPS10 which was extant at the time of Issues and Options consultation. The new policy includes a revised position on waste development in the Green Belt. In particular it indicates that planning authorities should first look for suitable sites and areas outside the Green Belt for waste management facilities that, if located in the Green Belt, would be inappropriate development and local planning authorities should recognise the particular locational needs of some types of waste management facilities when preparing their Local Plan.

Duty to Cooperate

Is this a duty to cooperate matter? No

Discussion around development of preferred policy approach

The national policy position remains that mineral extraction is not inappropriate development in the Green Belt provided openness of the Green Belt is preserved and it would not conflict with the purposes of including land in the Green Belt. The main purposes of the Green Belt, as set out in national policy, that would most likely be impacted by minerals extraction in the Plan area are 'to assist in safeguarding the countryside from encroachment' and 'to preserve the setting and special character of historic towns'. A particular consideration relevant to Green Belt is the emerging expectation that proposals for exploration and development of coal bed methane and shale gas resources may come forward in the Plan area. There is potential for these resources to overlap with areas designated as Green Belt, including Green Belt protecting the setting and special character of the historic City of York. The nature of development associated with unconventional gas exploitation is significantly different from that associated with conventional minerals extraction, potentially involving significant surface development of an industrial character. This may take place over an extended area (for example through development of a series of well pads needed to exploit a given resource) and may take place over a substantial period of time. It will therefore be particularly important to ensure that a robust approach to protection of Green Belt is adopted in relation to these forms of development.

For waste, recent national policy implies that the locational needs of some forms of waste management facilities may justify a location in the Green Belt. There are a substantial number of existing waste management sites in Green Belt locations in the Plan area. These mostly comprise landfills used to restore mineral workings, although a number of these host other, related, waste management activities, such as recycling of construction and demolition waste. The Harewood Whin site in the York Green Belt provides a range of waste management activities including disposal, composting and recycling and is a key part of the infrastructure for managing Local Authority Collected Waste in the Joint Plan area.

It is considered that the types of waste management development that may not be inappropriate in the Green Belt, depending on the specific location and circumstances, could include open windrow composting, temporary activities such as recycling of construction and demolition waste where it takes place in an active quarry and is linked to the life of the quarry, or is short term activity in association with other permitted development activity; landfill of quarry voids including for the purposes of quarry reclamation; development at established industrial and employment sites in the Green Belt where the waste development would be consistent with the scale and nature of other activities already taking place at the site; spreading of waste on land; small scale on farm composting and anaerobic digestion; and continued activities at established waste sites in the Green Belt.

Taking into account national policy, responses to consultation and the outcome of the initial SA, it is considered that the policy should reflect national policy for minerals and waste but provide additional clarity on the circumstances in which waste development in the Green Belt may be acceptable.

Preferred policy approach – title changed to D05: Minerals and waste development in the Green Belt

Part one - minerals

Proposals for minerals development within the York and West Yorkshire Green Belts will be supported where they would preserve the openness of the Green Belt and are consistent with the purposes of Green Belt designation set out in national policy. Where minerals extraction in the Green Belt is permitted, reclamation and afteruse will be required to be compatible with Green Belt objectives.

Part two - waste

Proposals for most waste development in the Green Belt will be considered inappropriate and will only be permitted in very special circumstances. The following types of development may be appropriate in the Green Belt where it can be demonstrated that the openness of the Green Belt will be preserved and where significant conflict with the purposes of Green Belt designation would not arise;

- open windrow composting;
- small scale on farm composting and anaerobic digestion;
- recycling of construction and demolition waste in order to produce recycled aggregate where it would take place in an active quarry or minerals transport site and is linked to the life of the quarry or site;
- short term waste sorting and recycling activity in association with, and on the same site as, other permitted demolition and construction activity;
- recycling, transfer and treatment activities at established industrial and employment sites in the Green Belt where the waste development would be consistent with the scale and nature of other activities already taking place at the site;
- landfill of quarry voids including for the purposes of quarry reclamation and where the site would be restored to an after use compatible with the purposes of Green Belt designation;
- small scale deposit of inert waste for agricultural improvement purposes or the improvement of derelict or degraded land; and
- continued activities within the footprint of established waste sites in the Green Belt.

Supporting Text

National planning policy provides strong protection to the Green Belt and in these areas inappropriate development should only be permitted in very special circumstances. There are significant areas of Green Belt in the Joint Plan area, including parts of the West Yorkshire Green Belt (affecting parts of Selby District and Harrogate Borough) and the York Green Belt (affecting parts of Ryedale, Hambleton and Selby Districts as well as the City of York area). A detailed inner Green Belt boundary for York is yet to be defined, along with parts of the outer boundary.

Minerals extraction can only take place where suitable resources occur and there is significant overlap between the distribution of some resources (such as Magnesian Limestone) and the Green Belt. There are a number of long established quarries in the Green Belt in Selby District. National policy states that minerals extraction in the Green Belt is not inappropriate, provided the openness of the Green Belt is preserved and where it would not conflict with the purposes of including land in the Green Belt. The purposes of the Green Belt as defined in national policy are:

- to check the unrestricted sprawl of large built up areas;

- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

It is likely that in many cases suitably designed, landscaped and restored minerals workings can be accommodated in the Green Belt. Where proposals for extraction in the Green Belt are made, applicants should ensure that careful consideration has been given to the potential impact of the development on the openness of the Green Belt and in relation to the purposes of Green Belt designation, including the impact from any associated plant and infrastructure. Particular consideration should be given to the impact of proposals for the exploration, appraisal and development of unconventional gas resources in the Green Belt, owing to the particular characteristics of, and potential impacts associated with, this form of development. In all cases appropriate design and mitigation measures should be incorporated where necessary and it will also be necessary to ensure that any proposed afteruse is compatible with Green Belt objectives.

Waste management activities are generally not constrained by geology in the same way as minerals extraction and there is therefore more locational flexibility. However, other national policy has a bearing on the choice of locations for waste management, not least the proximity principle and the benefits of ensuring that waste facilities are well located in relation to main sources of arisings, which tend to be in the more urbanised parts of the Plan area. As Green Belt is designated in association with larger urban areas there can therefore be some conflict between identifying suitable locations for waste facilities, and protection of the Green Belt.

National waste planning policy indicates that planning authorities should first look for suitable sites and areas outside the Green Belt for waste management facilities that, if located in the Green Belt, would be inappropriate development and local planning authorities should recognise the particular locational needs of some types of waste management facilities when preparing their Local Plan.

It is considered that there could be some circumstances within the Plan area where waste development in the Green Belt could be acceptable. This includes a number of types of waste management activities and types of specific locations where development would be less likely to cause harm to openness and the purposes of Green Belt policy objectives. In particular, they include activities which are typically associated with rural areas such as open composting, or are small scale and temporary activities co-located with other development already taking place in the Green Belt. The Harewood Whin site in the City of York is a well-established waste facility in the Green Belt, where a range of waste management activities are taking place. The site plays an important strategic role in the management of waste arising in North Yorkshire and is located in close proximity to York as the largest urban centre in the Plan area. It is considered that further development within the footprint of existing sites such as this could be appropriate in principle provided that any existing impact on openness, or extent of conflict with the purposes of Green Belt designation associated with the site, would not be significantly increased.

As with minerals development, where proposals for waste development in the Green Belt are made, applicants should ensure that careful consideration has been given to the potential impact of the development on the openness of the Green Belt and in relation to the purposes of Green Belt designation and that appropriate design and mitigation measures are incorporated where necessary.

Links to Objectives and Policies

Link to Objectives

<p>Objective 9 Objective 12</p> <p><i>Links to other relevant policies in the Plan:</i> <i>Id54: Transport infrastructure</i> <i>Id57: Locations for minerals ancillary infrastructure</i> <i>Id59: Local amenity and cumulative impacts</i> <i>Id63: Landscape</i> <i>Id65: Historic environment</i> <i>Id67: Strategic approach to reclamation and afteruse</i> <i>Id69: Protection of Best and Most Versatile agricultural land and soils</i></p>
<p>SA/SEA</p>
<p>Summary of assessment</p> <p>For some SA objectives the predicted effects for the waste and minerals parts of this preferred policy diverge, with a continuation of minor positive effects resulting from minerals development noted for the transport and climate change objectives, while at the same time negative effects are noted that arise from the lack of consideration of locational factors in relation to waste sites in the Green Belt. Similarly, for the economy SA objective, while minerals sites may continue to bring jobs to Green Belt communities, waste related jobs may become scarcer.</p> <p>Elsewhere effects are broadly neutral or positive, with strong positive effects noted for landscape. The soils objective notes positive effects from the policy's approach to waste in relation to conserving soils (as in the Green Belt allowable waste development will mostly be located in places such as quarry voids or established industrial sites), while negative effects are noted for minerals development (as the Green Belts coincide with a large amount of higher quality grade 2 and 3 land). Similarly effects on the waste hierarchy may be negative, as the policy may drive some facilities to less optimal locations (which may affect the costs of operating waste sites or even viability for more some future facilities).</p> <p>Recommendations</p> <p>This option largely complements national policy and affords a level of protection that, while having some minor effects, is balanced by a broad sweep of positive effects. Therefore no mitigation is recommended.</p>

Part 2- Preferred options to Publication

<p>Consultation Responses to Preferred Options</p>	
<p>9.28</p>	<p>The Government attaches great importance to Green Belts. The NPPF advises that when considering planning applications for development in such areas, substantial weight should be given to any harm to the Green Belt.</p>
<p>Policy D05: Minerals and waste development in the Green Belt</p>	
<p>Part one - minerals</p>	
<p>Proposals for minerals development within the York and West Yorkshire Green Belts will be supported where it would preserve the openness of the Green Belt and, where the development would be located within the York Green Belt, would preserve the setting and special character of the City. Where minerals extraction in the Green Belt is permitted, reclamation and afteruse will be required to be compatible with Green Belt objectives.</p>	

Comment [MS261]: 2180 (Peel) 0811- the policy should be amended to state that the onus is upon the developer to demonstrate that very special circumstances exist for the proposal. Note - it is agreed that part two of the policy should be amended to reflect this point.

Comment [MS262]: 0120 (Historic England) 0129- the Primary purpose of the York Green Belt if different to that of the West Yorkshire GB and the plan should make this clear Note - it is agreed that this should be clarified in the Policy.

Part two - waste

Proposals for most waste development in the Green Belt will be considered inappropriate and will only be permitted in very special circumstances, to be demonstrated by the applicant, including where harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Exceptions to this principle may be justified for the following types of development provided that the openness of the Green Belt will be preserved and significant conflict with the purposes of Green Belt designation would not arise:

- i) open windrow composting;**
- ii) small scale on farm composting and anaerobic digestion;**
- iii) recycling of construction and demolition waste in order to produce recycled aggregate where it would take place in an active quarry or minerals transport site and is linked to the life of the quarry or site;**
- iv) short term waste sorting and recycling activity in association with, and on the same site as, other permitted demolition and construction activity;**
- v) recycling, transfer and treatment activities at established industrial and employment sites in the Green Belt where the waste development would be consistent with the scale and nature of other activities already taking place at the site;**
- vi) landfill of quarry voids including for the purposes of quarry reclamation and where the site would be restored to an after use compatible with the purposes of Green Belt designation;**
- vii) small scale deposit of inert waste for agricultural improvement purposes or the improvement of derelict or degraded land; and**
- viii) continued activities within the footprint of established waste sites in the Green Belt.**

Main responsibility for implementation of policy: NYCC and CYC and Minerals and Waste industry

Key links to other relevant policies and objectives

101 | *Objectives 9, 12*

Monitoring: Monitoring indicator 49 (see Appendix 3)

Comment [MS263]: 1461 (Sam smiths) 1013- this section fails to accurately interpret the guidance regarding waste proposals in the greenbelt.- see full comment for details
 Note - it is not agreed that minerals sites within the Green Belt should necessarily be returned to their pre-existing condition and use. A number of forms of reclamation and after use could be compatible with Green Belt objectives and the purposes of GB designation, including some of the forms identified in Policy D10.

Part two of the policy identifies a number of forms of development which it is considered would not be inappropriate within the Green Belt. National planning policy recognises that not all forms of waste development would be inappropriate. It would not therefore be reasonable to apply the same policy tests for such forms of development as for those forms which are considered inappropriate in principle. However, it is agreed that the wording of the policy and supporting text should be revised to clarify the intended approach.

Comment [JJ264]: 2180 (Peel) 0811. Suggested additional text as new point 'Recycling, transfer and treatment activities involving partial or complete redevelopment of previously developed sites (brownfield land) whether redundant or in continuing use (excluding temporary buildings)'
 Note - it is not considered appropriate to include reference to this in the Policy, which could lead to the development of substantial new waste uses in the Green Belt at locations not previously subject to similar forms of development.

Policy Justification

9.29 There are significant areas of Green Belt in the Joint Plan area, including parts of the West Yorkshire Green Belt (affecting parts of Selby District and Harrogate Borough) and the York Green Belt (affecting parts of Ryedale, Hambleton and Selby Districts as well as the City of York area). A detailed inner Green Belt boundary for York is yet to be defined, along with parts of the outer boundary. The City of York Green Belt is different to the West Yorkshire Green Belt in that it is one of only six Green Belts in England whose primary purpose is to safeguard the character and setting of a historic city. Although the York Green Belt performs some of the other Green Belt functions to some extent, these are not as important as its primary purpose.

9.30 Minerals extraction can only take place where suitable resources occur and there is significant overlap between the distribution of some resources (such as Magnesian Limestone) and the Green Belt. There are a number of long established quarries in the Green Belt in Selby District. National policy states that minerals extraction in the Green Belt is not inappropriate, provided the openness of the Green Belt is preserved and where it would not conflict with the purposes of including land in the

Green Belt. The purposes of the Green Belt as defined in national policy include:

- to check the unrestricted sprawl of large built up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

9.31 It is likely that in many cases suitably designed, landscaped and restored minerals workings can be accommodated in the Green Belt. Where proposals for extraction in the Green Belt are made, applicants should ensure that careful consideration has been given to the potential impact of the development on the openness of the Green Belt and in relation to the purposes of the relevant Green Belt designation, including the impact from any associated plant and infrastructure. Particular consideration should be given to the impact of proposals for the exploration, appraisal and development of hydrocarbons, including unconventional gas resources in the Green Belt, owing to the particular characteristics of, and potential impacts associated with, this form of development. These can include the need for tall structures associated with drilling and related appraisal activity and, potentially, the need for multiple well pads to access the resource. In all cases appropriate design and mitigation measures should be incorporated where necessary and it will also be necessary to ensure that any proposed reclamation and afteruse is compatible with Green Belt objectives.

In this regard it should be noted that mineral workings subject to a restoration condition are specifically excluded from the definition of Previously Developed Land in the NPPF annex 2 and therefore do not benefit from any additional flexibility afforded to previously developed land in the Green Belt, in terms of any further uses that may be acceptable. The primary aim of the restoration and aftercare of sites in Green belt should be to ensure the site remains in an undeveloped state and returned to the condition and use that existed prior to minerals development or other use compatible with Green Belt objectives.

9.32 Waste management activities are generally not constrained by geology in the same way as minerals extraction and there is therefore more locational flexibility. However, other national policy has a bearing on the choice of locations for waste management, including through the need to promote community responsibility in the management of waste and the need to reduce travel. As a result there can be benefits in ensuring that waste facilities are well located in relation to main sources of arisings which tend to be in the more urbanised parts of the Plan area, in order to help reduce the need for transport. As Green Belt is designated in association with larger urban areas there can be some conflict between identifying suitable locations for waste facilities, and protection of the Green Belt.

9.33 National waste planning policy indicates that planning authorities should first look for suitable sites and areas outside the Green Belt for waste management facilities that, if located in the Green Belt, would be inappropriate development and local planning authorities should recognise the particular locational needs of some types of waste management facilities when preparing their Local Plan. This suggests that some forms of waste development are not inappropriate in the Green Belt.

9.34 In order to provide local guidance on this matter, the policy identifies a number of types of waste management activities and types of specific locations where development would not be considered inappropriate. Proposals for such development would not therefore need to demonstrate very special circumstances in

order for them to be acceptable. However, where proposals for such development come forward, the WPA will still need to be satisfied that the proposed development would maintain the openness of the Green Belt and would be compatible with the purposes for which the relevant Green Belt has been designated.

- 9.35 In particular, they include activities which are typically associated with rural areas such as open composting, or are small scale and temporary activities co-located with other development already taking place in the Green Belt. The Harewood Whin site in the City of York is a well-established waste facility in the draft Green Belt, where a range of waste management activities are taking place. The site plays an important strategic role in the management of waste arising in North Yorkshire and is located in close proximity to York as the largest urban centre in the Plan area. It is considered that further development within the footprint of existing sites such as this could be appropriate in principle provided that any existing impact on openness, or extent of conflict with the purposes of Green Belt designation associated with the site, would not be significantly increased.
- 9.36 As with minerals development, where proposals for waste development in the Green Belt are made, applicants should ensure that careful consideration has been given to the design of the development and that mitigation measures are incorporated where necessary.

SA/SEA

Summary of assessment For some SA objectives the predicted effects for the waste and minerals parts of this preferred policy diverge, with a continuation of minor positive effects resulting from minerals development noted for the transport and climate change objectives, while at the same time negative effects are noted that arise from a number of restrictive factors in relation to waste sites in the Green Belt. Similarly, for the economy SA objective, while minerals sites may continue to bring jobs to Green Belt communities, waste related jobs may become scarcer.

Elsewhere effects are broadly neutral or positive, with strong positive effects noted for landscape. The soils objective notes positive effects from the policy's approach to waste in relation to conserving soils (as in the Green Belt allowable waste development will mostly be located in places such as quarry voids or established industrial sites), while negative effects are noted for minerals development (as the Green Belts coincide with a large amount of higher quality grade 2 and 3 land). Similarly effects on the waste hierarchy may be negative, as the policy may drive some facilities to less optimal locations (which may affect the costs of operating waste sites or even viability for more some future facilities).

While the historic environment is predicted to benefit from this policy's emphasis on protecting the special character of York, uncertain indirect effects were noted as some development may be displaced to other locations and have other impacts on the objective.

Recommendations This option largely complements national policy and affords a level of protection that, while having some minor effects, is balanced by a broad sweep of positive effects. Therefore no mitigation is recommended.

Overall Summary of Reasons for Change

Policy and supporting text has been revised in response to consultation responses at preferred option stage and to provide greater consistency with national policy, increased clarity on the local approach to be taken on minerals and waste development in the Green Belt and on the purposes of the York Green Belt.

Development of Policy D06: Landscape

Part 1 Issues and Options to Preferred Options

Id63 - Landscape					
<i>Options presented at Issues and options stage</i>	<p>Option 1: This option would support proposals which demonstrate that unacceptable impact on the landscape would not arise, having regard to the nature and purpose of any statutory or non-statutory designations that apply, including the setting of these designations, and taking into account any mitigation measures. In ensuring there will be no unacceptable landscape impact consideration should be given to the wider landscape character and context of the site (including visual impact) in the design of the scheme and any mitigation measures proposed, including the need where relevant for planting and landscape proposals to take into account any impacts on the setting of local settlements and to be developed and implemented alongside measures to protect and where practicable enhance biodiversity, geodiversity, the historic environment and local amenity.</p> <p>OR</p> <p>Option 2: This option would not set out a specific local policy for protection and enhancement of the landscape and would rely on national policy in the NPPF, together with any other relevant policies in the development plan, including the 'Other key criteria' policy set out later in this chapter. Landscape policy in the NPPF states that the planning system should protect and enhance valued landscapes (para 109) and should give great weight to conserving landscape and scenic beauty in National Parks and AONBs (para 115).</p>				
What the SA told us					
<p>Generally these options have a neutral to positive effect on sustainable development, with Option 1 performing moderately better against a number of objectives. A greater level of uncertainty would result under Option 2 as the implications of future revisions to national policy are unknown.</p> <p>The most positive associations under option 1 relate to biodiversity / geodiversity, climate change mitigation and adaptation, heritage, landscapes and recreation. Similar benefits would result from Option 2, though with greater uncertainties in relation to climate change adaptation and the historic environment. Under both options there are minor negative effects on soils and flooding, largely due to development being favoured in the more fertile lowlands (and thus often in floodplain), which are less recognised for their landscapes, and on water.</p>					
Number of consultation responses					
Total Number of comments against id:	23				
Question 155) Do you have a preference for either of the options presented above?	Number of respondents: 21				
	<table border="1"> <tr> <td>Option 1: 13 SC: 2 MWI: 1 Local Authorities: 1</td> <td>Combination: 0</td> </tr> <tr> <td>Option 2: 6 SC: 1 MWI: 3 Local Authorities: 1</td> <td>Did Not Specify: 2 MWI: 1</td> </tr> </table>	Option 1: 13 SC: 2 MWI: 1 Local Authorities: 1	Combination: 0	Option 2: 6 SC: 1 MWI: 3 Local Authorities: 1	Did Not Specify: 2 MWI: 1
	Option 1: 13 SC: 2 MWI: 1 Local Authorities: 1	Combination: 0			
Option 2: 6 SC: 1 MWI: 3 Local Authorities: 1	Did Not Specify: 2 MWI: 1				

		None: 0
Question 156) Are there any alternative options the Authorities should consider in relation to landscape?	Number of respondents: 2 SC: 0 MWI: 0 Local Authorities: 0	
Brief overview of consultation responses		
<p>Key Messages Q155:</p> <p><i>Option 1:</i></p> <ul style="list-style-type: none"> • Supports locally specific and detailed policies in conjunction with national policy • Provides a tailored policy addressing the individual characteristics of landscapes • The NPPF expects compliant Local Plans to provide policies which enable applicants to have no need to refer to the NPPF for guidance • Also include reference to short term landscape impact <p><i>Option 2:</i></p> <ul style="list-style-type: none"> • Supports the flexibility and reliance upon national policy provided by this option • Appropriate, as this would not lead to a duplication of national policy which is sufficient <p>General comments on the options:</p> <ul style="list-style-type: none"> • There is not much difference between the two options. The need for a landscape policy is questioned as these will reflect the NPPF • Some settlements are split by the National Park boundary and those areas adjacent to the National Park have landscape sensitivities • Waste management facilities should not be developed when landscape impacts cannot be mitigated • The Managing Landscape Change report predates the NPPF and needs to be reviewed • Clear regard must be had for the Major Development Test • Landscape policies should be used in conjunction with the National Policy and special attention should be paid to designations. • Local Landscape Policy should not be used to resist necessary mineral extraction. <p>Key Messages Q156:</p> <p>Two alternative options were suggested in the responses, these are detailed in the 'Suggested new options Chapter 8 – Development Management table' along with justification as to why they have or have not been taken forward. Neither of the suggested alternatives has been taken forward.</p>		
SA of options including alternatives		
N/A		
Joint Authorities response to consultation responses		
The support of the majority of respondents for Option 1 is noted and it is agreed that it would be preferable to have a specific policy in the Plan to deal with landscape impacts and opportunities. It is agreed that the relationship between national and local policy will need to be taken into account, as well as impact on important designations (including from proposals outside those designations where relevant). The major Development Test is addressed in separate policy.		
Evidence base update		
No specific new evidence as of January 2015.		

Duty to Cooperate

Is this a duty to cooperate matter? Yes At a general level any approach to landscape needs to be developed in conjunction with the relevant statutory body, Natural England. A meeting was held with Natural England to discuss their Response to the Issues and Options Stage. Comments and outcomes from the meeting are recorded on the Duty to Cooperate record log.

Discussion around development of preferred policy approach

The majority of respondents supported option 1. Some respondents supported the reliance on national policy rather than specific local policies, however it is considered that where an up to date plan is in place it is appropriate for it to contain policies consistent with the NPPF rather than relying on separate policies. Option 1 also performed more positively in the initial SA of options. Reference to tranquillity and dark skies, previously addressed in id69 'Other key criteria', have also been added into this policy topic to avoid potential overlap in the scope of policies.

Preferred policy approach – title changed to D06: Landscape

Proposals will be permitted where it can be demonstrated that there will be no unacceptable impact on the landscape, having taken into account any proposed mitigation measures.

For proposals which may impact on nationally designated areas including the National Park, AONBs, Heritage Coast and the adjacent Yorkshire Dales National Park, including their setting, a very high level of protection to landscape will be required. Development which would have an unacceptable adverse landscape impact on these designated areas will not be permitted.

Protection will also be afforded to the landscape setting of the historic City of York. Permission will only be granted for development which would harm the landscape setting of the City where the need for, or benefits of, the development outweigh the harm caused.

Where proposals may have an adverse impact on landscape, tranquillity or dark night skies, schemes should provide for a high standard of design and mitigation, having regard to landscape character, the wider landscape context and setting of the site and any visual impact.

Supporting text

Landscape is defined by the European Landscape Convention as 'An area as perceived by people, whose character is the result of the action and interaction of natural and/or human factors'. The Joint plan area has a very varied landscape ranging from moorland to rolling farmland to low-lying vales and seascapes characterised by high cliffs. The variety of landscapes in the area adds much to its overall distinctiveness. A large part of the area is designated nationally (as either National Park or AONB or Heritage Coast) for the quality of its landscape, and some District and Borough Councils have identified local areas of landscape value in their own local plans. A range of other designations are of relevance to landscape considerations, including heritage land which is conditionally exempt from inheritance tax because of its national significance²³. Maintaining the setting of the historic City of York is also an important landscape consideration as it is not subject of specific statutory protection yet is a distinctive and important part of the Plan area. The Vale of York

²³ These areas are not identified under planning legislation but may be material considerations relevant to planning. A number of such areas have been designated in the Plan area. They largely coincide with areas already designated as National Park and AONB, where a high level of policy protection already exists. However some are found elsewhere in the Joint Plan area. Areas currently so designated can be viewed at <https://www.gov.uk/tax-relief-for-national-heritage-assets> .

has a flat and low lying landscape with historic views of York Minster tower and Terry's clock tower and this setting within the landscape forms an intrinsic part of the city's historical significance. In considering impact on landscape setting, regard will be had to factors including the scale and character of the development proposed, any inter-visibility between the development site and the protected asset and the duration of the proposed development.

Although areas afforded specific protection through designations are of particular significance, all landscapes are important in their own right. Due to their nature and sometimes scale, minerals and waste developments can have significant impacts on the landscape. It is therefore important that, in bringing forward proposals, applicants give careful consideration to potential landscape impacts.

There are a number of Landscape Character Assessments (LCAs) covering the Joint Plan area, including those produced by district and borough councils, which provide a useful source of information relating to the various landscapes present in the area. In addition to the LCAs, a Historic Seascape Characterisation for the Scarborough to Hartlepool coastline is currently being undertaken by English Heritage and a North Yorkshire and Lower Tees Valley Historic Landscape Characterisation programme has been produced. Applicants should utilise any available local landscape studies as a source of information to assist in the identification of any potential landscape impacts and mitigation.

In particular, such studies can assist in gaining a wider understanding of the significance of a location in landscape terms, and how a development proposal may impact not just on the immediate site but on any wider area it may influence. Particularly for larger scale proposals, including significant new minerals extraction and major new waste management facilities, especially in more rural locations, careful consideration should be given to the wider landscape setting and context of the site when designing schemes (including any mitigation). In some cases there may be opportunities to enhance local landscape character and quality, for example through landscape planting both on and offsite and as part of minerals site reclamation and applicants should look for opportunities to provide these as part of any proposals.

A study commissioned by NYCC with funding from English Heritage in 2010 suggested that landscape provides an important context within which other important assets are found, particularly those relating to biodiversity and the historic environment. It is therefore important to ensure that proposals are informed by a good understanding of any such interactions, to help provide a more integrated approach to consideration of overall impacts and opportunities. More information on the study can be found in the summary report <https://www.northyorks.gov.uk>

An important aspect of the environment of the Plan area, of relevance to consideration of landscape, is the concept of tranquillity. Tranquillity mapping undertaken for CPRE in 2007 indicated that North Yorkshire was the 7th most tranquil of 117 County and Unitary authority areas, with a high degree of tranquillity particularly in the National Parks and AONBs and other less developed parts of the Plan area. A more recent survey by CPRE indicated that 72% of respondents identified tranquillity as the characteristic they valued most about the countryside, and protection of tranquil areas is an objective of the Management Plan for the NYMNP. Although tranquillity cannot be measured in any objective way, the potential for a development proposal to adversely impact on tranquillity will be a matter to be taken into account when considering applications, particularly those located within or in close proximity to the National Park and AONBs.

A further consideration related to landscape, and which could potentially be impacted by minerals or waste development, particularly in the more rural areas, is the maintenance of

dark night skies. The relatively undeveloped nature of large parts of the Plan area, particularly within the National Park and AONBs, mean that there are substantial areas with low levels of light pollution, leading to high quality starscapes at night which are increasingly rare in England. Proposals for minerals or waste development, particularly those with a requirement for significant amounts of external lighting and which are situated in rural locations should ensure that the impact of development on dark night skies is considered and that mitigation in the form of carefully designed and controlled site lighting is provided where necessary.

In those parts of the Plan area designated as National Park or AONBs, any proposals for major development will also need to satisfy the major development test. Effects on the landscape are a specific consideration under the Test.

Links to Objectives and Policies

Link to Objectives:
Objective 9
Objective 12

Links to other relevant policies in the Plan:
Id59: Local amenity and cumulative impact
Id61: National Parks and AONBs
Id64: Biodiversity and geodiversity
Id65: Historic environment
Id67: Strategic approach to reclamation and afteruse
Id69: Protection of Best and Most Versatile agricultural land and soils

SA/SEA

Summary of assessment

This policy is likely to result in a number of positive impacts particularly in relation to protection of the landscape. This is likely to also result in positive impacts in relation to cultural heritage, tourism and amenity in those areas of high landscape value. This policy may result in a clustering of development outside of the designated and high value landscapes in the plan area therefore resulting in cumulative negative impacts.

Recommendations

Overall the policy is considered to be largely positive however it is considered that it could be strengthened by supporting the provision of landscape enhancements in association with minerals and waste development where this would be compatible with landscape character.

Part 2- Preferred options to Publication

Consultation Responses to Preferred Options

Landscape

9.37 The Joint Plan area has a rich and varied landscape ranging from moorland to rolling farmland to low-lying areas, and seascapes characterised by high cliffs. Landscape is defined by the European Landscape Convention as ‘An area as perceived by people, whose character is the result of the action and interaction of natural and/or human factors’.

Policy D06: Landscape

All landscapes will be protected from the harmful effects of development. Proposals will be permitted where it can be demonstrated that there will be no

Comment [MS265]: General Comments-Temporary impacts should be considered. Tranquillity was considered important. Questions why the City of York Landscape is protected over and above all other landscapes. Include the cumulative impacts from hydrocarbon development
Note - It is not considered necessary to make specific reference to temporary effects as the policy will apply as appropriate to all forms of development whether temporary or permanent and the timescale of any impact will be a matter to be considered when judging any proposals against the policy. Cumulative impacts from hydrocarbons development is addressed in policy M16. It is agreed that the preamble to the Policy should be revised to clarify that all landscapes will be protected. However, it is considered relevant to retain specific reference to the protection of the setting of York as this is aimed at the protection of its setting in the wider landscape sense, which is not subject of any current policy protection other than via Green Belt policy.

Comment [MS266]: 0120 (Historic England) the policy should ensure the qualities of all landscapes are protected. 1461 (Sam Smiths) 1041 Equal weigh should be applied to all landscape settings. 1174/1690 – internationally significant prehistoric sites are just as important. 0116 (Ryedale DC) 1144-
Note - It is agreed that reference should be made to protecting all landscapes, however it is not agreed that all landscapes should be afforded equal protection as it is appropriate to reflect the highly protected status of particular areas.

unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures.

For proposals which may impact on nationally designated areas including the National Park, AONBs and the adjacent Yorkshire Dales National Park, a very high level of protection to landscape will be required. Development which would have an unacceptable landscape impact on these areas will not be permitted.

Protection will also be afforded to the landscape setting of the historic City of York and to areas defined as Heritage Coast. Permission will only be granted for development which would harm the landscape setting of the City or the undeveloped character of Heritage Coast where the need for, or benefits of, the development outweigh the harm caused.

Where proposals may have an adverse impact on landscape, tranquillity or dark night skies, schemes should provide for a high standard of design and mitigation, having regard to landscape character, the wider landscape context and setting of the site and any visual impact, as well as for the delivery of landscape enhancement where practicable.

Main responsibility for implementation of policy: NYCC, NYMNPA, CYC, Minerals and Waste Industry and Natural England

Key links to other relevant policies and objectives

Strategic policies in Chapters 5, 6 and 7 | *Objectives 9, 12*

Monitoring: Monitoring indicator 50 (see Appendix 3)

Comment [MS267]: 3704 (Cuadrilla) 1244-The policy should recognise the temporary impacts of the first two phases of hydrocarbon development
 Note - It is not considered necessary to make specific reference to temporary effects as the policy will apply as appropriate to all forms of development whether temporary or permanent and the timescale of any impact will be a matter to be considered when judging any proposals against the policy.

Comment [JJ268]: 0330 (HBC) 0672 add text 'appropriate to landscape character'
 Para 9.40 of the supporting text already makes reference to use of landscape character assessment in identifying mitigation.

Comment [MS269]: 0113 (HH AONB) 0838Look at AONB Management Plans
 Note - it is agreed that reference to this should be made in the supporting text - para. 9.40

Policy Justification

9.38 The variety of landscapes in the area adds much to its overall distinctiveness. A large part of the area is designated or defined nationally (as either National Park or AONB or Heritage Coast) for the quality of its landscape, and some District and Borough Councils have identified local areas of landscape value in their own local plans. A range of other designations are of relevance to landscape considerations, including heritage land which is conditionally exempt from inheritance tax because of its national significance²⁴. Unlike National Parks and AONBs, Heritage Coast is not classed as a nationally designated landscape. Its definition is non-statutory, and can only be made with the agreement of local authorities and landowners, and agreed by Natural England. The North Yorkshire and Cleveland Heritage Coast falls mainly within the Plan area, with approximately 70% of the defined area also falling within the North York Moors National Park. However, the southern and northern parts do not benefit from protection via National park designation. A small part of the Flamborough Head Heritage Coast also falls within the Plan area. The NPPF (para. 114) requires local planning authorities to 'maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes, particularly in areas defined as Heritage Coast, and improve public access to and enjoyment of the coast'. Such areas are therefore afforded a relatively high level of significance in national policy terms. Maintaining the setting of the historic City of York is also an important landscape consideration as it is not subject of specific statutory protection yet is a distinctive and important part of the Plan area. The Vale of York has a flat

²⁴ These areas are not identified under planning legislation but may be material considerations relevant to planning. A number of such areas have been designated in the Plan area. They largely coincide with areas already designated as National Park and AONB, where a high level of policy protection already exists. However some are found elsewhere in the Joint Plan area. Areas currently so designated can be viewed at <https://www.gov.uk/tax-relief-for-national-heritage-assets>.

and low lying landscape with historic views of York Minster tower, Terry's clock tower and other landmark structures²⁵ and this setting within the landscape forms an intrinsic part of the city's historical significance. In considering impact on landscape setting, regard will be had to factors including the scale and character of the development proposed, any inter-visibility between the development site and the protected asset and the duration of the proposed development.

- 9.39 Although areas afforded specific protection through designations are of particular significance, all landscapes are important in their own right. Due to their nature and sometimes scale, minerals and waste developments can have significant impacts on the landscape. It is therefore important that, in bringing forward proposals, applicants give careful consideration to potential landscape impacts.
- 9.40 There are a number of Landscape Character Assessments (LCAs) covering the Joint Plan area, including those produced by District and Borough councils, which provide a useful source of information relating to the various landscapes present in the area. In addition to the LCAs, a Historic Seascape Characterisation for the Scarborough to Hartlepool coastline is currently being undertaken by Historic England and a North Yorkshire and Lower Tees Valley Historic Landscape Characterisation programme has been produced. Within the National Park and AONBs relevant information may also be available in the respective Management Plans. Applicants should utilise any available local landscape studies and other relevant information to assist in the identification of any potential landscape impacts and mitigation.
- 9.41 In particular, such studies can assist in gaining a wider understanding of the significance of a location or settlement in landscape terms, and how a development proposal may impact not just on the immediate site but on any wider area it may influence. Careful consideration should therefore be given to the wider landscape setting and context of the site, both designated and undesignated, when designing schemes (including any mitigation). In some cases there may be opportunities to enhance local landscape character and quality, for example through landscape planting both on and offsite and as part of minerals site reclamation and applicants should look for opportunities to provide these as part of any proposals.
- 9.42 A study commissioned by NYCC with funding from Historic England in 2010 suggested that landscape provides an important context within which other important assets are found, particularly those relating to biodiversity and the historic environment. It is therefore important to ensure that proposals are informed by a good understanding of any such interactions, to help provide a more integrated approach to consideration of overall impacts and opportunities. The report also highlights the need for effective mitigation and management of any landscape impacts, and the need to ensure that connections between landscape and the natural and historic environment are considered and reflected in the design and implementation of proposals. For major schemes this is likely to require detailed pre-application research and discussion with relevant organisations. More information on the study can be found in the summary report <https://www.northyorks.gov.uk>.
- 9.43 An important aspect of the environment of the Plan area, of relevance to consideration of landscape, is the concept of tranquillity. Tranquillity mapping undertaken for CPRE in 2007 indicated that North Yorkshire was the 7th most tranquil of 117 County and Unitary authority areas, with a high degree of tranquillity particularly in the National Parks and AONBs and other less developed parts of the

²⁵ Further information can be found in the City of York Council Heritage Topic Paper update 2013

<p>Plan area. A more recent survey by CPRE indicated that 72% of respondents identified tranquillity as the characteristic they valued most about the countryside, and protection of tranquil areas is an objective of the Management Plan for the NYMNP. Although tranquillity cannot be measured in any objective way, the potential for a development proposal to impact adversely on tranquillity will be a matter to be taken into account when considering applications, particularly those located within or in close proximity to the National Park and AONBs.</p>	
9.44	<p>A further consideration related to landscape, and which could potentially be impacted by minerals or waste development, particularly in the more rural areas, is the maintenance of dark night skies. The relatively undeveloped nature of large parts of the Plan area, particularly within the National Park and AONBs, mean that there are substantial areas with low levels of light pollution, leading to high quality starscapes at night which are increasingly rare in England. Proposals for minerals or waste development, particularly those with a requirement for significant amounts of external lighting and which are situated in rural locations should ensure that the impact of development on dark night skies is considered and that mitigation in the form of carefully designed and controlled site lighting is provided where necessary.</p>
9.45	<p>In those parts of the Plan area designated as National Park or AONBs, any proposals for major development will also need to satisfy the major development test. Effects on the landscape are a specific consideration under the Test.</p>
<p>SA/SEA</p>	
<p>Summary of assessment This policy is likely to result in a number of positive impacts particularly in relation to protection of the landscape. This is likely to also result in positive impacts in relation to cultural heritage, tourism and amenity in those areas of high landscape value. This policy may to some extent result in a clustering of development outside of the designated and high value landscapes in the plan area therefore resulting in cumulative negative impacts. These would largely be moderated by other development management measures in the Joint Plan.</p>	
<p>Recommendations None noted.</p>	
<p>Overall Summary of Reasons for Change</p>	
<p>The policy and supporting text have been amended in response to representations and to provide clarification of the approach to be taken, particularly in relation to the status of Heritage Coast, the setting of the City of York and in relation to protection of all landscapes.</p>	

Development of Policy D07: Biodiversity and geodiversity.

Part 1 Issues and Options to Preferred Options

Id64 - Biodiversity and geodiversity	
<p><i>Options presented at Issues and options stage</i></p>	<p>Option 1: This option would not set out specific local policy for protection and enhancement of biodiversity and geodiversity and would rely on national policy in the NPPF, together with any other relevant policies in the development plan. In summary, biodiversity policies in the NPPF state that the planning system should minimise impacts on biodiversity and provide net gains where possible, contributing to ecological networks (para 109), preserve, restore or re-create priority habitats, ecological networks and protect or recover priority species, prevent harm to geological conservation</p>

	<p>assets (para 117) and only approve development where significant harm can be avoided, mitigated or as a last resort compensated for, avoid the loss of irreplaceable habitats, protect statutorily protected sites and encourage opportunities to incorporate biodiversity in and around developments (para118).</p> <p>OR</p> <p>Option 2: This option would support proposals which demonstrate that unacceptable impacts on biodiversity and geodiversity would not arise, having regard to any statutory or non-statutory designations and/or legal protections that apply as well as any agreed local priority habitats, habitat networks and species, looking to avoid and mitigate effects and, where this is not possible, compensate for residual effects. Proposals should look to contribute towards the delivery of agreed biodiversity and geodiversity objectives, including those set out in agreed Biodiversity or Geodiversity Action Plans, or in line with agreed priorities of any relevant Local Nature Partnership, with the aim of achieving net gains for biodiversity or geodiversity where feasible.</p> <p>AND</p> <p>Option 3: Where residual impacts occur which cannot be avoided or mitigated and the provision of compensatory habitat within the site would not be feasible and the need for the development overrides the need to protect the site, habitat or species, this option would support the principle of biodiversity offsetting in relation to fully compensating for any losses and would require any gains to be related to the planning authority area in which the loss occurred.</p> <p>OR</p> <p>Option 4: Where residual impacts occur which cannot be avoided or mitigation and the provision of compensatory habitat within the site would not be feasible and the need for the development overrides need to protect the site, habitat or species, this option would support the principle of biodiversity offsetting in relation to fully compensating for any losses and would not specify where the gains should take place.</p>
What the SA told us	
<p>Whilst Option 1 would enable a level of protection and enhancement to be afforded to biodiversity and geodiversity, it would not provide direct links with meeting the objectives or local priorities established for example through the Local Nature Partnership and the local Biodiversity and Geodiversity Action Plans. Option 2 would have greater benefits for biodiversity in the Joint Plan by linking with local objectives. In the longer term effects under Option 1 would be uncertain as the implications of any future changes to national policy are unknown. Both Option 3 and Option 4, where considered together with earlier options, would enable gains to be made for biodiversity which are not currently realised, yet option 3 would have greater benefits in terms of contributing to biodiversity objectives in the Joint Plan area on the basis that offsetting is not considered to be a means of making the development itself acceptable.</p>	
Number of consultation responses	
Total Number of comments against id:	37
Question 157) Do you have a	Number of respondents: 25

preference for any of the options presented above?	Option 1: 6 SC: 1 MWI: 4 Local Authorities: 1	Combination: 12 Opt. 2+3: 8 SC: 1 Local Authorities: 1 Opt. 1+2+3: 3 Opt. 3+4: 1
	Option 2: 6 SC: 1 MWI: 1 Local Authorities: 1	Did Not Specify: 1
	Option 3: 0	None: 0
	Option 4: 0	
Question 158) Are there any alternative options the Authorities should consider in relation to biodiversity and geodiversity?	Number of respondents: 6 SC: 0 MWI: 1 Local Authorities: 0	
Question 159) Are there any other specific elements of protecting and enhancing biodiversity which should be covered by the policy?	Number of respondents: 6 SC: 0 MWI: 0 Local Authorities: 0	
Brief overview of consultation responses		
Key Messages Q157:		
<i>Option 1:</i>		
<ul style="list-style-type: none"> National policy in the NPPF is sufficient, local policy should not be used to resist appropriate and necessary mineral extraction This option ensures national policy is not duplicated Provides the greatest flexibility The Planning Authorities key concern is whether the residual impacts of the proposal is acceptable following implementation of mitigation measures 		
<i>Option 2:</i>		
<ul style="list-style-type: none"> Operators accept the need to conserve and enhance biodiversity and geodiversity, primarily through Wildlife Trusts and other local conservation bodies The most positive option, in that consideration is given to non-statutory designated sites and species Need to consider how applicants contribute towards BAP objectives through contributions Applies the biodiversity related requirements of the NPPF through delivery of local targets and objectives 		
<i>Option 3:</i>		
<ul style="list-style-type: none"> Biodiversity offsetting must not usurp the mitigation hierarchy in para 118 of the NPPF, however it may deliver ecological mitigation during the operational phase 		
<i>Option 2+3:</i>		
<ul style="list-style-type: none"> These options provide the best protection Biodiversity losses should be offset locally NPPF does not provide sufficient protection for biodiversity Local policies for restoration is important rather than relying upon national policy Minerals site restoration needs to linked to biodiversity opportunity mapping 		

Option 1+2+3:

- The NPPF provides the minimum, additional local criteria is required
- Option two seems to support proposals which demonstrate that unacceptable impacts on biodiversity and geodiversity would not arise having regard to certain local aspects and three ensures there are no overall losses to biodiversity in the local area

Option 3+4:

- Concerned about biodiversity offsetting, SPAs, SACs, RAMSAR and SSSIs should be excluded from this
- Any offsetting scheme requires long term management and monitoring to ensure biodiversity benefits
- Premature to include biodiversity offsetting as it is unclear how this would work

General comments on the options:

- Reflect the mineral related objectives in the North Yorkshire and York Local Nature Partnership Draft Strategy
- Biodiversity gains are used as an excuse to destroy open agricultural land
- Local policy should not try to resist appropriate and necessary development.

Key Messages Q158:

A range of alternative options were suggested in the responses, these are detailed in the 'Suggested new options Chapter 8 – Development Management table' along with justification as to why they have or have not been taken forward. The realistic alternative have been summarised below:

Proposed Option 5

- Biodiversity offsetting should not apply in statutory protected sites

Suggested approach

Biodiversity offsetting would not be applied where harm relates to international and national statutory protected sites.

Proposed Option 6

- There should be no overall loss to biodiversity

Suggested approach

Development would not be permitted where there would be overall losses to biodiversity.

Key Messages Q159:

- Authorities should protect local biodiversity and where a development results in an overall loss of biodiversity in should not be permitted
- Minerals extracted on agricultural land should be restored to its pre-existing use for food production and biodiversity gains
- Mandatory biodiversity offsetting is very seldom either necessary or practicable and biodiversity gains can almost always be designed into proposals
- Biodiversity should be the primary consideration in restoration plans and sites should be allocated which have the greatest potential to maximise biodiversity and at a strategic scale
- Set targets to create priority habitats at a landscape scale and avoid grouping too many different habitats into one site
- Deliver BAP and LNP targets and objectives
- Integrate restored mineral sites into the existing local ecological network

General:

- Biodiversity offsetting is not a valid justification for the destruction of wildlife habitats due to loss of ecological, historical and social value

SA of options including alternatives
<p>Summary of assessment</p> <p>Whilst Option 1 would enable a level of protection and enhancement to be afforded to biodiversity and geodiversity, it would not provide direct links with meeting the objectives or local priorities established for example through the Local Nature Partnership and the local Biodiversity and Geodiversity Action Plans. Option 2 would have greater benefits for biodiversity in the Joint Plan by linking with local objectives. In the longer term effects under Option 1 would be uncertain as the implications of any future changes to national policy are unknown</p> <p>Both Option 3 and Option 4, where considered together with earlier options, would enable gains to be made for biodiversity which are not currently realised, yet option 3 would have greater benefits in terms of contributing to biodiversity objectives in the Joint Plan area on the basis that offsetting is not considered to be a means of making the development itself acceptable. Option 5 would reduce the benefits provided by either Option 3 or 4.</p> <p>Whilst Option 6 would provide the greatest benefits for biodiversity within the Plan area, it could reduce the availability of minerals and the possibilities for providing waste facilities, and possibly displace effects to elsewhere.</p> <p>Revised recommendations</p> <p>It is recommended that options 2 and 3 be followed but that reference is included to ensuring that any offsetting includes consideration of replacing the community and climate regulation value attached to the biodiversity of the site to be developed.</p>
Joint Authorities response to consultation responses
<p>The range of responses received is noted, with no very clear preference emerging. It is considered that, on balance, a local policy approach should be included in the plan rather than relying on national policy, as this should help provide more local guidance to applicants. Whilst concerns about the potential impact of habitat creation on availability of open agricultural land are noted, there has been significant support from other respondents to an approach which delivers maximum biodiversity benefits where practicable, and such an approach is generally in line with national policy. A range of views about use of biodiversity offsetting were received, with significant concerns expressed about the impact of offsetting. It is agreed that the emphasis in any approach should be on delivery of mitigation and enhancement into the development scheme with offsetting only being used in limited alternative circumstances. It is agreed that opportunities should be sought to help deliver targets set out in BAPs/GAPs or agreed by LNPs.</p>
Evidence base update
<p>No new evidence as of January 2015.</p>
Duty to Cooperate
<p>Is this a duty to cooperate matter? Yes</p> <p>At a general level any approach to biodiversity and geodiversity needs to be developed in conjunction with the relevant statutory body, Natural England. A meeting was held with Natural England to discuss points raised in their Issues and Options Consultation response. A brief note and agreed outcome of the meeting is recorded on the Duty to Cooperate record log.</p>
Discussion around development of preferred policy approach
<p>A small majority of respondents preferred a combination of options 2 and 3, whilst a number of respondents also preferred options 1 and 2 as stand-alone options. Options 2 and 3 were preferred in the initial SA. A number of key messages were noted in response to this</p>

proposed option. It is considered overall that a positive approach towards protection of biodiversity and delivery of biodiversity benefits should be included in the Plan as this would be more in line with national policy. Two further options were put forward for consideration and elements of these have been incorporated into the draft policy. Although there were a number of objections to proposals for biodiversity offsetting, there is support from government for this principle and therefore it is considered appropriate to refer to offsetting in exceptional circumstances. The preferred approach is based on Options 2 and 3. In relation to the findings of the SA that, in relation to offsetting, consideration be given to replacing the community and climate regulation value attached to the biodiversity of the site to be developed, this is a matter which could be referenced in the supporting text to the policy.

Preferred policy approach – title changed to D07: Biodiversity and geodiversity

Proposals will be permitted where it can be demonstrated that there will be no unacceptable impacts on biodiversity or geodiversity, including on statutory and non-statutory designated sites, local priority habitats, habitat networks and species, having taken into account any proposed mitigation measures. A very high level of protection will be afforded to sites designated at an international or national level, including SPAs, SACs, RAMSAR sites and SSSIs. Development which would have an unacceptable impact on these sites will not be permitted.

Through the design of schemes, including any proposed mitigation measures, proposals should seek to contribute positively towards the delivery of agreed biodiversity and/or geodiversity objectives, including those set out in agreed local Biodiversity or Geodiversity Action Plans, or in line with agreed priorities of any relevant Local Nature Partnership, with the aim of achieving net gains for biodiversity or geodiversity.

In exceptional circumstances, and where the development site giving rise to the requirement for offsetting is not located within a SPA, SAC, RAMSAR or SSSI, the principle of biodiversity offsetting to fully compensate for any losses will be supported. These circumstances include where:

- **It has been demonstrated that it is not possible to avoid or mitigate against adverse impacts; and**
- **The provision of compensatory habitat within the site would not be feasible; and**
- **The need for or benefits of the development override the need to protect the site; and**
- **Any compensatory gains would be delivered within the minerals or waste planning authority area in which the loss occurred.**

Supporting text

The biological and geological diversity of the Joint Plan area is a fundamental aspect of its natural environment. National planning policy and a range of other policies and legislation support the maintenance and enhancement of biodiversity and geodiversity. A large proportion of the Joint Plan area's natural environment is designated at either European, national or local level for the importance of its habitats and/or species. There are also many non-designated areas that nevertheless provide valuable habitats or form important parts of wider ecological networks. Protected species may live outside designated areas and many of these are also protected by law. Whilst there are many biodiversity sites and assets in the area, there are also a smaller number of geological SSSIs and regionally important geological sites which are subject of protection.

The protection and enhancement of ecological networks is becoming increasingly important due to changes in the climate. There are important links between biodiversity and the water

environment, such as water quality issues for example, and with matters such as food production. The natural environment in effect provides a range of 'services' (known as ecosystems services) which it is important to help maintain and enhance. Biodiversity and geodiversity assets also form an important element of the green infrastructure²⁶ of the area and contribute to overall quality of life.

National policy requires the protection and enhancement of biodiversity by minimising impacts and providing net gains where possible, including for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure at a landscape scale.

Minerals and waste developments have the potential to impact adversely on biodiversity and geodiversity. In addition minerals development, particularly through the process of quarry reclamation, is well placed to provide longer term enhancement of both biodiversity and geodiversity.

Applicants will need to demonstrate, when bringing forward proposals, that any potential impacts on biodiversity and geodiversity have been identified and addressed through mitigation where necessary. Opportunities should also be sought to deliver longer term enhancement. Proposals should be directed towards the delivery of any priorities already agreed for the area in which the site is situated, as set out in local Biodiversity Action Plans, Geodiversity Action Plans or through any strategy produced by the relevant Local Nature Partnership.

In some cases, it may be possible to deliver greater overall benefits through delivery of a coordinated approach in combination with other proposed development. This may particularly be the case for minerals extraction, where there are a number of workings taking place in the same area, for example in the corridors of the Rivers Swale and Ure. Where as a result of the scale, nature or location of the development proposed, there are opportunities to deliver enhancement of biodiversity or geodiversity, including the provision of green infrastructure, applicants are encouraged to discuss their proposal with the relevant planning authority at an early stage in order to help ensure that a coordinated approach, and maximum overall benefits, taking into account existing permitted schemes and other relevant proposals, can be achieved where practicable.

In some limited circumstances it may be appropriate for compensatory provision to be made elsewhere for habitat losses resulting from development. Such 'Offsetting' should be viewed as a last resort measure where the need for, or benefits of, the development outweigh the need to protect the site and no other suitable location is available. It will generally be preferable, if necessary, for mitigation or compensation measures to be delivered at the development site rather than through offsetting at an alternative location. Where development requiring offsetting is proposed, the arrangements for provision of the offsetting biodiversity gain should be set out as part of the proposals, and the location where the offsetting provision is to be made should be located within the same minerals or waste planning authority area as the development giving rise to the need for offsetting. This is to help ensure that biodiversity assets are not displaced out of the local area. A further consideration is that, in developing proposals for offsetting, consideration should be given to replacing the community and climate regulation value attached to the biodiversity of the site to be developed, in order to help ensure an appropriate overall level of gain in the interests of sustainability. In practice it is considered that circumstances necessitating offsetting in the Joint Plan area are likely to be very rare.

²⁶ Green infrastructure is a network of multi-functional green space, both new and existing, both rural and urban, which supports the natural and ecological processes and is integral to the health and quality of life of sustainable communities. It includes parks, open space, playing fields, woodlands, allotments and private gardens.

Links to Objectives and Policies
<p><i>Link to Objectives:</i> Objective 9 Objective 11 Objective 12</p> <p><i>Links to other relevant policies in the Plan:</i> Id59: Local amenity and cumulative impacts Id63: Landscape Id66: Water environment Id67: Strategic approach to reclamation and afteruse</p>
SA/SEA
<p><i>This preferred policy will have a range of largely positive effects as through the protection and enhancement of biodiversity valuable ecosystem services, such as water or air quality improvements, carbon storage benefits, or increased access to outdoor space. It may also benefit the local economy, helping to ensure that the plan area remains attractive to tourists and investors. Some uncertainty was however noted in relation to biodiversity offsetting which while seeking to provide a net gain, might fail to fully replicate lost habitats (albeit that these are likely to be of local rather than national value), or might locate them some distance away from the original beneficiaries of habitats. Nonetheless, offsetting would provide minerals and waste developers with greater flexibility to locate in the best locations. Some negative effects were noted due the burden that this policy may put on new development.</i></p> <p>Recommendations <i>Broadly the policy is seen as positive in terms of most SA objectives. However, the uncertainties raised over biodiversity may benefit from additional clarification on the circumstances when it would be suitable (i.e. when exceptional circumstances; might apply, the offset metrics expected of developers and the geographical scope of its application)²⁷.</i></p>

Part 2- Preferred options to Publication

Consultation Responses to Preferred Options
<p>Biodiversity and geodiversity</p> <p>9.46 The NPPF requires protection and enhancement of biodiversity by ‘minimising impacts and providing net gains where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures’. The NPPF also requires planning authorities to set criteria based policies against which proposals for any development on or affecting protected wildlife sites will be judged. Plans should also be positive for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure at a landscape scale. Protection of geodiversity is also an objective of national planning policy.</p>
<p>Policy D07: Biodiversity and geodiversity</p> <p>Proposals will be permitted where it can be demonstrated that there will be no unacceptable impacts on biodiversity or geodiversity, including on statutory and non-statutory designated or protected sites and features, local priority habitats, habitat networks and species, having taken into account any proposed mitigation</p>

Comment [MS270]: Key messages General - Policy needs to do more to protect ancient woodland. Agricultural land should be included in the policy. Needs to consider creation of habitat networks rather than individual sites. Policy only repeats national policy, biodiversity offsetting has a disproportionate presence in the policy. Include more to protect from fracking Note - it is agreed that specific reference should be made to ancient woodland, which has a significant presence in the Plan area and that reference should also be made to protection of veteran trees. Protection of agricultural land and soils is addressed in Policy D12. It is agreed that the policy should support the development of ecological networks, in line with national policy. The comment in respect of offsetting is noted and, whilst, it is not considered likely that circumstances will arise frequently where such an approach is required it is considered that it would, nevertheless, be appropriate to include relevant guidance in the Plan.

Comment [MS271]: 0250 (Igas) 1273 this policy is old repeating NPPF and other policies in the Plan and should be deleted. Note - this is not agreed. There are a substantial range of biodiversity and geodiversity features and assets in the area and it is considered appropriate to include local policy on this matter.

²⁷ National guidance on biodiversity offsetting has not yet been finalised. Information on the pilot work and consultation work run by Defra is available at <https://www.gov.uk/biodiversity-offsetting>.

<p>measures.</p> <p>A very high level of protection will be afforded to sites designated at an international level, including SPAs, SACs and RAMSAR sites or sites under consideration by Government for such designation. Development which would have an unacceptable impact on these sites will not be permitted. Development which would lead to an adverse effect on the notified special interest features of a SSSI or any broader impact on the national network of SSSIs, or the loss or deterioration of ancient woodland or aged or veteran trees, will only be permitted where the benefits of the development would clearly outweigh the impact or loss.</p> <p>Through the design of schemes, including any proposed mitigation measures, proposals should seek to contribute positively towards the delivery of agreed biodiversity and/or geodiversity objectives, including those set out in agreed local Biodiversity or Geodiversity Action Plans, or in line with agreed priorities of any relevant Local Nature Partnership, with the aim of achieving net gains for biodiversity or geodiversity and supporting the development of resilient ecological networks.</p> <p>In exceptional circumstances, and where the development site giving rise to the requirement for offsetting is not located within a SPA, SAC, RAMSAR or SSSI, the principle of biodiversity offsetting to fully compensate for any losses will be supported. These circumstances include where:</p> <ul style="list-style-type: none"> i) It has been demonstrated that it is not possible to avoid or mitigate against adverse impacts; and ii) The provision of compensatory habitat within the site would not be feasible; and iii) The need for or benefits of the development override the need to protect the site; and iv) Any compensatory gains would be delivered within the minerals or waste planning authority area in which the loss occurred. 	
<p>Main responsibility for implementation of policy: NYCC, NYMNPA, CYC, Minerals and Waste industry, District and Borough Councils, Local Nature Partnerships, Local Geodiversity Partnerships</p>	
<p>Key links to other relevant policies and objectives</p>	
<p><i>Strategic policies in Chapters 5, 6 and 7</i> D02, D04, D05, D08, D09, D10, D12</p>	<p><i>Objectives 9, 11, 12</i></p>
<p>Monitoring: Monitoring indicator 51 (see Appendix 3)</p>	

Comment [MS272]: 2970 (frack free York) include 1 and 10k buffers around these sites
 Note - it is not considered appropriate to include this as the purpose of the proposed buffers, or justification for the size of the proposed buffers, is not clear.

Comment [MS273]: 2173 (CPRE NY) 0754 add text 'Ancient Woodland, SINCS'
 Note - it is agreed that reference to ancient woodland should be included in this part of the Policy. SINCS, which are a local designation, fall within the scope of the first para. of the policy.

Comment [MS274]: 1112 (RSPB North) 0770, 3708/0423, 3708/0424, 0362/0233, 3709/0361, 0362/0234- 0128 (Yorkshire wildlife Trust) 1176, 2937/0297, 3709/0362, 3849/2008, 2937/0298-
 Include more to ensure a strategic, coordinated landscape approach to creation of priority habitats
 Note - Reference to delivery of opportunities for a coordinated, strategic scale approach is already provided in para. 9.51 of the supporting text and is referenced in Policy D10 in the context of minerals and waste site reclamation, where it is most likely to be relevant. It is therefore not considered necessary to refer to it further in this policy.

Comment [MS275]: 0697 (NY Geodiversity Partnership) 0246- include local geo-conservation groups.
 Note - it is agreed that this should be referenced in relation to implementation of the Policy.

Policy Justification

- 9.47 The biological and geological diversity of the Joint Plan area is an integral part of its natural environment. A large proportion of the Joint Plan area's natural environment is designated or protected at either European, national or local level for the importance of its habitats and/or species. There are also many non-designated areas that nevertheless provide valuable habitats or form important parts of wider ecological networks. Protected species may live outside designated areas and many of these are also protected by law. Whilst there are many biodiversity sites and assets in the area, there are also a smaller number of geological SSSIs and regionally important geological sites which are subject of protection.
- 9.48 The protection and enhancement of ecological networks is becoming increasingly important due to changes in the climate. There are important links between biodiversity and the water environment, such as water quality issues for example, and with matters such as food production. The natural environment in effect provides

a range of 'services' (known as ecosystems services) which it is important to help maintain and enhance. Biodiversity and geodiversity assets also form an important element of the green infrastructure²⁸ of the area and contribute to overall quality of life.

- 9.49 Minerals and waste developments have the potential to impact adversely on biodiversity and geodiversity. In addition minerals development, particularly through the process of quarry reclamation, is well placed to provide longer term enhancement of both biodiversity and geodiversity.
- 9.50 Applicants will need to demonstrate, when bringing forward proposals, that any potential impacts on biodiversity and geodiversity have been identified and addressed through mitigation where necessary. Opportunities should also be sought to deliver longer term enhancement, including through contributing to the development of enhanced ecological networks to improve reliance and help mitigate effects of climate change. Proposals should be directed towards the delivery of any priorities already agreed for the area in which the site is situated, as set out in local Biodiversity Action Plans, Geodiversity Action Plans or through any strategy produced by the relevant Local Nature Partnership.
- 9.51 In some cases, it may be possible to deliver greater overall benefits through delivery of a coordinated approach in combination with other proposed development. This may particularly be the case for minerals extraction, where there are a number of workings taking place in the same area, for example in the corridors of the Rivers Swale and Ure and opportunities may arise at a landscape scale. The RSPB have indicated that the greatest opportunities can rise in relation to schemes with an area in excess of 200ha. Where as a result of the scale, nature or location of the development proposed, there are opportunities to deliver enhancement of biodiversity or geodiversity, including the provision of green infrastructure, applicants are encouraged to discuss their proposal with the relevant planning authority at an early stage in order to help ensure that a coordinated approach, and maximum overall benefits, taking into account existing permitted schemes and other relevant proposals, can be achieved where practicable.
- 9.52 In some limited circumstances it may be appropriate for compensatory provision to be made elsewhere for habitat losses resulting from development. Such 'Offsetting' should be viewed as a last resort measure where the need for, or benefits of, the development outweigh the need to protect the site and no other suitable location is available. It will generally be preferable for mitigation or compensation measures, if necessary, to be delivered at the development site rather than through offsetting at an alternative location.
- 9.53 Where development requiring offsetting is proposed, the arrangements for provision of the offsetting biodiversity gain should be set out as part of the proposals, and the location where the offsetting provision is to be made should be within the same minerals or waste planning authority area as the development giving rise to the need for offsetting. This is to help ensure that biodiversity assets are not displaced out of the local area. A further consideration is that, in developing proposals for offsetting, consideration should be given to replacing the community and climate regulation value attached to the biodiversity of the site to be developed, in order to help ensure an appropriate overall level of gain in the interests of sustainability. In practice it is considered that circumstances necessitating offsetting in the Joint Plan area are

Comment [JJ276]: 1112 (RSPB North) 0783: Add text 'Wetland habitat creations restoration schemes should contribute to establishing areas of wetland habitat larger than 200ha and ideally larger than 500-800ha, this would provide sufficient habitat for healthy populations of newly colonising species such as purple heron'.
Note - whilst this is noted it not considered that this issue is more appropriately addressed in the context of policy D10 Reclamation and afteruse as it is through that process that any such opportunities are likely to arise.

²⁸ Green infrastructure is a network of multi-functional green space, both new and existing, both rural and urban, which supports the natural and ecological processes and is integral to the health and quality of life of sustainable communities. It includes parks, open space, playing fields, woodlands, allotments and private gardens.

likely to be very rare.
SA/SEA
<p>Summary of assessment This preferred policy will have a range of largely positive effects as through the protection and enhancement of biodiversity valuable ecosystem services, such as water or air quality improvements, carbon storage benefits, or increased access to outdoor space. It may also benefit the local economy, helping to ensure that the plan area remains attractive to tourists and investors. Some uncertainty was however noted in relation to biodiversity offsetting which while seeking to provide a net gain, might fail to fully replicate lost habitats (albeit that these are likely to be of local rather than national value), or might locate them some distance away from the original beneficiaries of habitats. Nonetheless, offsetting would provide minerals and waste developers with greater flexibility to locate in the best locations. Some negative effects were noted due the burden that this policy may put on new development.</p> <p>Recommendations Broadly the policy is seen as positive in terms of most SA objectives. However, the uncertainties raised over biodiversity may benefit from additional clarification on the circumstances when it would be suitable (i.e. when exceptional circumstances; might apply, the offset metrics expected of developers and the geographical scope of its application)²⁹. As national guidance is not currently available in relation, this clarification may be best developed either as supporting information to the plan (e.g. through a Supplementary Planning Document) or could be incorporated when the Plan is reviewed.</p>
Overall Summary of Reasons for Change
Revisions made to policy in response to representations at preferred options stage and to increase consistency with national policy and/or provide further clarity, including in relation the status of ancient woodland and the creation of ecological networks.

Development of Policy D08: Historic environment.

Part 1 Issues and Options to Preferred Options

Id65 - Historic environment	
<i>Options presented at Issues and options stage</i>	<p>Option 1: This option would not set out a specific local policy for conservation and enhancement of the historic environment and would rely on national policy in the NPPF, together with any other relevant policies in the development plan. In summary, NPPF policy on the historic environment relates to protecting and enhancing the significance of heritage assets – permission should not be granted for proposals which would lead to substantial harm or loss of the significance of a designated asset unless public benefits outweigh this loss, and where harm is less than significant or relates to a non-designated asset this should be weighed against the benefits (paras 126 – 141).</p> <p>OR</p>
	<p>Option 2: This option would indicate that heritage assets will be conserved in line with the requirements of the NPPF (see Option 1) but would encourage proposals, where practicable, to deliver enhancements to the setting and/or secure</p>

²⁹ National guidance on biodiversity offsetting has not yet been finalised. Information on the pilot work and consultation work run by Defra is available at <https://www.gov.uk/biodiversity-offsetting>.

	improved access to and understanding of the asset for the longer term, linking into existing projects or initiatives where possible. AND						
	Option 3: Under either option above, this option would seek to protect the setting of the City of York by supporting proposals which do not compromise the setting.						
What the SA told us							
All of the options would provide positive effects for both the historic environment and landscape of the Plan area. Option 1 would present an element of uncertainty as the implications of any future revisions to national policy are unknown. Option 2 would have greater positive effects through the requirement for enhancements. Option 3, where used together with earlier options, would have significant positive effects for the setting of the City of York.							
Number of consultation responses							
Total Number of comments against id:	28						
Question 160) Do you have a preference for any of the options presented above?	Number of respondents: 19						
	<table border="1"> <tr> <td>Option 1: 8 SC: 1 MWI: 4 Local Authorities: 1</td> <td>Combination: 6 Opt. 1+3: 1 MWI: 1 Opt. 2+3: 4 SC: 1 Local Authorities: 2</td> </tr> <tr> <td>Option 2: 4</td> <td>Did Not Specify: 1</td> </tr> <tr> <td>Option 3: 0</td> <td>None: 0</td> </tr> </table>	Option 1: 8 SC: 1 MWI: 4 Local Authorities: 1	Combination: 6 Opt. 1+3: 1 MWI: 1 Opt. 2+3: 4 SC: 1 Local Authorities: 2	Option 2: 4	Did Not Specify: 1	Option 3: 0	None: 0
Option 1: 8 SC: 1 MWI: 4 Local Authorities: 1	Combination: 6 Opt. 1+3: 1 MWI: 1 Opt. 2+3: 4 SC: 1 Local Authorities: 2						
Option 2: 4	Did Not Specify: 1						
Option 3: 0	None: 0						
Question 161) Are there any alternative options the Authorities should consider in relation to historic environment?	Number of respondents: 2 SC: 0 MWI: 0 Local Authorities: 0						
Question 162) Are there any other specific elements of protecting the historic environment which should be covered by the policy?	Number of respondents: 4 SC: 1 MWI: 1 Local Authorities: 0						
Question 163) In addition to York, and bearing in mind the landscape options provide protection to the landscape setting of settlements, are there any other strategically important historic assets in the Plan area which would benefit from specific protection through Option 3?	Number of respondents: 3 SC: 0 MWI: 1 Local Authorities: 1						
Brief overview of consultation responses							
Key Messages Q160:							
<p><i>Option 1:</i></p> <ul style="list-style-type: none"> • Most flexible option • Existing national and local plan policies afford a high degree of protection for heritage assets and no more criteria is required • No need to duplicate national policy • The NPPF expects compliant Local Plans to provide policies which enable applicants to have no need to refer to the NPPF for guidance 							

- It is not considered appropriate to rely upon various policies in Local Plans across the Joint Plan area

Option 2:

- This option is already covered under 'public benefits' in the NPPF
- Too dependent upon different interpretations of enhancement of the setting of historical assets and their understanding
- To be successful this option would need to define how to 'enhance' a setting on an individual proposal basis
- Local policy should not be used to resist appropriate and necessary mineral extraction

Option 3:

- This option needs to explain how developments in a rural area can affect the setting of the York's historic core
- This option should be expanded to include the historic setting of all historic settlements within the Plan area

Option 1+3:

- The setting of York can be clearly defined and justified whereas other heritage assets is an esoteric subjective opinion that cannot be defined

Option 2+3:

- Para 126 of the NPPF requires a positive strategy for the conservation and enjoyment of the historic environment
- Due to the international importance of York it is essential to include a policies which protect these elements
- Heritage assets should be conserved in line with the NPPF with the additional enhancements for improved access and understanding of the asset

General comments on the options:

- In order to comply with the NPPF the Joint Plan should; provide certainty on how proposals affecting heritage assets will be determined; set out how the presumption in favour of sustainable development will be locally applied to the historic environment; and provide clear development management policies for proposal affecting a heritage asset
- A policy which conserves heritage assets in line with the NPPF with additional encouragement of proposals delivering enhancements to the setting and/or improved assets and understanding of the asset would be supported. The consideration of 'setting' should not be specific to the City of York alone.

Key Messages Q161:

A range of alternative options were suggested in the responses, these are detailed in the 'Suggested new options Chapter 8 – Development Management table' along with justification as to why they have or have not been taken forward.

One realistic alternative option is summarised and worked up below:

Proposed Option 4

- The setting of all historic settlements in the Plan area should be protected, not just the ones in York.

Suggested approach

In conjunction with either Option 1 or Option 2, this option would seek to protect the setting of the City of York and other historic settlements in the Plan area by supporting proposals which do not compromise their settings.

Other points were put forward in response to the alternative options question which require

consideration while progressing the policy to the Preferred Options stage. English Heritage suggested the Plan should include a framework which is specifically designed to protect elements which contribute to the special historic character and setting of the City of York, and provided suggested wording. It was also suggested that policy guidance for designated heritage assets where the views are important, such as Fountains Abbey and Studley Royal, are protected. In subsequent informal consultation English Heritage also suggested other specific policy wording on a range of matters relating to protection of heritage assets.

Key Messages Q162:

- The archaeology of the entire Plan area should be preserved
- The Plan needs to set out an approach to proposals affecting non-designated archaeological remains as the NPPF provides only minor guidance.
- Two areas of numerous undesignated archaeological assets are the Archaeological landscapes of the Vale of Pickering and the Yorkshire Wolds, which are of international and national importance respectively, and need protecting
- Views from and into designated heritage assets may need specific policy, including Fountains Abbey/Studley Royal WHS and Registered Battlefields
- A holistic approach is supported

Key Messages Q163:

- The pre-historic landscape of the A1 corridor
- York should not be absolved from its responsibilities because it is a historic city, however, all statutory and non-statutory sites should be given due regard through a sequential approach

SA of options including alternatives

Summary of assessment

All of the options would provide positive effects for both the historic environment and landscape of the Plan area. Option 1 would present an element of uncertainty as the implications of any future revisions to national policy are unknown. Option 2 would have greater positive effects through the requirement for enhancements. Options 3 and 4, where used together with earlier options, would have significant positive effects for the setting of the City of York (Option 3 and 4) and other historic settlements (Option 4).

Revised Recommendations

In order to maximise the protection of the historic environment but also balance the economic needs of providing flexible choices, the SA recommends that Option 1 and Option 4 are taken forward. However, there would need to be further work undertaken on this latter option to define 'historic settlement'.

Joint Authorities response to consultation responses

The wide range of responses at Issues and Options consultation is noted, along with the preference of a small majority of consultees for Option 1. Overall it is considered preferable to develop local policy, generally consistent with national policy, in order to provide a local context for consideration of the historic environment, which is an important issue in the Joint Plan area. It is agreed that consideration should be given to protection of 'setting' of heritage assets. It is also agreed that any reference in policy to enhancement of the historic environment needs to be carefully worded, and that non-designated assets in the area also require appropriate protection.

Evidence base update

Evidence update as of January 2015.

New National Planning Practice Guidance, published since issues and options consultation, sets out additional guidance relating to planning for the historic environment.

Duty to Cooperate
<p>Is this a duty to cooperate matter? Yes</p> <p>At a general level any policy approach to heritage assets needs to be developed in conjunction with the relevant statutory body, English Heritage. A meeting with English Heritage was held to discuss the comments raised at the Issues and Option stage. A summary of the meeting and outcomes is recorded on the Duty to Cooperate Record Log. Further comments from English Heritage have been received during drafting of the preferred policy and are reflected in the proposed policy approach.</p>
Discussion around development of preferred policy approach
<p>The majority of respondents preferred Option 1, which relies on the requirements set out in the NPPF. The SA also preferred Option 1, as potentially reflecting the most flexible option, albeit with greater uncertainty as to its effects, combined with option 4 which would provide protection to the setting of all historic settlements. English Heritage consider it essential that the MWJP sets out its own framework to ensure that the historic environment is appropriately conserved in line with the requirements of the NPPF. Given the international importance of York, English Heritage also consider it necessary to include an option to preserve the setting of the city. It is agreed that this would be appropriate due to its high level of significance within the Plan area and taking into account that the NPPF indicates that account should be taken of the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring. However, it is less clear how other 'historic' settlements would be identified for the purposes of protecting their setting. Taking into account the range of views received it is considered that the preferred approach should be based on a combination of Options 2 and 3, which was also the preferred approach of English Heritage as the relevant statutory body. The policy should also make reference to protection of undesignated assets, and also give explicit protection to the Studley Royal and Fountains Abbey World Heritage site, as a key heritage asset in the Plan area. The preferred policy approach has also been influenced by further comments received from English Heritage during drafting of the Policy to bring it further in line with the more locally specific approach represented by Options 2 and 3.</p>
Preferred policy approach – title changed to D08: Historic environment
<p>Minerals or waste development proposals will be permitted where it can be demonstrated that they will conserve and, where appropriate, enhance those elements which contribute to the significance of the area's heritage assets including their setting.</p> <p>Particular regard will be had to the benefits of conserving those elements which contribute most to the distinctive character and sense of place of the Plan area including;</p> <ul style="list-style-type: none"> • The World Heritage Site at Fountains Abbey/Studley Royal • The special historic character and setting of York • The archaeological resource of the Vale of Pickering, the Yorkshire Wolds, the North York Moors and Tabular Hills, and the Southern Magnesian Limestone Ridge <p>Proposals that would result in harm to a designated heritage asset (or an archaeological site of national importance) will be permitted only where this is outweighed by the public benefits of the proposal. Substantial harm or total loss to the significance of a designated heritage asset (or an archaeological site of national importance) will be permitted only in exceptional circumstances and where it can be demonstrated that substantial public benefits would outweigh that harm.</p>

Proposals affecting an archaeological site of less than national importance will be permitted where they would conserve those elements which contribute to its significance in line with the importance of the remains. In those cases where development affecting such sites is acceptable in principle, mitigation of damage will be ensured through preservation of the remains in situ as a preferred solution. When in situ preservation is not justified, adequate provision should be made for excavation and recording before or during development.

Supporting text

'Heritage assets' are buildings, monuments, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decisions. It includes those assets which are designated and those which exist on any local list maintained by local authorities. National planning policy requires any effects on heritage assets to be assessed in terms of the significance of the asset, and states that substantial harm should usually be avoided. National policy also requires that effects on the significance of any non-designated heritage assets be taken into account and that a balanced judgment should be made and, for all assets, that the desirability of sustaining and enhancing significance should be taken into account.

The setting of a heritage asset is also an important consideration. The NPPF defines the setting of a heritage asset as '*The surroundings within which it is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral*'.

Minerals extraction, which may involve the large scale physical disturbance of land, may have a direct impact on heritage assets, including the potential for their physical destruction, and both minerals and waste development can impact on the setting of heritage assets.

The Joint Plan area contains tens of thousands of heritage assets including Listed Buildings, Scheduled Monuments, a World Heritage Site, Registered Parks and Gardens, Registered battlefields and Conservation Areas. In addition to individual designated assets there are a wide range of undesignated assets, as well as the likelihood that large numbers of as yet undiscovered archaeological remains are also present.

The Studley Royal including the ruins of Fountains Abbey World Heritage Site is a particularly important asset as the only WHS in the Joint Plan area, and in 2012 an additional buffer zone was identified by the World Heritage Site Committee in order to help protect certain aspects of the visual setting and designed landscapes of the Site. The buffer zone is being identified in the Harrogate Borough Council Local Development Framework and is also shown on the Policies map for the Minerals and Waste Joint Plan. Regard will be had to the purposes of the buffer zone when considering proposals which may impact on the WHS.

The City of York is particularly significant as a result of the concentration of heritage assets it contains and because of the significance of long distance views of buildings such as the York Minster tower and Terry's clock tower from the wider Vale of York. Maintaining the wider setting of York is also of importance because of the significance of the City to the tourism and wider economy of the Joint Plan area. The City itself is not subject of specific protection through any designations and it is therefore considered appropriate to provide a degree of protection from any adverse impacts on its setting from minerals or waste development.

The Vale of Pickering is also of particular significance. Evidence indicates a concentration of heritage assets, many of which are currently undesignated and in this part of the Plan area there is a close association between minerals resources and significant heritage assets. A Statement of Significance for the Vale has been produced for English Heritage in recognition

of a number of factors including; the realisation that the exceptional archaeological landscape identified between Rillington and Sherburn cannot adequately be managed through current approaches to designation, and the need for an agreed, clear statement on the special character, qualities and attributes of the Vale which can be incorporated into policy documents. Discussion with English Heritage has identified a number of other parts of the Plan area, based on National Character Area Profiles developed by Natural England, within which archaeological resources are likely to be particularly significant, including the Yorkshire Wolds, the North York Moors and Tabular Hills and the Southern Magnesian Limestone Ridge. In these areas in particular and other locations where evidence suggests that significant heritage assets occur, it will be particularly important that the extent, siting, design and implementation of any mineral working and reclamation proposals are informed by a detailed understanding of the wider historic and landscape context of the area and where necessary include comprehensive mitigation and management measures aimed at minimising adverse impacts and delivering enhancements, including to the longer term setting and the enjoyment and understanding of heritage assets where appropriate.

The Managing Landscape Change project, commissioned by North Yorkshire County Council with funding from English Heritage, highlighted that the absence of formal designations within an area should not be used to imply an absence of archaeological significance. It could simply mean that heritage assets have not yet been discovered or have not previously been recognised. It suggests that by looking at the potential development site in its wider context it is possible to establish a more complete picture of the potential significance of a site and any heritage assets which could be affected, thus informing the most appropriate strategy for field evaluation of the site or area, in line with paragraph 128 of the NPPF. Interested parties bringing forward development proposals, particularly for minerals extraction in the NYCC area, are advised to review relevant advice in the report of the Managing Landscape Change Study, which is available on the NYCC website.

In all cases applicants for minerals or waste development are advised to seek information from the relevant Historic Environment Record when bringing forward proposals, and to discuss schemes with the relevant minerals and waste planning authority at an early stage where an initial review of available information suggests that there is potential for heritage assets to be impacted by a particular proposal. In cases where the partial or total loss of the significance of heritage assets is supported through the grant of permission, developers will be required to record and advance the understanding of the significance of the asset/s to be lost and to make this information publicly available.

Links to Objectives and Policies

Link to Objectives
Objective 9

Links to other relevant policies in the Plan:
Id63: Landscape
Id67: Strategic approach to reclamation and afteruse

SA/SEA

Summary of assessment

This policy would have particularly strong positive impacts in relation to the historic environment and landscape objectives. The policy would conserve and where appropriate enhance the historic environment and affords particular protection for the most significant historic assets within the plan area. Positive impacts are also likely to result in relation to tourism, recreation, community viability and vitality and the economy as this policy may boost tourism and conserve and enhance the special qualities of the National Park. Some negative impacts may result particularly in relation to the economy and meeting the needs of a changing population should this policy result in prevention of minerals and waste

development due to historic environment considerations.

Recommendations

There is an element of uncertainty in relation to the magnitude of positive impact that would result from this policy as it states that enhancements will be made 'where appropriate'. This policy could be strengthened by requiring enhancements to be made 'wherever possible'.

Part 2- Preferred options to Publication

Consultation Responses to Preferred Options

9.54 'Heritage assets' are buildings, monuments, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decisions. They include both designated and non-designated assets and those which exist on any local list maintained by local authorities. National planning policy requires any effects on heritage assets to be assessed in terms of the significance of the asset, and states that substantial harm should usually be avoided. For all assets, the desirability of sustaining and enhancing significance should be taken into account.

9.55 The setting of a heritage asset is also an important consideration. The NPPF defines the setting of a heritage asset as '*The surroundings within which it is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral*'.

9.56 The Joint Plan area contains tens of thousands of heritage assets including Listed Buildings, Scheduled Monuments, a World Heritage Site, Registered Parks and Gardens, Registered Battlefields and Conservation Areas, as well as assets which are not yet identified or designated.

9.57 Minerals extraction, which may involve the large scale physical disturbance of land, may have a direct impact on heritage assets, including the potential for their physical destruction, and both minerals and waste development can impact on the setting of heritage assets, which can be of importance in contributing to their overall significance.

Policy D08: Historic environment

Minerals or waste development proposals will be permitted where it can be demonstrated that they will conserve and, where practicable, enhance those elements which contribute to the significance of the area's heritage assets including their setting.

Particular regard will be had to the benefits of conserving those elements which contribute most to the distinctive character and sense of place of the Plan area including:

- **The World Heritage Site at Fountains Abbey/Studley Royal;**
- **The special historic character and setting of York;**
- **The archaeological resource of the Vale of Pickering, the Yorkshire Wolds, the North York Moors and Tabular Hills, and the Southern Magnesian Limestone Ridge.**

Proposals that would result in harm to a designated heritage asset (or an archaeological site of national importance) will be permitted only where this is outweighed by the public benefits of the proposal. Substantial harm or total loss to the significance of a designated heritage asset (or an archaeological site of

Comment [MS277]: 0330 (HBC) 0673. 3846/1944- Non-designated assets need to be included within the policy and not just cover what is included in national policy. The policy need to be strengthened. Note - the Policy applies as relevant to both designated and non-designated assets, as stated in the introductory text through use of the term heritage assets. The policy also makes specific reference to certain non-designated assets of wider relevance to the Plan area.

Comment [MS278]: Include AONBS and National Parks 0113/1274, 3828/1640 Note - these are addressed specifically in Policy D04 and other relevant policies in the Plan and it is not considered necessary to refer to them here.

national importance) will be permitted only in exceptional circumstances and where it can be demonstrated that substantial public benefits would outweigh that harm.

Proposals affecting an archaeological site of less than national importance will be permitted where they would conserve those elements which contribute to its significance in line with the importance of the remains. In those cases where development affecting such sites is acceptable in principle, mitigation of damage will be ensured through preservation of the remains in situ as a preferred solution. When in situ preservation is not justified, adequate provision should be made for excavation and recording before or during development.

Main responsibility for implementation of policy: NYCC, NYMNPA, CYC, Minerals and Waste industry and Historic England.

Key links to other relevant policies and objectives

Strategic policies in Chapters 5, 6 and 7 | *Objective 9*

Monitoring: Monitoring indicator 52 (see Appendix 3)

Comment [MS279]: Development resulting in substantial harm or total loss should not be supported.1174/1692
Note - it is considered that the policy as currently worded is consistent with national policy on this matter.

Policy Justification

9.58 The Studley Royal including the ruins of Fountains Abbey World Heritage Site is a particularly important heritage asset as the only World Heritage Site in the Joint Plan area, and in 2012 an additional buffer zone was identified by the World Heritage Site Committee in order to help protect certain aspects of the visual setting and designed landscapes of the Site. The buffer zone is identified in the Harrogate Borough Plan and is also shown on the Policies Map for the Minerals and Waste Joint Plan. Regard will be had to the purposes of the buffer zone when considering proposals which may impact on the WHS.

Comment [MS280]: 0330/0673
Harrogate BC Add text 'and is identified within the Harrogate Borough Plan,'
Note - it is agreed the text should be revised to more accurately reflect this point.

9.59 Evidence produced by City of York Council in 2013³⁰ identifies six principle defining characteristics of York's historic environment to help describe the special qualities that set York apart from other similar cities in England. The is particularly significant as a result of the nature and concentration of heritage assets it contains and because of the significance of long distance views of landmark buildings such as the York Minster tower and Terry's clock tower from the wider Vale of York. Maintaining the wider setting of York is also of importance because of the significance of the City to the tourism and wider economy of the Joint Plan area, with the City receiving around 7 million visitors annually. The City as a whole is not subject of specific protection through any designations and it is therefore considered appropriate to provide a degree of protection from any adverse impacts on its setting from minerals or waste development.

9.60 The Vale of Pickering is also of particular significance. Evidence indicates a concentration of heritage assets, many of which are currently undesignated and in this part of the Plan area there is a close association between minerals resources and significant heritage assets. A Statement of Significance for the Vale has been produced for Historic England in recognition of a number of factors which include the realisation that the exceptional archaeological landscape identified between Rillington and Sherburn cannot adequately be managed through current approaches to designation along with the need for an agreed, clear statement on the special character, qualities and attributes of the Vale which can be incorporated into policy documents.

9.61 Discussion with Historic England has identified a number of other areas, based partly

³⁰ City of York Council Heritage Topic Paper update 2013

on National Character Area Profiles developed by Natural England <https://www.gov.uk/government/publications/national-character-area-profiles-data-for-local-decision-making/national-character-area-profiles> , within which archaeological resources are likely to be particularly significant, including the Yorkshire Wolds, the North York Moors and Tabular Hills and the Southern Magnesian Limestone Ridge. These are areas of known and well-documented archaeological potential which contain some of the highest concentrations of archaeological features in the country. Much of this is likely to be of national importance. There is a relatively close correlation between these areas and some mineral resources. However, for the most part, the archaeology within these landscapes is largely undesignated. In these areas in particular and other locations where evidence suggests that significant heritage assets occur, it will be particularly important that the extent, siting, design and implementation of any mineral working and reclamation proposals are informed by a detailed understanding of the wider historic and landscape context of the area.

- 9.62 Where necessary proposals should include comprehensive mitigation and management measures aimed at minimising adverse impacts and delivering enhancements, including to the longer term setting and the enjoyment and understanding of heritage assets where appropriate.
- 9.63 The Managing Landscape Change project, commissioned by North Yorkshire County Council with funding from Historic England, highlighted that the absence of formal designations within an area should not be used to imply an absence of archaeological significance. It could simply mean that heritage assets have not yet been discovered or have not previously been recognised. It suggests that by looking at the potential development site in its wider context it is possible to establish a more complete picture of the potential significance of a site and any heritage assets which could be affected, thus informing the most appropriate strategy for field evaluation of the site or area, in line with paragraph 128 of the NPPF. Interested parties bringing forward development proposals, particularly for minerals extraction in the NYCC area, are advised to review relevant advice in the report of the Managing Landscape Change Study, which is available on the NYCC website.
- 9.64 In all cases applicants for minerals or waste development are advised to seek information from the relevant Historic Environment Record when bringing forward proposals, and to discuss schemes with the relevant minerals and waste planning authority at an early stage where an initial review of available information suggests that there is potential for heritage assets to be impacted by a particular proposal. In cases where the partial or total loss of the significance of heritage assets is supported through the grant of permission, developers will be required to record and advance the understanding of the significance of the asset/s to be lost and to make this information publicly available.

SA/SEA

Summary of assessment This policy would have particularly strong positive impacts in relation to the historic environment and landscape objectives. The policy would conserve and where appropriate enhance the historic environment and affords particular protection for the most significant historic assets within the plan area. Positive impacts are also likely to result in relation to tourism, recreation, community viability and vitality and the economy as this policy may boost tourism and conserve and enhance the special qualities of the National Park. Some negative impacts may result particularly in relation to the economy and meeting the needs of a changing population should this policy result in prevention of minerals and waste development due to historic environment considerations.

Recommendations None noted.
Overall Summary of Reasons for Change
Minor edit to supporting text to reflect the current position with the Harrogate Borough Plan in relation to the Fountains Abbey/Studley Royal WHS.

Development of Policy: D09: Water environment.

Part 1 - Issues and Options to Preferred Options

Id66 - Water environment	
<i>Options presented at Issues and options stage</i>	<p>Option 1: This option would not set out a specific local policy for the protection of the water environment and would rely on national policy in the NPPF, together with any other relevant policies in the development plan. In summary, water policies in the NPPF require that strategies should take account of water supply and demand (para. 94), permitted operations should not have unacceptable adverse impacts on water (para. 109) and new and existing development should not contribute to or be put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.</p> <p>OR</p>
	<p>Option 2: Proposals will be supported where it can be demonstrated, when considered against the following criteria, that unacceptable adverse (including cumulative) effects can be avoided or have been appropriately mitigated and, where possible, that the development would provide enhancements to the locality. Consideration would be given to:</p> <ul style="list-style-type: none"> • Impacts on water quality (surface or underground) and water supply and flows, including effects on Nitrate Vulnerable Zones and Groundwater Source Protection Zones • Impact on and from ground and surface water flooding, following the principles of the sequential test in relation to flood risk • Potential for the development to contribute to the provision of flood alleviation or other climate change mitigation benefits related to the water environment.
What the SA told us	
Both options report positive effects in relation to biodiversity, the water environment, climate change adaptation, the economy, community vitality, recreation, health and wellbeing and meeting the needs of a changing population. However, these are generally stronger for Option 2 than for Option 1. Option 1 could have negative effects on flooding by resulting in the Plan having no reference to the need to consider impacts on and from flooding, while Option 2 strongly supports the sustainability objective to minimise flood risk. In the long term, there is uncertainty with Option 1 in relation to the continued operation of the NPPF in its present format.	
Number of consultation responses	
Total Number of comments against id:	45
Question 164) Do you have a	Number of respondents: 31

preference for either of the options presented above?	Option 1: 6 <i>MWI: 4</i> <i>Local Authorities: 1</i>	Combination: 1 Option 1+2: 1 <i>MWI: 1</i>
	Option 2: 18 <i>SC: 2</i> <i>MWI: 2</i> <i>Local Authorities: 2</i>	Did Not Specify: 2 <i>MWI: 1</i>
		None: 4
Question 165) Are there any alternative options the Authorities should consider in relation to the water environment?	Number of respondents: 7 <i>SC: 0</i> <i>MWI: 2</i> <i>Local Authorities: 0</i>	
Question 166) Do you have any comments on the options presented above, including the suitability of the criteria referred to in Option 2.	Number of respondents: 7 <i>SC: 0</i> <i>MWI: 0</i> <i>Local Authorities: 0</i>	
Brief overview of consultation responses		
Key Messages Q164:		
<p><i>Option 1:</i></p> <ul style="list-style-type: none"> • Most flexible option • Define the term 'unacceptable' • This option doesn't provide any spatial context of the Plan area <p><i>Option 2:</i></p> <ul style="list-style-type: none"> • A specific policy gives greater weight to water protection, flood risk mitigation and water resources and provides a degree of control on the issue • Contributes towards meeting the Water Framework Directive water quality targets • Suggest including 'groundwater' in the first bullet point text • The NPPF is the minimum and additional local criteria should be added • The criteria listed should be guaranteed not just 'considered' • The policy should ensure maximum beneficial effect from mineral extraction upon the water environment e.g. increased flood alleviation and reconnecting river channels with the floodplain • Specify which SPZs should be avoided • The sequential and exemption flooding tests are retained in NPPG and so provide little benefit by restating them • The third bullet point is desirable but it should not be a necessary criterion to gain support of the policy • Include a criteria to prevent unconventional gas extraction in North Yorkshire, in particular where gas will pass through aquifers. <p><i>Option 1+2:</i></p> <ul style="list-style-type: none"> • Provides the greatest flexibility and provides for flood alleviation and other climate change mitigation benefits <p>General comments on the options:</p> <ul style="list-style-type: none"> • Neither option is robust enough to ensure safeguards are in place to protect water quality • Responsibility for water protection must be clear when issues of water quality arise • Tipping of colliery spoil on principle aquifers should not be permitted • Water pollution impacts are the responsibility of the Environment Agency and various internal drainage boards and duplication of roles should be avoided 		

- Need to protect the water environment from shale gas contamination and hazardous waste

Key Messages Q165:

A range of alternative options were suggested in the responses, these are detailed in the 'Suggested new options Chapter 8 – Development Management table' along with justification as to why they have or have not been taken forward. None of the suggested alternative options have been taken forward although several points were raised which should be taken into consideration when developing the policy.

The policy should include reference to the Water Framework Directive objectives and targets. Under Option 4 the word 'unacceptable' requires clarification. Criteria in Option 2 should also take into account local issues such as potential flood risks, which water tables are at risk and which Special Protection Zones should be avoided. The policy should also deal with water run-off from sites and climate change adaptation. It was suggested that the 3rd bullet point in Option 2 should be deleted and this would remove the provision for flood alleviation and climate change mitigation.

Key Messages Q166:

- The criteria should take account of local issues e.g. projected flood and water table risks
- Need to protect groundwater drinking water supplies
- The precautionary approach should be followed to ensure risks to ground and surface water from shale gas extraction are minimised
- The last bullet point should also include climate change adaptation
- Reference the Water Framework Directive within the Policy supporting text

SA of options including alternatives

N/A

Joint Authorities response to consultation responses

The preference of the majority of consultees for Option 2 is noted and it is agreed that specific local policy should be included. It is not considered practicable to require that the criteria are 'guaranteed' and in some cases other regulatory regimes are also relevant. The role of other regulatory authorities is noted but it is considered relevant to make reference in local planning policy to key matters relating to the water environment because of the general relevance to the use and development of land and wider public interest considerations. It is also not considered practicable or necessary to specify particular SPZs which should be avoided as they are all subject of the same level of protection in national policy. The need to consider impacts on the water environment from shale gas development is acknowledged and is addressed specifically in policy dealing with unconventional gas. It is agreed that reference to climate change adaptation could be made in the third bullet point of Option 2.

Evidence base update

Evidence update as of January 2015.

The National Planning Practice Guidance was published subsequently to the drafting of the Options above and provides more in depth guidance on water supply, wastewater and water quality issues.

With regard to water environment issues which need to be taken into consideration when plan making the NPPG highlights the need for a '*Local Plan to consider the contribution that can be made to a 'catchment-based approach' to water*' (a policy framework devised by Defra to improve the quality of the water environment by promoting the development of more appropriate river basin management plans and provide a platform for engagement,

discussion and decisions of much wider benefits).’ The NPPG also states ‘*In plan-making, the broad considerations relevant to water supply and water quality include: infrastructure (water supply and wastewater); water quality; wastewater; cross-boundary concerns; strategic environmental assessment and sustainability appraisal.*’ With regard to water quality the NPPG states ‘*Plan-making may need to consider: How to help protect and enhance local surface water and groundwater in ways that allow new development to proceed and avoids costly assessment at the planning application stage. The type or location of new development where an assessment of the potential impacts on water bodies may be required. Expectations relating to sustainable drainage systems.*’

Duty to Cooperate

Is this a duty to cooperate matter?

At a general level any policy approach to heritage assets needs to be developed in conjunction with the relevant statutory body, the Environment Agency.

Discussion around development of preferred policy approach

The majority of respondents preferred Option 2, including two statutory consultees, Natural England and the Environment Agency, who suggested that ‘*A specific policy gives greater weight to water protection, flood risk mitigation, water resources and provides a degree of control on the issue.*’

On the advice of the EA Option 2 will be amended to include the term ‘groundwater’ in the first bullet point in order to emphasise its importance.

The SA of the options suggests that Option 2 would produce ‘generally stronger [positive effects] than Option 1’ and ‘strongly supports the sustainability objective to minimise flood risk’. The SA also found that Option 1 could have ‘negative effects on flooding’ and may lead to ‘uncertainty’. The SA recommends that ‘*option 2 is pursued.*’

Taking into account recent national planning guidance it is also considered that reference should be made in the Policy or supporting text to the need to consider issues at a catchment scale. National guidance also suggest that reference is made to Sustainable Urban Drainage Systems and this issue is also covered in policy dealing with Sustainable Design, Construction and Operation of Development. It is also considered that the policy should include a cross reference to both the Sequential Test and Exception Test for flood risk set out in national policy, to ensure consistency of the approach in national policy.

The preferred policy approach is therefore based on Option 2.

Preferred policy approach – title changed to D09: Water environment

Proposals for minerals and waste development will be permitted where it can be demonstrated that no unacceptable adverse impacts will arise, taking into account any proposed mitigation, on:

Surface or groundwater quality

Surface or groundwater supplies and flows

In relation to surface and groundwater quality and flows a very high level of protection will be applied to principle aquifers and groundwater Source Protection Zones. Development which would have an adverse impact on principle aquifers and Source Protection Zones will only be permitted where the need for, or benefits, of the development clearly outweigh any harm caused.

Permission for minerals and waste development on sites not allocated in the Plan will,

where relevant, be determined in accordance with the Sequential Test and Exception Test for flood risk set out in national policy. Development which would lead to an unacceptable risk of, or be at an unacceptable risk from, surface, ground or coastal water flooding will not be permitted.

Proposals for minerals and waste development should, where necessary or practicable taking into account the scale, nature and location of the development proposed, include measures to contribute to flood alleviation and other climate change mitigation and adaptation measures including use of sustainable urban drainage systems.

Supporting text

Both minerals and waste development have the potential to impact on surface and groundwater quality and on the availability of water resources. For example waste management activities may have the potential to cause pollution as a result of the processes taking place or the types of waste being handled. Quarries, through the presence of screening mounds or other alterations to landform, can impact on the flow of water during flood events and both minerals and waste developments can be at risk of being flooded if they are inappropriately located or designed.

Large parts of the Joint Plan area, particularly within the City of York area and lower lying parts of the NYCC area are at risk of flooding, as demonstrated in the Strategic Flood Risk assessment that has been prepared alongside the Plan. Flood risk maps are available on the Environment Agency's website. There are also substantial areas which are underlain by principle aquifers, including the Magnesian Limestone resource and some rocks of Jurassic age in the eastern part of the Plan area. Some of these areas also contain groundwater Source protection Zones, which are identified by the Environment Agency in order to protect public drinking water supplies and certain supplies used for commercial purposes.

The Environment Agency has prepared a number of Position Statements setting out their likely approach to environmental permitting of various forms of development which may present a pollution hazard to groundwater. A number of these Statements are of relevance to minerals and waste development, including conventional and unconventional oil and gas, landfill, non-landfill waste activities and mining, quarrying and gravel extraction. In order to ensure a general consistency of approach the planning authorities will, when implementing this policy, have regard to any relevant EA Position Statements in determining the acceptability of any proposal which has the potential to cause groundwater pollution.

National Planning policy places considerable emphasis on the need to address flood risk, water pollution and water availability in planning decisions and includes specific national policy tests in relation to flood risk that are required to be met, in the form of a Sequential Test for flood risk and an Exception Test. The Sequential Test involves a risk-based approach to locating development. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. It operates together with a strategic level flood risk assessment which has been prepared alongside the Plan, in order to help ensure that policies and site allocations give appropriate consideration to flood risk. If, following application of the Sequential Test it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. Full details of the Tests can be found in the Technical Guidance on flood risk published alongside the NPPF. Applicants are advised to consider the Technical Guidance and national policy on flood risk at an early stage in developing proposals.

In some cases it may be necessary for a site-specific flood risk assessment to be carried out in support of an application. A site specific flood risk assessment is required for proposals of 1 hectare or greater in flood zone 1 and for all proposals for new development (including

minor development and change of use) in flood zones 2 and 3. Further guidance is available in the Technical guidance accompanying the NPPF. Applicants should also consider the 'standing advice' on flood risk produced by the Environment Agency when preparing a site-specific flood risk assessment for lower risk development.

Different types of development have different vulnerabilities to flooding and some are considered to be 'water compatible'. Water compatible development includes some forms of development which fall within the scope of the MWJP, specifically sand and gravel extraction and sewage transmission infrastructure and pumping stations. These forms of development are appropriate within all flood zones. Most other forms of development within the scope of the Plan, such as other types of mineral working and processing as well as waste development (except landfill and hazardous waste facilities) are classed as 'less vulnerable'. These may be acceptable in all flood risk zones except Zone 3b (functional floodplain). Landfill and sites used for management of hazardous waste are 'more vulnerable' and should not take place in Zone 3b and would only be acceptable in Zone 3a if they meet the Exception Test. This Test requires it to be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared, and; a site specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Increased risk of flooding is one of the predicted impacts of climate change and should be taken into account in the preparation of flood risk assessments, in line with the Technical Guidance accompanying the NPPF. Minerals extraction, particularly water compatible sand and gravel working, can also provide opportunities to contribute to flood alleviation, for example through the provision of increased flood storage capacity where working is taking place in flood plains. Within the Plan area there is an overlap between sand and gravel resources and flood plains and some mineral extraction is already taking place in these locations. Where proposals are brought forward for sand and gravel working, consideration should be given at an early stage in preparing the scheme to the potential to incorporate flood alleviation measures into the design, particularly as part of site reclamation.

Consideration should also be given to the use of sustainable drainage systems for the management of surface water drainage. These are designed to control surface water run-off close to where it falls and to mimic natural drainage as closely as possible. This matter is addressed in policy in the MWJP dealing with sustainable design.

Links to Objectives and Policies

Link to Objectives:

Objective 9

Objective 10

Objective 11

Links to other relevant policies in the Plan:

Id63: Landscape

Id64: Biodiversity and geodiversity

Id67: Strategic approach to reclamation and afteruse

Id68: Sustainable design, construction and operation of development

SA/SEA

Summary of assessment

This is a generally positive development management policy, with benefits to biodiversity, water, climate change mitigation and adaptation, the economy, community vitality, recreation, health and wellbeing and a changing population. It will work well alongside the environmental

permitting and water licensing regimes.

Recommendations

A reference to the importance of not impeding the achievement of water status objectives outlined in River Basin Management Plans (which is important in meeting obligations under the Water Framework Directive) in the supporting text could add some additional clarity for future development proposals. This can generally be demonstrated by achieving a relevant environmental permit flood defence consent or land drainage / ordinary watercourse consent.³¹

Part 2 - Preferred options to Publication

Consultation Responses to Preferred Options

9.65 Both minerals and waste development have the potential to impact on water resources and quality and can contribute to, or be at risk from, flooding. For example waste management activities may have the potential to cause pollution as a result of the nature of the processes taking place or the wastes being handled. Mineral sites, as well as landfill and land raise activities, for example through the presence of screening bunds or other alterations to landform, can impact on the flow of water during flood events. The NPPF requires that proactive strategies to mitigate and adapt to climate change should be put in place taking account of, amongst other matters, water supply and demand. It requires that environmental criteria be set out against which planning applications will be assessed so as to ensure that permitted operations do not have unacceptable adverse impacts on the flow and quantity of surface and groundwater and water habitats in terms of biodiversity. Furthermore, the NPPF requires that both new and existing development should be prevented from contributing to or being put at unacceptable risk from water pollution. A further important consideration is the EU Water Framework Directive, implemented in the UK in 2014, which sets out a range of obligations to which planning authorities should have regard when exercising their planning functions. The Directive (2000/60/EC) introduced a comprehensive river basin management planning system to help protect and improve the ecological health of our rivers, lakes, estuaries and coastal and groundwaters. This is underpinned by the use of environmental standards to help assess risks to the ecological quality of the water environment and to identify the scale of improvements that would be needed to bring waters under pressure back into a good condition.

Policy D09: Water environment

Proposals for minerals and waste development will be permitted where it can be demonstrated that no unacceptable impacts will arise, taking into account any proposed mitigation, on:

- Surface or groundwater quality;**
- Surface or groundwater supplies and flows.**

In relation to surface and groundwater quality and flows a very high level of protection will be applied to principle aquifers and groundwater Source Protection Zones. Development which would lead to an unacceptable risk of pollution, or harmful disturbance to groundwater flow, will not be permitted.

Permission for minerals and waste development on sites not allocated in the Plan will, where relevant, be determined in accordance with the Sequential Test and Exception Test for flood risk set out in national policy. Development which would lead to an unacceptable risk of, or be at an unacceptable risk from, all sources of

Comment [MS281]: 2937/0301, 2937/0299, 3849/2009, 3849/2011, 3849/2012, 0362/0238, 3709/0363, 0362/0235, 2937/0302, 3709/366, 3846/1945, 3708/0428 , 3708/0425 The policy needs to be extended to provide further protection for aquifers and ground water and consider further water issues associated with fracking.
Note - policy and supporting text has been amended in line with Environment Agency advice. Protection of water in relation to oil and gas development is also addressed in Policies M16, 17 and 18.

3689/1706- The policy doesn't reflect the Water Framework Directive.
Note - it is agreed that the supporting text should be revised to indicate more clearly how the WFD is relevant to consideration of proposals and interpretation of the Policy.

0119 (Natural England) 1026- The policy needs to be made clear that it is protecting ecological receptors such as designated sites, as well as human ones.
Note - it is agreed that the supporting text should be revised to clarify that this can be a relevant consideration when assessing the impact of proposals on water quality under the Policy.

1461 (sam smiths) 1015- the chemical and mineral balance of water should be protected.
Note - it is agreed that the supporting text should be revised to clarify that this can be a relevant consideration when assessing the impact of proposals on water quality under the Policy.

Comment [JJ282]: 0250 (Igas) 1275 in addition it is not considered necessary to repeat NPPF and the 3rd paragraph should be deleted. Include additional text in P4 'where it is not already controlled by other regulatory regimes'

³¹ See Environment Agency, 2014. Living on the Edge URL: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/403435/LIT_7114.pdf

flooding (ie surface and groundwater flooding and flooding from rivers and coastal waters) will not be permitted.	
Proposals for minerals and waste development should, where necessary or practicable taking into account the scale, nature and location of the development proposed, include measures to contribute to flood alleviation and other climate change mitigation and adaptation measures including use of sustainable urban drainage systems.	
Main responsibility for implementation of policy: NYCC, NYMNP, CYC, Minerals and Waste industry and Environment Agency.	
Key links to other relevant policies and objectives	
<i>Strategic policies in Chapters 5, 6 and 7</i>	<i>Objectives 9, 10, 11</i>
<i>Policies D08, D10, D11</i>	
Monitoring: Monitoring indicator 53 (see Appendix 3)	

Comment [JJ283]: 0250 (igas) 1275. Add additional text to paragraph 4 'related to the proposal,'
 Note - it is considered that the Policy already indicates that the requirement applies in the context of specific proposals and that no further clarification is needed.

Policy Justification

9.66 Large parts of the Joint Plan area, particularly within the City of York area and lower lying parts of the NYCC area are at risk of flooding, as demonstrated in the Strategic Flood Risk assessment that has been prepared alongside the Plan. Flood risk maps are available on the Environment Agency's website. There are also substantial areas which are underlain by principle aquifers, including the Magnesian Limestone resource and some rocks of Jurassic age in the eastern part of the Plan area. Some of these areas also contain groundwater Source Protection Zones, which are identified by the Environment Agency in order to protect public drinking water supplies and certain supplies used for commercial purposes. In some cases, commercial users of water in the Plan area, such as the brewing industry, are reliant on the availability of water with particular qualities, for example in terms of its chemical and minerals balance. Where development is proposed which has the potential to impact on relevant sources of supply then this will be a relevant consideration under the Policy, in order to ensure an appropriate degree of protection. Some aspects of the natural environment are also dependent on availability of water of a particular quality. The potential for impact on any such receptors will also be a matter to be taken into account where relevant under the terms of this Policy.

9.67 The Environment Agency has prepared a number of Position Statements setting out their likely approach to environmental permitting of various forms of development which may present a pollution hazard to groundwater. A number of these Statements are of relevance to minerals and waste development, including conventional and unconventional oil and gas, landfill, non-landfill waste activities and mining, quarrying and gravel extraction. In order to help ensure a general consistency of approach the planning authorities will, when implementing this policy, have regard to any relevant EA Position Statements in determining the acceptability of any proposal which has the potential to cause groundwater pollution. Consideration should also be given to the aims and objectives of the Water Framework Directive. Under the WFD, developers and planning authorities should take all measures necessary to ensure that no deterioration of any water bodies including non-main rivers, lakes and groundwater is caused by a development. Development that cannot provide appropriate mitigation to prevent deterioration of local surface water or groundwater bodies would be contrary to the objectives of the WFD and should not be permitted. In order to comply with obligations under the WFD development proposals should seek to improve the water body status of any waters that could be affected by the development. . Supporting the achievement of water status objectives outlined in River Basin Management Plans is important in

Comment [MS284]: 2937 /0300,3849/2010, 3709/0364, 0362/0236, 0362/0236, 3708/0426- the position statement are important but fall short of the necessary protection- LPAs should lead on this
 Note - it is considered that the Policy and the EA position statements operate in parallel to ensure an appropriate degree of protection relevant to the various regulatory roles. A number of policies in the Plan, in combination, serve to protect groundwater from a land use perspective.

meeting obligations under the Water Framework Directive but is not necessarily, in itself, sufficient to demonstrate compliance with WFD objectives. A range of other regulatory regimes may be relevant depending on the circumstances.

- 9.68 National planning policy places considerable emphasis on the need to address flood risk, water pollution and water availability in planning decisions and includes specific national policy tests in relation to flood risk that are required to be met, in the form of a Sequential Test for flood risk and an Exception Test. The Sequential Test involves a risk-based approach to locating development. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. It operates together with a strategic level flood risk assessment which has been prepared alongside the Plan, in order to help ensure that policies and site allocations give appropriate consideration to flood risk. If, following application of the Sequential Test it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate.
- 9.69 Full details of the Tests can be found in the Technical Guidance on flood risk published alongside the NPPF. Applicants are advised to consider the Technical Guidance and national policy on flood risk at an early stage in developing proposals.
- 9.70 In some cases it may be necessary for a site-specific flood risk assessment to be carried out in support of an application. A site specific flood risk assessment is required for proposals of 1 hectare or greater in flood zone 1 and for all proposals for new development (including minor development and change of use) in flood zones 2 and 3. Further guidance is available in the Technical guidance accompanying the NPPF. Applicants should also consider the 'standing advice' on flood risk produced by the Environment Agency when preparing a site-specific flood risk assessment for lower risk development.
- 9.71 Different types of development have different vulnerabilities to flooding and some are considered to be 'water compatible'. Water compatible development includes some forms of development which fall within the scope of the MWJP, specifically sand and gravel extraction and sewage transmission infrastructure and pumping stations. These forms of development are appropriate within all flood zones. Most other forms of development within the scope of the Plan, such as other types of mineral working and processing as well as waste development (except landfill and hazardous waste facilities) are classed as 'less vulnerable'. These may be acceptable in all flood risk zones except Zone 3b (functional floodplain). Landfill and sites used for management of hazardous waste are 'more vulnerable' and should not take place in Zone 3b and would only be acceptable in Zone 3a if they meet the Exception Test. This Test requires it to be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared, and; a site specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 9.72 Increased risk of flooding is one of the predicted impacts of climate change and should be taken into account in the preparation of flood risk assessments, in line with the Technical Guidance accompanying the NPPF. The Environment Agency has also published updated guidance in February 2016 on when and how to make allowances for climate change in flood risk assessments and this should be used as a source of information when assessing proposals in relation to flood risk. Minerals extraction, particularly water compatible sand and gravel working, can also provide opportunities to contribute to flood alleviation, for example through the provision of

increased flood storage capacity where working is taking place in flood plains. Within the Plan area there is an overlap between sand and gravel resources and flood plains and some mineral extraction is already taking place in these locations. Where proposals are brought forward for sand and gravel working, consideration should be given at an early stage in preparing the scheme to the potential to incorporate flood alleviation measures into the design, particularly as part of site reclamation.

- 9.73 Consideration should also be given to the use of sustainable drainage systems for the management of surface water drainage. These are designed to control surface water run-off close to where it falls and to mimic natural drainage as closely as possible. This matter is addressed in Policy D11 dealing with sustainable design.

SA/SEA

Summary of assessment This is a generally positive development management policy, with benefits to biodiversity, water, climate change mitigation and adaptation, the economy, community vitality, recreation, health and wellbeing and a changing population. It will work well alongside the environmental permitting and water licensing regimes. The policy is also supported by supporting text referring to the importance of not impeding the achievement of water status objectives (which is important in meeting obligations under the Water Framework Directive).

Recommendations None noted.

Overall Summary of Reasons for Change

A number of revisions to the policy and supporting text have been made in response to comments received at preferred option stage in order to clarify the approach to be taken and to provide further guidance on the relevance of the Water Framework Directive.

Development of Policy D10: Reclamation and afteruse.

Part 1 - Issues and Options to Preferred Options

Id67 - Strategic approach to reclamation and afteruse

<p><i>Options presented at Issues and options stage</i></p>	<p>Option 1: This option would support reclamation and afteruse proposals across the whole of the Plan area which meet a number of general criteria and are carried out to a high standard and which, where relevant and particularly for larger scale workings, have demonstrably:</p> <ul style="list-style-type: none"> • Been brought forward in discussion with local communities and other relevant stakeholders and where practicable reflect the outcome of those discussions • Taken into account the wider context of the development proposed, including the implications for the development of other significant permitted or proposed development in the area and the range of environmental and other assets and infrastructure that may be affected, including any important interactions between those assets and infrastructure • Reflected the potential for the proposed reclamation and/or afteruse to give rise to positive and adverse impacts, including cumulative impacts, and have sought where practicable to maximise potential overall benefits and minimise overall adverse impacts • Taken into account potential impacts on and from climate change factors • Made best use of onsite materials for reclamation purposes and only rely on the need for importation of waste where essential to deliver an appropriate standard of reclamation
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	<ul style="list-style-type: none"> • Provided for progressive, phased restoration where appropriate • Provided for the longer term implementation and management of the agreed form of reclamation and any relevant afteruse (this would not apply to reclamation for agriculture or forestry where a statutory 5 year maximum aftercare period applies). <p>AND</p> <p>Option 2:</p> <p>In addition to the general criteria identified in Option 1, this option would seek to deliver a more targeted approach to minerals site reclamation and afteruse by supporting proposals which, where relevant, focus reclamation and/or afteruse proposals towards particular objectives including:</p> <ul style="list-style-type: none"> • In areas of best and most versatile agricultural land, maximising the protection and enhancement of soils and maximising the extent of best and most versatile land to be provided following reclamation and aftercare of the site • Where opportunities allow, particularly in proximity to the rivers Swale and Ure, providing additional flood storage capacity to help minimise flooding in downstream locations • Within the National Park and AONBs, focus on enhancing the special qualities and/or providing opportunities for the enjoyment and understanding of those special qualities • Within airfield safeguarding zones, particularly where reclamation for biodiversity is involved, ensuring that reclamation and afteruse proposals respect safeguarding constraints whilst maximising the potential reclamation and afteruse benefits delivered by the site • In proximity to significant heritage assets, ensuring that the significance of assets and their settings is sustained and where practicable enhanced and, also where practicable, that opportunities to facilitate enjoyment of the asset are provided • Where the development is located within or adjacent to identified green infrastructure corridors, reflecting any locally agreed priorities for delivery of additional or enhanced green infrastructure and ecosystems services • In proximity to major settlements within and adjacent to the Plan area, and subject to local amenity considerations, providing enhanced opportunities for informal and formal access and recreation • Delivering enhancements for biodiversity and improvements to habitat networks, based on contributing towards established objectives <p>In delivering any of the above, proposals should be compatible with the surrounding landscape, providing enhancements where possible.</p>
<p>What the SA told us</p>	
<p>Option 1 is likely to lead to a range of positive environmental and social effects, including in relation to biodiversity, air and water quality, soils and agricultural land, landscape and reusing materials, with particularly strong positive effects recorded in relation to mitigating and adapting to climate change and engaging with communities. Uncertain effects are recorded in relation to sustainable waste management as the option provides less scope for wastes other than those generated on site to be used in reclamation with uncertain implications for the management of other wastes.</p> <p>Acting in combination with Option 1, Option 2 is likely to result in stronger positive effects for biodiversity, agricultural land and soils, climate change adaptation (specifically reducing potential for flooding), the historic environment, landscape and opportunities for recreation. Minor negative effects may be observed in relation to impacts from transport should new areas for recreation in National Parks and AONBs be created, as these are generally distant from populations. However, these effects are unlikely to be significant due to the low level of</p>	

extraction activity in these areas.							
Number of consultation responses							
Total Number of comments against id:	23						
Question 168) Do you have a preference for either of the options presented above?	Number of respondents: 16						
	<table border="1"> <tr> <td>Option 1: 1 <i>MWI: 1</i></td> <td>Combination: 6 Opt. 1+2: 6 <i>MWI: 2</i> <i>Local Authorities: 1</i></td> </tr> <tr> <td>Option 2: 6 <i>SC: 2</i> <i>Local Authorities: 1</i></td> <td>Did Not Specify: 3 <i>MWI: 2</i></td> </tr> <tr> <td></td> <td>None: 0</td> </tr> </table>	Option 1: 1 <i>MWI: 1</i>	Combination: 6 Opt. 1+2: 6 <i>MWI: 2</i> <i>Local Authorities: 1</i>	Option 2: 6 <i>SC: 2</i> <i>Local Authorities: 1</i>	Did Not Specify: 3 <i>MWI: 2</i>		None: 0
	Option 1: 1 <i>MWI: 1</i>	Combination: 6 Opt. 1+2: 6 <i>MWI: 2</i> <i>Local Authorities: 1</i>					
	Option 2: 6 <i>SC: 2</i> <i>Local Authorities: 1</i>	Did Not Specify: 3 <i>MWI: 2</i>					
	None: 0						
Question 169) Are there any alternative options or criteria the Authorities should consider in relation to reclamation and afteruse?	Number of respondents: 5 <i>SC: 1</i> <i>MWI: 1</i> <i>Local Authorities: 1</i>						
Question 170) If Option 2 were to be followed do you have any views on the priorities which should be addressed?	Number of respondents: 2 <i>SC: 0</i> <i>MWI: 0</i> <i>Local Authorities: 0</i>						
Brief overview of consultation responses							
Key Messages Q168:							
<i>Option 2:</i>							
<ul style="list-style-type: none"> • Provides the best mechanism to secure long term ecological enhancements through reclamation schemes • Contributes to meeting the Plans objectives • Provides the greatest range of benefits • Reference to flooding should be directed towards the minimisation of both upstream and downstream flooding • Reclamation items such as enhancements of the enjoyment of heritage assets and increasing access opportunities etc. should be subject to CIL • The criteria in this option should be expressed as a desire rather than a requirement • The creation and improvement of connectivity between BAP habitats should be included in this policy 							
<i>Option 1+2:</i>							
<ul style="list-style-type: none"> • Supports a targeted approach • Provides a stronger positive effect for biodiversity, agricultural land and soils, climate change adaption, the historic environment, landscape and opportunities for recreation • Supports the aim of high standards above the pre-development situation particularly in respects of the ecosystem • Phased restoration is a preferred option 							
General comments on the options:							
<ul style="list-style-type: none"> • The NPPF makes reference to restoration, not reclamation, implying there should be a presumption in favour of restoring sites to their previous use before other options are considered • Concerned that the positive effects that may accrue from reclaiming a site (e.g. biodiversity, re-use of materials) are not attached undue weight • Supports the use of, and appears to reflect, the Managing Landscape Change Study • Retain geological features uncovered by mineral working in restoration schemes • The options do not reflect the Managing Landscape Change Report 							

- Items considered through the EIA process should be removed from the emerging policy
- Presenting an excessive level of standards is contrary to para 173 of the NPPF
- The options are not applicable to oil and gas reclamation schemes which are currently returned to the landowner by the operator in a state equal to its former use

Key Messages Q169:

A range of alternative options were suggested in the responses, these are detailed in the 'Suggested new options Chapter 8 – Development Management table' along with justification as to why they have or have not been taken forward. The realistic alternative options are summarised and worked up below:

Proposed Option 3

- There should be a presumption in favour of restoration before other options are considered to be acceptable.

Suggested approach

Restore a site to its previous use and condition. Only where this is not possible would consideration be given to alternative reclamation and afteruse proposals as set out under Options 1 and 2.

Proposed Option 4

- Options 1 and 2 should not apply to oil and gas developments

Suggested approach

Restore oil and gas sites to their previous use and condition.

Other points were raised in response to the alternative options question which should be considered in progressing the policy to Preferred Options stage. The reworking of sites restored by using mineral waste in the National Park needs to be considered against the potential impact the reworking may have on the special qualities of the National Park. Option 2 should include the protection of the water environment and flooding can be both upstream and downstream. Sites with permits should not be reused/reclaimed until the requirements of the permit have been met.

Key Messages Q170:

- An overarching priority should be reversing the decline of biodiversity through delivering the enhancements for biodiversity and improvements to habitat networks
- Acknowledge the need to 'maximise the protection and enhancement of soils' in areas of BMVL but there should not be a presumption in favour of restoration to agriculture
- Support 'providing additional flood storage capacity' and suggest enabling rivers to be reconnected with their floodplains and integrating the creation of well-designed wetland habitats into flood storage proposals, including within airfield safeguarding zones
- Support provision of increased opportunities for access and recreation including new route networks for non-motorised users
- Reclamation objectives are area specific but all should respect local community wishes

SA of options including alternatives**Summary of assessment**

Option 1 is likely to lead to a range of positive environmental and social effects, including in relation to biodiversity, air and water quality, soils and agricultural land, landscape and reusing materials, with particularly strong positive effects recorded in relation to mitigating and adapting to climate change and engaging with communities. Uncertain effects are recorded in relation to sustainable waste management as the option provides less scope for wastes other than those generated on site to be used in reclamation with uncertain

implications for the management of other wastes.

Acting in combination with Option 1, Option 2 is likely to result in stronger positive effects for biodiversity, agricultural land and soils, climate change adaptation (specifically reducing potential for flooding), the historic environment, landscape and opportunities for recreation. Minor negative effects may be observed in relation to impacts from transport should new areas for recreation in National Parks and AONBs be created, as these are generally distant from populations. However, these effects are unlikely to be significant due to the low level of extraction activity in these areas.

Option 3 would have a range of largely minor positive and negative effects on the environment and society. For instance, restoration to, what would usually be farmed land, would be likely to miss some of the associated features of farmed land such as historic field patterns. It may also have benefits, such as a benefit to food security highlighted under the climate change adaptation objective.

Option 4 would have similar effects to option 3, only at a smaller scale for oil and gas sites. It would also have uncertain effect related to which option it would work alongside.

Revised Recommendations

It is recommended that both options 1 and 2 be followed.

Joint Authorities response to consultation responses

The general support for Option 2 or a combination of Options 1 and 2 is noted. It is agreed that reference could be made to both upstream and downstream flooding. CIL is not relevant for the purposes of minerals and waste development. It is agreed that reference could be made to connectivity between habitats and that the policy needs to be flexible taking into account the wide range of circumstances that may exist across the Plan area.

Technical Guidance on minerals policy, published alongside the NPPF, states that 'restoration means operations associated with the winning and working of minerals and which are designed to return the area to an acceptable environmental condition, whether for the resumption of former land use or a new use'. It is not therefore agreed that there should be any presumption in favour of restoring sites to their original use.

It is agreed that a balanced and proportionate approach needs to be taken and that any policy should not be unduly onerous, although the NPPF also requires that site restoration and aftercare should be carried out to high environmental standards and that, in drawing up reclamation schemes, account should be taken of the potential impacts on adjacent land.

It is agreed that the policy should make reference to geodiversity benefits where appropriate, as well as opportunities for access and recreation.

Evidence base update

The National Planning Practice Guidance (NPPG) was published subsequent to the drafting of the Options above and provides more guidance on the reclamation and afteruse of mineral sites.

With regard to mineral site reclamation and afteruse issues the NPPG suggests that *'the most appropriate form of site restoration to facilitate different potential after uses should be addressed in both local minerals plans, which should include policies to ensure worked land is reclaimed at the earliest opportunity and that high quality restoration and aftercare of mineral sites takes place, and on a site-by-site basis following discussions between the minerals operator and the mineral planning authority.'*

The NPPG also identifies a number of *'possible uses of land once minerals extraction ...*

restoration and aftercare of land is complete. These include: creation of new habitats and biodiversity; use for agriculture; forestry; recreational activities; waste management, including waste storage; and the built environment, such as residential, industrial and retail where appropriate. Some former mineral sites may also be restored as a landfill facility using suitable imported waste materials as an intermediate stage in restoration prior to an appropriate after use.'

Duty to Cooperate

Is this a duty to cooperate matter? No

Discussion around development of preferred policy approach

The largest proportion of respondents selected a combination of Option 1 & 2 (or Option 2 which in itself would only operate in conjunction with Option 1).

The Environment Agency support Option 2 (supported by Option 1) suggesting that this *'provides the best mechanism to secure long term ecological enhancements ... and will provide policy backing for meeting the plan's objectives'*.

The second bullet point in Option 2 has been amended to include a reference to minimisation of flooding in *'upstream'* locations as well as downstream locations. The eighth bullet point in Option 2 has been amended to include a reference to *'the creation of BAP Habitats'* and improvements to the *'connections between'* habitats.

Two realistic alternative options have been put forward by respondents. Although these suggested options have been determined to be realistic, the SA has determined that they would result in *'largely minor positive and negative effects on the environment and society'*. In addition to this, national policy does not support a presumption in favour of restoration of sites to previous use; para 45 of the NPPG clearly states that *'There are many possible uses of land once minerals extraction is complete and restoration and aftercare of land is complete.'*

The SA suggests that Option 1 would lead to *'a range of positive environmental and social effects'*. However, Options 1 and 2 acting in combination would *'likely result in stronger positive effects [for a number of factors]'* with only potential *'minor [and uncertain] negative effects in relation to impacts from transport should new areas for recreation in National Parks and AONBs be created'*. The SA recommends *that both options be followed*.

Therefore, the preferred approach would include two sets of criteria, the first of which supports reclamation and afteruse proposals across the whole of the Plan area which meet a number of general criteria, whereas the second set of criteria seek to deliver a more targeted approach by supporting proposals which contribute towards achieving particular objectives (Option 1 & 2).

This should help ensure that relevant main issues are considered, whilst providing a degree of flexibility to reflect the wide range of site specific circumstances that may apply within the Plan area and the need to avoid placing unduly onerous requirements on applicants. Such an approach is in line with the NPPF Technical Guidance on minerals which indicates that planning conditions for reclamation should be framed with the intended afteruse in mind and will vary according to the characteristics of the individual site; the intended after-use; the type of mineral to be worked; the method of working; the timescale of working and the general character of, and planning policies for the area.

The preferred approach is therefore based on Options 1 and 2.

Preferred policy approach – title changed to D10: Reclamation and

afteruse**Part One**

Proposals which require restoration and afteruse elements will be permitted where it can be demonstrated that they would be carried out to a high standard and which, where relevant, have demonstrably:

- Been brought forward in discussion with local communities and other relevant stakeholders and where practicable reflect the outcome of those discussions;
- Taken into account the location and context of the site, including the implications of other significant permitted or proposed development in the area and the range of environmental and other assets and infrastructure that may be affected, including any important interactions between those assets and infrastructure;
- Reflected the potential for the proposed restoration and/or afteruse to give rise to positive and adverse impacts, including cumulative impacts, and have sought where practicable to maximise potential overall benefits and minimise overall adverse impacts;
- Taken into account potential impacts on and from climate change factors
- Made best use of onsite materials for reclamation purposes and only rely on the need for importation of waste where essential to deliver an appropriate standard of reclamation;
- Provided for progressive, phased restoration where appropriate and which provide for the restoration of the site at the earliest opportunity in accordance with an agreed timescale;
- Provided for the longer term implementation and management of the agreed form of restoration and afteruse (except in cases of agriculture or forestry afteruses where a statutory 5 year maximum aftercare will apply).

Part Two

In addition to the criteria in Part A above, proposals will be permitted which deliver a more targeted approach to minerals site restoration and afteruse by contributing towards objectives, appropriate to the location of the site, including where relevant:

- In areas of best and most versatile agricultural land, prioritising the protection and enhancement of soils and the long term potential to create areas of best and most versatile land during reclamation of the site;
- Where opportunities allow, particularly for sand and gravel extraction in the flood plains of the rivers Swale and Ure, providing additional flood storage capacity to help minimise flooding in upstream and downstream locations;
- Within the National Park and AONBs, enhancing the special qualities of the designated area and/or providing opportunities for the enjoyment and understanding of those special qualities;
- Within airfield safeguarding zones, particularly where reclamation for biodiversity is involved, ensuring that reclamation and afteruse proposals respect safeguarding constraints whilst maximising the potential restoration and afteruse benefits delivered by the site;
- In proximity to important heritage assets, ensuring that the significance of assets and their settings is sustained and where practicable enhanced and, also where practicable, that opportunities to facilitate enjoyment of the asset are provided;
- Where the development is located within or adjacent to identified green infrastructure corridors, reflecting any locally agreed priorities for delivery of additional or enhanced green infrastructure and ecosystems services;
- In proximity to major settlements within and adjacent to the Plan area, and subject to local amenity considerations, providing enhanced opportunities for informal and formal public access and recreation;

- **Delivering enhancements for biodiversity, improvements to habitat networks and the connectivity between these, including the creation of Biodiversity Action Plan habitats, based on contributing towards established objectives;**
- **Creating geodiversity benefits where appropriate including contributing towards the delivery of priorities identified in any relevant Geodiversity Action Plan.**

Supporting text

The nature of minerals development, which often involves permanent or long term physical change to land, sometimes on a substantial scale, makes it important that consideration is given at an early stage as to how sites are restored and used once workings have finished. Whilst many modern waste developments are permanent or long term built developments, which do not give rise to restoration and afteruse considerations in the same way, proposals for landfill and temporary plant and buildings may require consideration to be given to this issue.

National planning guidance defines restoration as 'restoration means operations associated with the winning and working of minerals and which are designed to return the area to an acceptable environmental condition, whether for the resumption of former land use or a new use'. The process of restoring a site may also involve a period of aftercare, required to ensure the proposed use is implemented. The term 'reclamation' refers to the combined process of restoration and, where relevant, aftercare.

A high standard of reclamation is essential to ensure that development is sustainable and applicants for minerals or waste development where reclamation will be required will need to demonstrate, as part of their initial proposals, how this can be achieved and the intended timescale for delivery. In bringing forward proposals, applicants should have regard to the advice in paragraphs 33 to 48 of the Technical Guidance to the National Planning Policy Framework (March 2012).

Applicants should liaise with host communities when developing restoration and afteruse proposals. This can help ensure that local views are taken into account at an early stage in the design of the scheme and that the proposals receive a higher level of local support.

It is also important, particularly for larger scale development, to ensure that the wider context of a development site, beyond its immediate boundaries, is taken into account, such as other permitted or proposed development in the local area and any potential for local cumulative impacts (both positive and adverse) on other relevant environmental, social or economic matters. By following such an approach it is likely that the overall potential of the reclamation proposals can be maximised, at the same time as any adverse impacts are minimised. Information to demonstrate how the wider context has been taken into account should be included in reclamation schemes and in most cases should be subject of pre-application discussion with the relevant planning authority.

The very varied nature of the Joint Plan area means that there are a wide range of contextual factors, constraints and opportunities that could be relevant to the reclamation of sites. In order to help ensure that, across the Plan area, maximum overall benefits are delivered, it is considered appropriate to use a more targeted approach to reclamation of sites. This can help avoid any tendency to seek to deliver a range of types of restoration and afteruse within a single site, which may undermine the overall potential of the reclaimed site to deliver positive sustainability benefits. This approach does not mean that all sites should necessarily only be restored to a single type of afteruse. It means that proposals should be directed towards specific objectives, relevant to the circumstances of the site and its location and taking into account the wider context of the area. In all cases, early discussion with the relevant planning authority is recommended when consideration is being given to restoration and afteruse proposals.

Some forms of reclamation, particularly where the afteruse involves the creation of wildlife habitats, or where required in order to ensure a degree of continuing control over certain types of afteruse, such as informal recreation, may need to be subject of a longer term management agreement between the developer and/or landowner and the planning authority. Where such a requirement has been identified in any pre-application discussions with the planning authority, applicants should include details of proposed longer term management measures within their proposals.

In bringing forward proposals for minerals development giving rise to a requirement for reclamation, applicants should also refer to the good practice recommendations contained in the 'Managing Landscape Change' study commissioned by NYCC with funding from English Heritage (available via the NYCC website). Applicants are encouraged to incorporate relevant matters contained in the recommendations into their proposed approach.

Links to Objectives and Policies

Link to Objectives

Objective 9

Objective 10

Objective 11

Objective 12

Links to other relevant policies in the Plan:

Id61: North York Moors National Park and AONBs

Id63: Landscape

Id64: Biodiversity and geodiversity

Id65: Historic environment

Id66: Water environment

Id68: Sustainable design, construction and operation of development

Id69: Protection of Best and Most Versatile agricultural land and soils

SA/SEA

Summary of assessment

This policy is likely to result in largely positive impacts with particularly strong positive effects recorded in relation to biodiversity, land use, climate change adaptation, historic environment, flood risk and meeting the needs of a changing population due to the wide range of considerations promoted by the policy. A minor negative impact has been recorded in relation to resource use and encouraging re-use of materials as through encouraging the use of on-site materials above the importation of previously used ones/waste, this policy would not help with reducing the use of materials and encouraging their re-use. Uncertain effects are recorded in relation to sustainable waste management as the policy provides less scope for wastes other than those generated on site to be used in reclamation with uncertain implications for the management of other wastes.

Recommendations

This policy is considered to be largely positive and no mitigation is proposed.

Part 2- Preferred options to Publication

Consultation Responses to Preferred Options

Reclamation and afteruse

Comment [JJ285]: General Comments:

3846/1017- include long term management of abandoned wells. 0362/0240, 2937/0303, 2937/0304, 3708/0429,3708/0430, 3709/0368,0362/0239, 3849/2013, 3709/0367- Amend the policy to include fracking sites

Note - long term management of abandoned wells is outside the scope of the Plan. Policy D10 applies as relevant to proposals involving fracking. Further guidance on restoration of hydrocarbons development sites is provided in Policy M18.

0250 (igas) 1276- the policy should recognise that different developments would require different levels of aftercare Add text ' , where relevant to the type of mineral and restoration,' after 'demonstrated'

Note - it is agreed that the policy should be amended to reflect that it's application is influenced by the nature, scale and location of the development proposed.

2192/0958 – a much more positive policy is required. All applications should include detailed restoration plans, for extensive developments phased restoration schemes should be required and S106 agreements completed.

Note - Requirements for phased restoration and for longer term management is already referenced in part one vi and vii of the policy and in the relevant supporting text, including reference to use of s.106 agreements.

The nature of minerals development, which often involves permanent or long term physical change to land, sometimes on a substantial scale, means that it is important that consideration is given to how sites are reclaimed and used once workings have finished. In contrast, many waste developments, particularly modern developments not involving landfill, are permanent or long term built developments, which do not give rise to similar considerations of reclamation and afteruse, although in some cases, such as landfill and proposals for temporary plant and buildings, such issues can arise. Whilst the main focus of this section is therefore on minerals development, the policy it contains is also intended to be applied to relevant forms of waste development.

- 9.75 The NPPF states that land worked for minerals should be reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites should take place, including for agriculture (safeguarding the long term potential of best and most versatile agricultural land and conserving soil resources), geodiversity, biodiversity, native woodland, the historic environment and recreation. It also states that bonds and other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances.
- 9.76 Several parts of the Joint Plan area (particularly the Swale and Ure valleys and parts Selby District) have over the years developed concentrations of mineral sites which can give rise to a number of issues regarding the long-term impact of working and reclamation, including progressive landscape change, particularly where lakes are created following minerals extraction, as well as impact on other environmental assets such as the historic environment, loss of good quality agricultural land, and impact on the setting and amenities of local communities. Some of these effects can be cumulative in nature, either over extended periods of time or through a number of simultaneous effects.
- 9.77 Reclamation also provides potential opportunities for delivery of benefits to the environment or amenity. For example, reclaimed sites can provide biodiversity or geodiversity gains in line with biodiversity and geodiversity action plans, opportunities for informal or formal recreation and, for certain areas, reclaimed sites may be able to play a role in flood risk reduction, or supply of water for agriculture, or for potential river recharge.
- 9.78 Pressure to divert waste away from landfill means that the traditional link between mineral working, and reclamation back to original ground levels through landfill, has now been largely broken. There has been a reduction in landfill of biodegradable waste, and this is likely to continue as new arrangements for management of residual waste arising in the Plan area are implemented. Increasingly, inert material is also being diverted away from landfill as it is subject to more re-use and recycling (such as is occurring with construction and demolition waste).
- 9.79 As a result, forms of low level (i.e. below original ground level) reclamation are likely to be increasingly common. For hard rock quarries this means that sites will often be reclaimed to a landform significantly different to that which pre-existed the workings, and for sand and gravel quarries in river valleys where the water table is high, it would mean a continuing likelihood of reclamation involving the creation of substantial lakes. As well as providing opportunities (e.g. for habitat creation, geodiversity and recreation opportunities), this can create challenges such as those referred to in para. 9.67 and, for reclamation involving lakes, potential conflict with airfield safeguarding requirements due to the attractiveness of lakes to flocks of birds.
- 9.80 Large parts of a zone running north-south through the central part of North Yorkshire

are affected by airfield safeguarding areas, and there is a large degree of overlap between such safeguarding areas and the overall distribution of sand and gravel resources. This can impact on opportunities for water-based restoration, particularly for biodiversity, in order to ensure that any risk to aircraft from birdstrike³² can be managed.

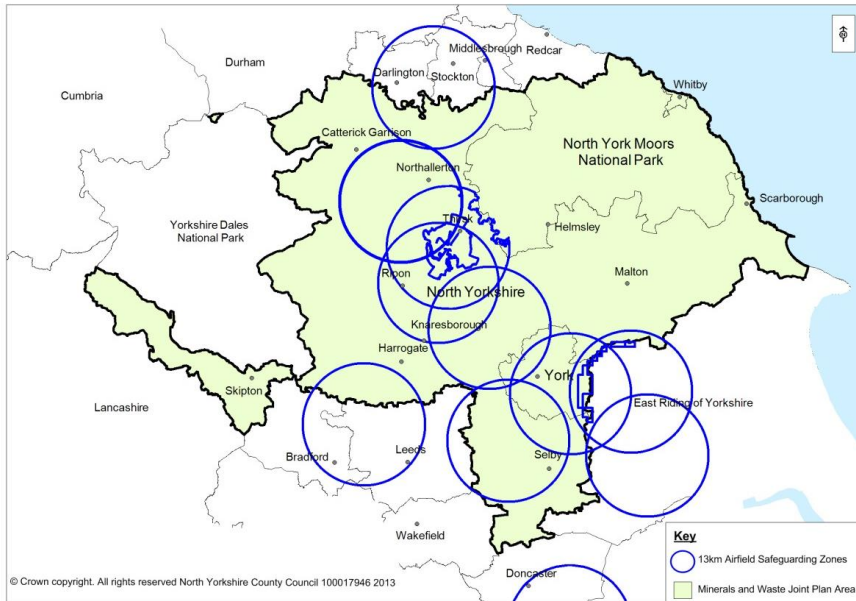


Figure 19: Airfield safeguarding zones

Policy D10: Reclamation and afteruse

Part One

Proposals which require restoration and afteruse elements will be permitted where it can be demonstrated that they would be carried out to a high standard and which, where appropriate to the nature, scale and location of the development, have demonstrably:

- i) Been brought forward in discussion with local communities and other relevant stakeholders and where practicable reflect the outcome of those discussions;**
- ii) Taken into account the location and context of the site, including the implications of other significant permitted or proposed development in the area and the range of environmental and other assets and infrastructure that may be affected, including any important interactions between those assets and infrastructure;**
- iii) Reflected the potential for the proposed restoration and/or afteruse to give rise to positive and adverse impacts, including cumulative impacts, and have sought where practicable to maximise potential overall benefits and minimise overall adverse impacts;**

Comment [JJ286]: 1461 (Sam smiths) 1016

Part 2 of the policy provides nothing in the way of clarity to decision makers, as such it should only be part of the supporting text not policy.

Note - it is considered appropriate to retain part two in the Policy in order to ensure that it has more significance in the shaping of development proposals.

Comment [MS287]: 2145 (petroleum safety services) 1375- this may

overcomplicate the restoration of well sites which in the majority of cases are restored to agricultural use. Add text 'where appropriate' after 'brought forward' Note - it is agreed that the policy should be amended to indicate that the criteria in Part one are intended to apply where appropriate to the scale, nature and location of the development.

0115 (MPA) 0665- the compulsory principle of pre- app discussion cannot be supported. This is not consistent with NPPF- suggests using the phrase 'applicants are encouraged to discuss proposals and an early stage....

Note - it is agreed that the policy should be amended to indicate that the criteria in Part one are intended to apply where appropriate to the scale, nature and location of the development.

Comment [MS288]: 0713/1487- strengthen to say applicant must engage with local communities

Note - it is not considered appropriate to make this an express requirement taking into account the requirements of national policy (NPPF para. 189).

³² Birds can be ingested in aircraft engines or cause other damage which presents a risk to an aircraft in flight. Larger birds, particularly those which congregate in flocks, tend to present the greatest hazard.

- iv) Taken into account potential impacts on and from climate change factors
- v) Made best use of onsite materials for reclamation purposes and only rely on the need for importation of waste where essential to deliver a high standard of reclamation;
- vi) Provided for progressive, phased restoration where appropriate and which provide for the restoration of the site at the earliest opportunity in accordance with an agreed timescale;
- vii) Provided for the longer term implementation and management of the agreed form of restoration and afteruse (except in cases of agriculture or forestry afteruses where a statutory 5 year maximum aftercare period will apply).

Part two

In addition to the criteria in Part One above, proposals will be permitted which deliver a more targeted approach to minerals site restoration and afteruse by contributing towards objectives, appropriate to the nature, scale and location of the site, including where relevant:

- i) In areas of best and most versatile agricultural land, prioritising the protection and enhancement of soils and the long term potential to create areas of best and most versatile land during reclamation of the site;
- ii) Where opportunities allow, particularly for sand and gravel extraction in the flood plains of the rivers Swale and Ure, providing additional flood storage capacity to help minimise flooding in upstream and downstream locations;
- iii) Within the National Park and AONBs, enhancing the special qualities of the designated area and/or providing opportunities for the enjoyment and understanding of those special qualities;
- iv) Within airfield safeguarding zones, particularly where reclamation for biodiversity is involved, ensuring that reclamation and afteruse proposals respect safeguarding constraints whilst maximising the potential restoration and afteruse benefits delivered by the site;
- v) In proximity to important heritage assets, ensuring that the significance of assets and their settings is sustained and where practicable enhanced and, also where practicable, that opportunities to facilitate enjoyment of the asset are provided;
- vi) Where the development is located within or adjacent to identified green infrastructure corridors, reflecting any locally agreed priorities for delivery of additional or enhanced green infrastructure and ecosystems services;

Comment [MS289]: 1461/1016 (sam smiths)-This currently focuses on the minimum standards. Consider revising to take account of the benefits of completing an enhanced restoration against the effects of importing material (sometime importation for a short distance to enhance restoration would be favourable to adequate restoration)
 Note - it is agreed that the policy should be amended to make reference to importation of waste in order to deliver a high standard of restoration. This would also bring the wording of the Policy more in line with the wording of Policy W01. It is agreed that the supporting text should make reference to the need for balance between the benefits of achieving a high standard of reclamation and the impacts associated with importation of materials. 0127 (Harworth Estates) 1088- the importation of material should also be facilitated where this assists in the remediation of ground conditions.
 Note - Support for the import of waste for the purposes of improvement of derelict or degraded land is provided in Policy W01 and it is not considered necessary to address the issue in Policy D10.

Comment [MS290]: 0119 (Natural England) 1027. Add text 'Or amenity (including Biodiversity)' after 'forestry'
 Note - it is considered appropriate to retain specific reference only to agriculture or forestry in the Policy in the context of a statutory maximum 5 year aftercare period as it likely that, for proposals involving restoration for amenity purposes (including biodiversity) a longer management period may be needed, through agreement with the applicant, in order to ensure the satisfactory implementation of the proposed restoration. Further explanation of this should be included in the supporting text.

Comment [JJ291]: 1461 (Sam smiths) 1017 Add text 'ensuring restored agricultural land is done so as to once again enable agricultural use' at end of part i)
 Note - It is considered that the Policy as currently worded appropriately reflects the national policy objective of safeguarding the long term potential of best and most versatile land.
 1112 (RSPB North) 0771- there should not be an automatic presumption to favour restoration to agriculture, biodiversity restoration can also preserve soils

Comment [MS292]: Where this is to outweigh the protection of BMV and there must be a strong case in terms of need.
 Note - this is noted - it is considered that the Policy reflects an appropriate balance, reflecting that this objective may not be applicable in all circumstances.

vii) In proximity to major settlements within and adjacent to the Plan area, and subject to local amenity considerations, providing enhanced opportunities for informal and formal public access and recreation;	
viii) Promoting the delivery of significant net gains for biodiversity and the establishment of a coherent and resilient ecological network, based on contributing towards established objectives including the creation of Biodiversity Action Plan habitats and seeking to deliver benefits at a landscape scale where practicable;	
ix) Creating geodiversity benefits where appropriate including contributing towards the delivery of priorities identified in any relevant Geodiversity Action Plan.	
Main responsibility for implementation of policy: NYCC, NYMNPA, CYC, Minerals and Waste industry	
Key links to other relevant policies and objectives	
<i>Strategic policies in Chapters 5, 6 and 7, Policies D02, D04, D06, D07, D08, D09, D11, D12</i>	<i>Objectives 9, 10, 11, 12</i>
Monitoring: Monitoring indicator 54 (see Appendix 3)	

Comment [MS293]: 1112 (RSPB North) 0771 Delete **Delivering enhancements for biodiversity** and' Add text **'Promoting the delivery of significant net gains for biodiversity and the establishment of a coherent and resilient ecological network; this should include'**
 Note - it is agreed that the Policy should be revised to clarify the intended approach.

Comment [MS294]: 0115 (MPA) 0665- this would be hard to achieve as it would involve developers requiring large areas of land under their control. Noted.

Comment [JJ295]: 0127 (Harworth Estates) 1088. Add additional bullet point **'The redevelopment of sites for appropriate uses which contribute to social or economic regeneration, including the development of residential and commercial schemes where appropriate'**
 Note - it is considered that this would lack sufficient clarity and would be outside the scope of the minerals and waste plan.

Policy Justification

- 9.81 National planning guidance defines restoration as 'operations associated with the winning and working of minerals and which are designed to return the area to an acceptable environmental condition, whether for the resumption of former land use or a new use'. The process of restoring a site may also involve a period of aftercare, required to ensure the proposed use is implemented. The term 'reclamation' refers to the combined process of restoration and, where relevant, aftercare.
- 9.82 A high standard of reclamation is essential to ensure that development is sustainable. Applicants for minerals or waste development where reclamation is required will need to demonstrate, as part of their initial proposals, how this can be achieved and the intended timescale for delivery, which should be as soon as practicable. Proposals should include provision for phased reclamation where this would assist in minimising the overall impacts of the development. In bringing forward proposals, applicants should also have regard to the advice in paragraphs 33 to 48 of the Technical Guidance to the National Planning Policy Framework (March 2012).
- 9.83 Particularly for proposals which are large in scale, or which would lead to restoration for a use other than the original (pre-development) use, or which are located in close proximity to local communities or in other sensitive locations, applicants should liaise with host communities and other relevant stakeholders, including statutory bodies, at pre-application stage when developing restoration and afteruse proposals. This can help ensure that local views are taken into account at an early stage in the design of the scheme and that the proposals receive a higher level of local support.
- 9.84 It is also important, particularly for larger scale development, to ensure that the wider context of a development site, beyond its immediate boundaries, is taken into account, such as other permitted or proposed development in the local area and any potential for local cumulative impacts (both positive and adverse) on other relevant environmental, social or economic matters. By following such an approach it is likely that the overall potential of the reclamation proposals can be maximised, at the same time as any adverse impacts are minimised. Information to demonstrate how the

wider context has been taken into account should be included in reclamation schemes and in most cases should be subject of pre-application discussion with the relevant planning authority. Where reclamation proposals involve the import of waste materials in order to achieve a suitable landform, this should be justified in terms of the benefits to the standard of reclamation that would be achieved and will be assessed in the context of any additional adverse impacts resulting from the importation activity.

- 9.85 The very varied nature of the Joint Plan area means that there are a wide range of contextual factors, constraints and opportunities that could be relevant to the reclamation of sites. In order to help ensure that, across the Plan area, maximum overall benefits are delivered, it is considered appropriate to encourage a more targeted approach to reclamation of sites. This can help avoid any tendency to seek to deliver a range of types of restoration and afteruse within a single site, which may undermine the overall potential of the reclaimed site to deliver positive sustainability benefits. This approach does not mean that all sites should necessarily only be restored to a single type of afteruse. It means that proposals should be directed towards specific objectives, relevant to the circumstances of the site and its location and taking into account the wider context of the area. In all cases, early discussion with the relevant planning authority is recommended when consideration is being given to restoration and afteruse proposals.
- 9.86 Proposals for reclamation should be addressed as part of the initial planning application. For longer term but temporary development it may be appropriate for full details to be reserved for later approval, although the overall concept will need to be established at the outset. Whatever forms of reclamation are agreed, it will be necessary to ensure that appropriate safeguards and controls are in place to ensure the satisfactory long term afteruse of the land. Some afteruses, such as formal recreational uses, will need to be resolved through the submission of separate planning applications which, in some instances in the NYCC area, would need to be determined by the relevant district/borough council.
- 9.87 For reclamation to agriculture and forestry the statutory 5 year maximum aftercare period, which can be required via the imposition of conditions on any relevant planning permission, will be sufficient to achieve the required standard. Some forms of reclamation, particularly where the afteruse involves the creation of wildlife habitats, or where required in order to ensure a degree of continuing control over certain types of afteruse, such as informal recreation, may need to be subject of a longer term management agreement between the developer and/or landowner and the planning authority. Where such a requirement has been identified in any pre-application discussions with the planning authority, applicants should include details of proposed longer term management measures within their proposals. The use of Section 106 agreements will, where necessary, be used to ensure implementation of agreed longer term management arrangements.
- 9.88 In bringing forward proposals for minerals development giving rise to a requirement for reclamation, applicants should also refer to the good practice recommendations contained in the 'Managing Landscape Change' study commissioned by NYCC with funding from Historic England (available via the NYCC website). Applicants are encouraged to incorporate relevant matters contained in the recommendations into their proposed approach.

SA/SEA

Summary of assessment This policy is likely to result in largely positive impacts with particularly strong positive effects recorded in relation to biodiversity, land use, climate

change adaptation, historic environment, flood risk and meeting the needs of a changing population due to the wide range of considerations promoted by the policy. Some uncertainties were noted in relation to the material resources and waste management objectives as the preference for using onsite materials for reclamation purposes could reduce the opportunities for disposing of inert wastes, which would represent a positive effect, though the magnitude of that effect is highly uncertain.

Recommendations This policy is considered to be largely positive and no mitigation is proposed.

Overall Summary of Reasons for Change

Revisions are made to the policy to clarify its scope and in relation to enhancement of ecological networks. in response to consultation responses at preferred options stage. The supporting text has been revised to provide additional clarification on a range of matters in response to consultation at preferred options stage.

Development of Policy D11: Sustainable design, construction and operation of development.

Part 1 - Issues and Options to Preferred Options

Id68 - Sustainable design, construction and operation of development

<i>Options presented at Issues and options stage</i>	<p>Option 1:</p> <p>This option would support proposals for minerals and waste development which demonstrate that, where relevant, appropriate measures have been incorporated in the design, construction and operation of the development and where relevant reclamation of the site, in relation to:</p> <ul style="list-style-type: none"> • Reduction or minimisation of greenhouse gas emissions, including mitigation measures where necessary, through incorporation of energy efficient siting, design and operational practices including those relating to bulk transport of materials • Minimisation of waste generated by new minerals and waste development • Generation and utilisation of renewable or low carbon energy in a manner appropriate to the character and location of the development • Minimisation of water consumption through incorporation of water efficiency measures, including the re-use of waste water originating from the development • Incorporation of measures to minimise flood risk associated with the development including use of Sustainable Drainage Systems and permeable surfacing • A requirement for the relevant built elements of significant new minerals and waste developments to meet a minimum ‘Very Good’ BREEAM standard • For energy from waste development the efficient use of energy generated by the development including, for development with the potential for generation of combined heat and power, the beneficial use of heat either on site or to serve other existing or proposed development in the vicinity of the site • Implementation of planting comprising native species able to successfully adapt to climate change and where practicable incorporation of areas of new wildlife habitat that would help to improve habitat connectivity. <p>Proposals for new minerals extraction and for the treatment, recovery or disposal of waste should be accompanied by a climate change assessment</p>
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	<p>showing how the proposals have taken into account impacts on and from climate change and include appropriate mitigation measures where necessary.</p> <p>AND</p> <p>Option 2: For minerals and waste development this option sets out criteria which would, where relevant, apply in addition to the criteria set out in Option 1, and which would also apply to proposals for new residential, commercial and industrial development, including development for which the District and Borough Councils in the NYCC part of the area are the planning authority. The additional criteria would seek to help deliver sustainable waste management and the sustainable use of minerals through:</p> <ul style="list-style-type: none"> • Implementation of measures to minimise waste generated during construction of the development, and implementation of measures to encourage or facilitate the re-use and recovery of any waste generated during construction of the development • Incorporation of appropriate space to enable waste arising during use of the development to be sorted and stored prior to being collected for recycling or re-use • Use of sustainable construction materials where practicable, including use of alternatives to primary land-won aggregate • Re-use of existing buildings in preference to new build. 		
<p>What the SA told us</p>			
<p>The options for sustainable design and construction should have an overall positive effect on environmental sustainability objectives. The remit to support development which requires demonstration of how it minimises greenhouse gas emissions, reuses resources and promotes renewable technologies, as well as energy efficiency and high quality (through BREEAM), will have positive effects for climate change, air quality and resource use. Furthermore, Option 1's criteria support development with sustainable drainage systems and minimising flood risk which would have positive effects in the long-term for adapting to climate and minimising risk to people or businesses from flooding.</p> <p>Option 2, which would be implemented in combination with Option 1, is beneficial by extending the criteria to include the effective management of waste through the lifecycle of the development further reducing resource use and waste arisings.</p> <p>Both options have uncertain effects on the historic environment and landscape. Where practicable, the reuse of buildings would also minimise the land requirements elsewhere and may reduce impacts where they are co-located with similar uses. However, both options may have implications for the costs associated with developing a site given that the options would require high standards of sustainable design and construction to be met and additional mitigation where required. Also, option 2 may increase these costs through requiring more land for the sorting and storage of waste arising through the construction. These would need to be balanced with the gains that are likely to accrue through low running costs due to the energy efficiency of any development and cost reduction through reusing resources.</p>			
<p>Number of consultation responses</p>			
<p>Total Number of comments against id:</p>	<p>23</p>		
<p>Question 171) Do you have a preference for either of the options presented above?</p>	<p>Number of respondents: 14</p> <table border="1" data-bbox="624 1809 1203 1921"> <tr> <td data-bbox="624 1809 914 1921"> <p>Option 1: 2 <i>MWI: 1</i></p> </td> <td data-bbox="914 1809 1203 1921"> <p>Combination: 6 Opt. 1+2: 6 <i>Local Authorities: 1</i> <i>MWI: 1</i></p> </td> </tr> </table>	<p>Option 1: 2 <i>MWI: 1</i></p>	<p>Combination: 6 Opt. 1+2: 6 <i>Local Authorities: 1</i> <i>MWI: 1</i></p>
<p>Option 1: 2 <i>MWI: 1</i></p>	<p>Combination: 6 Opt. 1+2: 6 <i>Local Authorities: 1</i> <i>MWI: 1</i></p>		

	Option 2: 2 <i>Local Authorities: 1</i>	Did Not Specify: 4 <i>MWI: 2</i> <i>Local Authorities: 1</i>
		None: 0
Question 172) Are there any alternative options the Authorities should consider in relation to sustainable design, operation and construction of development?	Number of respondents: 3 <i>SC: 0</i> <i>MWI: 1</i> <i>Local Authorities: 0</i>	
Question 173) Are there any other criteria which should be included in Option 1 or 2?	Number of respondents: 5 <i>SC: 0</i> <i>MWI: 1</i> <i>Local Authorities: 0</i>	
Question 174) Do you have any views on a size threshold that could be used within option 1 (5 th bullet point) relating to meeting of BREEAM standards, and on the standard that should be sought?	Number of respondents: 1 <i>SC: 0</i> <i>MWI: 1</i> <i>Local Authorities: 0</i>	
Brief overview of consultation responses		
<p>Key Messages Q171:</p> <p><i>Option 1:</i></p> <ul style="list-style-type: none"> • The NPPF appears to ensure that development is resilient to climate change rather than requiring an assessment of its impact upon climate change • The parameters of what a Climate Change Assessment will include will determine the acceptability of the policy <p><i>Option 2:</i></p> <ul style="list-style-type: none"> • Supports the promotion of resource efficiency <p><i>Option 1+2:</i></p> <ul style="list-style-type: none"> • Explain what a 'Climate Change Assessment' should include • Low Carbon mineral extraction, such as CBM, should be exempt from the requirement to produce a Climate Change Assessment • Support reduction or minimisation of GHGs and the requirement for a Climate Change Assessment <p>General comments on the options:</p> <ul style="list-style-type: none"> • Not relevant to oil and gas exploration and appraisal given their temporary nature • What additional benefit does the requirement for a Climate Change Assessment bring above the constituent parts of the policy criteria <p>Key Messages Q172:</p> <p>A range of alternative options were suggested in the responses, these are detailed in the 'Suggested new options Chapter 8 – Development Management table' along with justification as to why they have or have not been taken forward. No alternative options have been taken forward but a point was raised which should be considered during the progression of the policy to the Preferred Options stage, this was that high standards of siting, design and mitigation should be applied across the whole of the Joint Plan area.</p> <p>Key Messages Q173:</p>		

- Minimise carbon emissions, rainwater run-off and noise impacts of mineral extraction sites
- Ensure tree planting is used as a mitigation measure to reduce impacts
- BREEAM 'Very good' should be the minimum requirement for commercial scale buildings, whereas significant sized buildings should be 'excellent'
- The Plan should include a target for a progressive reduction in carbon emissions from mineral and waste activities
- Each development should prepare a carbon emissions reduction plan

Key Messages Q174:

- A threshold of 1,000 m² will be appropriate

SA of options including alternatives

N/A

Joint Authorities response to consultation responses

The general preference for a combination of Options 1 and 2 is noted. It is agreed that clarity needs to be provided in relation to any requirement for a climate change impact assessment and that such an assessment may not be appropriate for certain forms of minerals and waste development. It is agreed that tree planting can have a range of benefits in mitigating impacts. There is insufficient evidence to indicate whether a requirement to meet 'excellent' BREEAM standards would be viable for the forms of development likely to come forward under the Plan. It is not considered realistic to provide a specific target for a reduction in carbon emissions from minerals and waste development as there is insufficient local baseline data with which to generate or monitor a target.

Evidence base update

No new evidence as of January 2015.

Duty to Cooperate**Is this a duty to cooperate matter?** Yes

At a general level delivery of an approach to sustainable design, construction and operation of minerals and waste development will require cooperation between NYCC and the District/Borough Councils in the two tier part of the area.

Discussion around development of preferred policy approach

The Sustainability Report recommends Option 1 in combination with Option 2 be taken forward and such an approach was generally favoured by respondents. National policy (NPPF) states that 'Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure.' It is considered that the criteria presented under Options 1 and 2 are generally consistent with these broad objectives, as well as addressing other important national policy objectives, such as minimisation of waste and high quality design. It is also considered that further clarification should be included in the policy criteria in relation to the role of climate change assessments and compliance with BREEAM, as well as in relation to a number of other minor matters.

Although not raised by respondents it is also considered appropriate to incorporate an additional policy criteria relating to the impacts from subsidence and land instability, previously contained in options dealing with 'Other key criteria' at Issues and Options stage and to also include a criterion relating to tip and quarry slope stability in line with national

policy in the NPPF.

The preferred approach is therefore based on Options 1 and 2.

Preferred policy approach – title changed to D11: Sustainable design, construction and operation of development

Part one

Proposals for minerals and waste development will be permitted where it has been demonstrated that measures appropriate and proportionate to the scale and nature of development proposed have been incorporated in the design, construction and operation of the development in relation to:

- Reduction or minimisation of greenhouse gas emissions through incorporation of energy efficient siting, design and operational practices including those relating to bulk transport of materials;
- Minimisation of waste generated by new minerals and waste development
- Generation and utilisation of renewable or low carbon energy where practical and in a manner appropriate to the character and location of the development;
- Minimisation of water consumption through incorporation of water efficiency measures, including where practicable the re-use of waste water originating from the development;
- Measures to minimise flood risk associated with the development including use of Sustainable Drainage Systems and permeable surfacing;
- A requirement for the relevant built elements of significant new minerals and waste developments to meet a minimum 'Very Good' BREEAM standard;
- For energy from waste development the efficient use of energy generated by the development including, for development with the potential for generation of combined heat and power, the beneficial use of heat either on site or to serve other existing or proposed development in the vicinity of the site;
- Implementation of landscape planting comprising native species able to successfully adapt to climate change and where practicable incorporation of areas of new wildlife habitat that would help to improve habitat connectivity;
- Mitigation of the impacts on the development arising from any predicted mining subsidence or land instability
- For minerals workings and mineral working deposits, consideration of tip and quarry slope stability and incorporation of appropriate mitigation in the design of tips and slopes in order to minimise any hazard to people and property

Proposals for substantial new minerals extraction and for the large scale treatment, recovery or disposal of waste should be accompanied by a climate change assessment showing how the proposals have taken into account impacts from climate change and include appropriate mitigation measures where necessary.

Part two

Proposals for new built development should demonstrate how the development would be designed, constructed and operated in order to:

- minimise waste generated during construction of the development, and incorporate measures to encourage or facilitate the re-use and recovery of any waste generated during construction of the development
- Incorporate appropriate space to enable waste arising during use of the development to be sorted and stored prior to being collected for recycling or re-use
- Use sustainable construction materials where practicable, including use of alternatives to primary land-won aggregate

Supporting text

Delivering a high standard of design, construction and operation for minerals and waste development is important because of the role this can play in contributing to factors such as:

- a high quality built environment
- minimisation and mitigation of adverse impacts from new development
- the efficient use of resources including the minimisation of waste
- helping to reduce, and respond to, the effects of climate change

Minerals and waste developments can be large in scale and sometimes give rise to significant impacts. The fact that minerals can only be worked where they occur also means that development sometimes needs to take place in sensitive locations. They can also be energy intensive, as a result of transport requirements and the operational processes involved. Careful design and a comprehensive approach to minimisation and mitigation of impacts can help support developments that would otherwise be unacceptable, as well as helping to reduce overall adverse impacts. Incorporation of sustainable design measures such as sustainable urban drainage systems, water consumption efficiency measures, use of sustainable transport modes such as conveyors and pipelines to move minerals within and between sites can all help conserve natural resources and reduce pollution.

Particular design considerations sometimes apply to quarries and mining waste tips. In particular, there is a need to ensure that quarry faces and any waste tips are designed so as to ensure the stability of slopes, in order to help ensure public safety as well as that of employees. It is therefore important that proposals for new mineral working and/or the construction of mining waste tips are supported by information in relation to any potential hazard to people and property, assess the significance and potential hazard and identify any features which could adversely affect the stability of the working to enable basic quarry design to be undertaken.

National planning policy gives high priority to the achievement of high design standards as an important element of sustainable development. With regard to waste, it seeks the incorporation of provision for waste management in the design of other forms of development, as well as the use of design measures to secure that waste arising from construction and operation of development is handled to maximise reuse and recovery opportunities and that the need for off-site disposal is minimised. Sustainable use of materials in new development and repair and refurbishment provides opportunities to help conserve natural resources and move waste up the hierarchy and is therefore important in delivering both minerals and waste planning objectives. Sustainable design of buildings can also help address energy consumption through the provision of passive heating and cooling. Whilst many built structures associated with minerals and waste development are specialised structures, where they fall within the scope of the BREEAM sustainability criteria then proposals should seek to meet a minimum 'Very Good' standard. Increased energy efficiency can also be secured through ensuring that, where practicable, proposals involving the generation of energy from waste are located where heat output from the facility can be utilised, as this is often more efficient than power generation.

Planning has an important role in delivering sustainable development through the need to mitigate and adapt to climate change and helping the country move towards a low carbon economy. This includes working towards a radical reduction in greenhouse gas emissions, minimising vulnerability and creating resilience to climate change impacts (such as increased flood risk), supporting the delivery of renewable and low carbon energy and associated infrastructure. Where practicable, developers should incorporate measures to ensure that development (other than short term development) is resilient to the predicted impacts of climate change. Proposals for new mineral extraction at a rate on excess of 75,000 tonnes per annum and for the treatment, recovery or disposal of more than 75,000 tonnes per annum of waste should be accompanied by an assessment showing how the design for the proposal has taken into account the need for resilience to climate change factors.

Within the City of York and the North York Moors National Park the relevant planning authority has responsibility for all forms of development proposals, not just minerals and waste. Within the NYCC area many forms of development are the responsibility of the District and Borough Councils. The incorporation of measures to help ensure the minimisation of waste and the appropriate use of materials in built development is necessary to help make development more sustainable. Proposals for all forms of development, other than householder development, should therefore include information on how waste will be minimised, recycled or reused where relevant as part of the proposals, how alternatives to primary minerals may be able to substitute for primary minerals in the works, and incorporate space in designs to help facilitate the sorting and storing of waste arising during the operational life of the development, in order to contribute to the sustainable management of waste.

Links to Objectives and Policies

Link to Objectives

Objective 6

Objective 9

Objective 10

Objective 11

Objective 12

Links to other relevant policies in the Plan:

Id14: Supply of alternatives to land won primary aggregates

Id42: Overall approach to the waste hierarchy

Id59: local amenity and cumulative impacts

Id67: Strategic approach to reclamation and afteruse

Id72: Coal mining legacy

SA/SEA

Summary of assessment

It is considered that this policy would have an overall positive effect on achieving sustainable design, construction and operation of developments. The policy performs positively against most SA objectives, particularly those relating to air quality, climate change and flooding. Some areas of uncertainty have been highlighted including in relation to objective 12 (economic growth) as the costs associated with developing a site are likely to increase given the requirement for high standards of sustainable design and construction and additional mitigation where required. Also, part 2 of the policy requires additional land for the sorting and storage of waste arising through construction. These additional costs would be balanced with the gains that are likely to accrue through low running costs due to the energy efficiency of any development and cost reduction through re-using resources. However, this will vary depending on the site. Uncertainty/minor negative impacts have also been recorded in relation to the historic environment and landscape objectives. These impacts relate to only one element of the policy: the provision of space for the sorting and storage of waste prior to collection. It is also considered that minor negative amenity impacts may result depending on the location and design of the sorting and storage site.

Recommendations

This policy is largely very positive and no mitigation is proposed. This policy could however be further strengthened by adding a requirement to achieve certification via an engineering quality mark such as the CEEQUAL³³ environmental assessment scheme for engineered structures that fall outside of BREEAM (such as pipelines).

³³See <http://www.ceequal.com/about.html>

Part 2 - Preferred options to Publication

Consultation Responses to Preferred Options

- 9.89 Delivering a high standard of design, construction and operation for minerals and waste development is important because of the role this can play in contributing to factors such as:
- a high quality environment
 - minimisation and mitigation of adverse impacts from new development
 - efficient use of resources, including minimisation of waste
 - minimisation and where necessary mitigation of climate change causes and effects
- 9.90 National planning policy gives priority to the achievement of high design standards as an important element of delivering sustainable development. As also set out in the NPPF, planning has a role in sustainable development through the need to mitigate and adapt to climate change and helping the country move towards a low carbon economy. Matters such as flood risk, coastal change and water supply are also relevant, with many parts of the area being vulnerable to flooding both from rivers and from surface water runoff.
- 9.91 Minerals deposits themselves can help to mitigate the effects of climate change, for example the presence in the ground of mineral resources, such as sand and gravel, can help to slow throughflow of water and therefore help contribute to flood attenuation or alleviation. However, minerals developments can also contribute to adaption to climate change, particularly where minerals site reclamation and afteruse include provision for matters such as flood water storage, habitat restoration and other forms of green infrastructure provision.
- 9.92 The movement of material up the waste hierarchy³⁴ can help mitigate climate change impacts. For example, recycling waste can save CO₂ through conserving virgin materials that would otherwise be used in production, and through reduction in landfill, which can lead to the emission of greenhouse gases.
- 9.93 The NPPF supports the inclusion of policies which set requirements for the sustainability of a building. The North York Moors National Park Authority has, since 2008, been operating a policy which requires 10% of predicted CO₂ emissions to be off-set through the generation of energy on-site from renewable resources for developments of 5 or more houses or other uses over 200sqm. The emerging City of York Local Plan is proposing to require that new developments meet the relevant BREEAM³⁵ or Code for Sustainable Homes standards.

Policy D11: Sustainable design, construction and operation of development

Part one

Proposals for minerals and waste development will be permitted where it has been demonstrated that measures appropriate and proportionate to the scale and nature of the development have been incorporated in its design, construction and operation in relation to:

- i) **Minimisation of greenhouse gas emissions through incorporation of**

Comment [MS296]: Key Messages- General- 0362/0242, 3849/1983, 3709/0370, 3949/2014, 3709/0369, 2937/0306, 3708/0432, 2937/0305-Extend the policy to consider methane leaks from fracking wells. Applicants need to demonstrate that the development is sustainable and in terms of fracking not use more fuel and carbon than would be captured and produced from the site. Note - Pollution from fracking is dealt with in other policies in the Plan. It would not be practicable, nor justified by national policy, to require demonstration of the carbon balance of development via the Plan.

³⁴ See waste context section in Chapter 2 for further information

³⁵ BREEAM is a design and assessment method for sustainable buildings to improve, measure and certify the social, environmental and economic sustainability of new buildings.

<p>energy efficient siting, design and operational practices including those relating to bulk transport of materials;</p> <p>ii) Minimisation of waste generated by new minerals and waste development;</p> <p>iii) Generation and utilisation of renewable or low carbon energy where practical and in a manner appropriate to the character and location of the development;</p> <p>iv) Minimisation of water consumption through incorporation of water efficiency measures, including where practicable the re-use of waste water arising from the development;</p> <p>v) Measures to minimise flood risk associated with the development including use of Sustainable Drainage Systems and permeable surfacing;</p> <p>vi) A requirement for the relevant built or civil engineering elements of significant new minerals and waste developments to meet a minimum 'Very Good' BREEAM or CEEQUAL standard as appropriate;</p> <p>vii) For energy from waste development the efficient generation of energy including, for development with the potential for generation of combined heat and power, the beneficial use of heat either on site or incorporation of measures to enable provision of heat to other existing or proposed development in the vicinity of the site;</p> <p>viii) Implementation of landscape planting comprising native species able to successfully adapt to climate change and where practicable incorporation of areas of new wildlife habitat that would help to improve habitat connectivity;</p> <p>ix) Mitigation of the impacts on the development arising from any predicted mining subsidence or land instability;</p> <p>x) For minerals workings and mineral working deposits, consideration of tip and quarry slope stability, the impacts of any dewatering activity and incorporation of appropriate mitigation in the design of tips and slopes in order to minimise any hazard to people and property.</p> <p>Proposals for substantial new minerals extraction and for the large scale treatment, recovery or disposal of waste should be accompanied by a climate change assessment showing how the proposals have taken into account impacts from climate change and include appropriate mitigation measures where necessary.</p> <p>Part two</p> <p>Proposals for new built development should demonstrate how the development would be designed, constructed and operated in order to:</p> <p>i) minimise waste generated during construction of the development, and incorporate measures to encourage or facilitate the re-use and recovery of any waste generated during construction of the development;</p> <p>ii) Incorporate appropriate space to enable waste arising during use of the development to be separated and stored prior to being collected for recycling or re-use;</p> <p>iii) Use sustainable construction materials where practicable, including use of alternatives to primary land-won aggregate.</p>	
<p>Main responsibility for implementation of policy: NYCC, NYMNPA, CYC, Minerals and Waste industry</p>	
<p>Key links to other relevant policies and objectives</p>	
<p><i>Strategic policies in Chapters 5, 6 and 7, Policies D04, D06, D07, D08, D09, D12</i></p>	<p><i>Objectives 9, 10, 11, 12</i></p>
<p>Monitoring: Monitoring indicator 55 (see Appendix 3)</p>	

Comment [MS297]: 3846/1947- applications for energy production must demonstrate that production (including transport) uses less energy than it produces.
 Note - see above
 3689/1707- take account of the emissions from hydrocarbon development
 Note - this is addressed through other policies in the Plan where relevant

Comment [MS298]: 3846/1947- consider the affects of flooding on drill pads.
 Note - this is addressed through other policies in the Plan

Policy Justification

- 9.94 Minerals and waste developments can be large in scale and sometimes give rise to significant impacts. The fact that minerals can only be worked where they occur also means that development sometimes needs to take place in sensitive locations. They can also be energy intensive, as a result of transport requirements and the operational processes involved. Careful design and a comprehensive approach to minimisation and mitigation of impacts can help support developments that would otherwise be unacceptable, as well as helping to reduce overall adverse impacts. Incorporation of sustainable design measures such as sustainable urban drainage systems, water consumption efficiency measures, use of sustainable transport modes such as conveyors and pipelines to move minerals within and between sites can all help conserve natural resources and reduce pollution.
- 9.95 Particular design considerations sometimes apply to quarries and mining waste tips. In particular, there is a need to ensure that quarry faces and any waste tips are designed so as to ensure the stability of slopes, in order to help ensure public safety as well as that of employees. It is therefore important that proposals for new mineral working and/or the construction of mining waste tips are supported by information in relation to any potential hazard to people and property, assess the significance and potential hazard and identify any features which could adversely affect the stability of the working to enable basic quarry design to be undertaken. In some cases extraction of mineral, particularly aggregate, can involve pumping in order to reduce local groundwater levels to facilitate access to the deposit. In most cases any impacts are likely to be confined to the near vicinity of the quarry site. However, there may be circumstances where there is potential for more significant effects and in these cases it is particularly important that proposals include an adequate assessment of potential effects and, where necessary, that appropriate mitigation and monitoring are provided.
- 9.96 Some parts of the area are likely to be at greater potential risk of land instability as a result of ground subsidence. Instability arising from the presence of former mine workings is addressed in Policy D13. In the Ripon area there is a history of ground subsidence as a result of the dissolution of gypsum deposits underlying parts of the City and adjacent areas. More information about this can be found in the Harrogate Local Plan (Saved policies). Where new built waste or ancillary infrastructure is proposed in areas that may be at risk, advice should be sought from relevant specialists about any additional design measures that may be required. Additionally, minerals or waste development that could lead to significant impacts on groundwater movements in this area may require more detailed assessment, as these may have potential to impact on subsidence.
- 9.97 National planning policy gives high priority to the achievement of high design standards as an important element of sustainable development. With regard to waste, it seeks the incorporation of provision for waste management in the design of other forms of development, as well as the use of design measures to secure that waste arising from construction and operation of development is handled to maximise reuse and recovery opportunities and that the need for off-site disposal is minimised. Sustainable use of materials in new development and repair and refurbishment provides opportunities to help conserve natural resources and move waste up the hierarchy and is therefore important in delivering both minerals and waste planning objectives. Sustainable design of buildings can also help address energy consumption through the provision of passive heating and cooling. Whilst many built structures associated with minerals and waste development are specialised

structures, where they fall within the scope of the BREEAM sustainability criteria or the equivalent CEEQUAL³⁶ rating criteria for civil engineering and infrastructure works then proposals should seek to meet a minimum 'Very Good' standard. Increased energy efficiency can also be secured through ensuring that, where practicable, proposals involving the generation of energy from waste are located where heat output from the facility can be utilised, as this is often more efficient than electrical power generation.

- 9.98 Planning has an important role in delivering sustainable development through the need to mitigate and adapt to climate change and helping the country move towards a low carbon economy. This includes working towards a radical reduction in greenhouse gas emissions, minimising vulnerability and creating resilience to climate change impacts (such as increased flood risk), supporting the delivery of renewable and low carbon energy and associated infrastructure. Where practicable, developers should incorporate measures to ensure that development (other than short term development) is resilient to the predicted impacts of climate change. Proposals for new mineral extraction at a rate in excess of 75,000 tonnes per annum and for the treatment, recovery or disposal of more than 75,000 tonnes per annum of waste should be accompanied by an assessment showing how the design for the proposal has taken into account the need for resilience to climate change factors. These thresholds are based on the 75,000 tonnes per annum threshold for strategically significant waste facilities used in the Yorkshire and Humber Waste Position Statement, which has been applied also to minerals output for the purposes of Policy D11.
- 9.99 Within the City of York and the North York Moors National Park the relevant planning authority has responsibility for all forms of development proposals, not just minerals and waste. Within the NYCC area many forms of development are the responsibility of the District and Borough Councils. The incorporation of measures to help ensure the minimisation of waste and the appropriate use of materials in built development is necessary to help make development more sustainable. Proposals for all forms of built development, other than householder development, should therefore include information on how waste will be minimised, recycled or reused where relevant as part of the proposals, how alternatives to primary minerals may be able to substitute for primary minerals in the development, and where relevant, incorporate space in designs to help facilitate the separation and storage of waste arising during the operational life of the development, in order to contribute to the sustainable management of waste.

SA/SEA

Summary of assessment It is considered that this policy would have an overall positive effect on achieving sustainable design, construction and operation of developments. The policy performs positively against most SA objectives, particularly those relating to air quality, climate change and flooding. Some areas of uncertainty have been highlighted including in relation to objective 12 (economic growth) as the costs associated with developing a site are likely to increase given the requirement for high standards of sustainable design and construction and additional mitigation where required. Also, part 2 of the policy requires additional land for the sorting and storage of waste arising through construction. These additional costs would be balanced with the gains that are likely to accrue through low running costs due to the energy efficiency of any development and cost reduction through re-using resources. However, this will vary depending on the site.

³⁶ CEEQUAL is a sustainability rating and assessment scheme for civil engineering and infrastructure projects, similar to the BREEAM rating system for buildings.

Recommendations This policy is largely very positive and no mitigation is proposed.
Overall Summary of Reasons for Change
Minor revisions have been made to the Policy and supporting text for clarity.

Development of Policy D12: Protection of agricultural land and soils.

Part 1 - Issues and Options to Preferred Options

Id69 - Other key criteria for minerals and waste development	
<i>Options presented at Issues and options stage</i>	<p>Option 1: Proposals will be supported where it can be demonstrated, when considered against the following criteria, that unacceptable adverse (including cumulative) effects can be avoided or have been appropriately mitigated and, where possible, that the development would provide enhancements to the locality. Consideration would be given to:</p> <ul style="list-style-type: none"> • Impacts upon tranquillity and dark night skies • Impacts relating to subsidence or land stability, and the ability for these to be addressed satisfactorily • Impacts on air quality • The visual impact arising from the design, scale and location of the development • Impact on best and most versatile agricultural land and the protection of soil resources through the life of the development • Effects on opportunities for leisure and recreation and on Public Rights of Way and open access land, including in the National Park • Public safety considerations • Positive and negative impacts on the local economy. <p>OR</p> <p>Option 2: Under this option the Plan would not contain any reference to the criteria set out under Option 1 and the NPPF would be relied on for guidance on these issues.</p>
What the SA told us	
<p>Option 1 is likely to have positive effects as it covers a range of additional criteria that would provide a more in-depth consideration of the wider implications of minerals and waste development on social, environmental and economic objectives. The option would have particularly strong positive effects in relation to the local economy, tranquillity, recreation, safety of communities, landscape and protecting high quality agricultural land with less significant positive effects for biodiversity. Option 2 provides the same positives in relation to heritage and tranquillity but would potentially result in negative effects for local economies, landscape (specifically the contribution that tranquillity and dark skies makes to landscape) and protecting the safety of communities. In terms of recreation whilst Option 2 would have positive effects in relation to protecting specific assets, it would have negative effects in terms of providing opportunities to understand and enjoy the National Park (which is part of the statutory National Park purposes). Option 2 also presents an element of uncertainty in the long term should the NPPF be replaced or amended.</p>	
Number of consultation responses	

Total Number of comments against id:	21	
Question 175) Do you have a preference for either of the options presented above?	Number of respondents: 18	
	Option 1: 13 SC: 2 Local Authorities: 1	Combination: 0
	Option 2: 5 MWI: 4 Local Authorities: 1	Did Not Specify: 0
		None: 0
Question 176) Are there any alternative options the Authorities should consider in relation to other key criteria for minerals and waste development?	Number of respondents: 1 SC: 0 MWI: 1 Local Authorities: 0	
Question 177) Do you have any views on the range of criteria which should be referenced in Option 1?	Number of respondents: 2 SC: 0 MWI: 2 Local Authorities: 0	
Brief overview of consultation responses		
Key Messages Q175) Option 1: <ul style="list-style-type: none"> • Supports the consideration of land stability • The criteria presented are very important, particularly 'dark night skies' which is a specific quality of North Yorkshire, and the avoidance or mitigation of unacceptable adverse effects upon land stability, air quality, soil resources and public safety • The criteria will operate satisfactorily with other national and local policies, and will protect and enhance local communities and the environment Option 2: <ul style="list-style-type: none"> • Provides flexibility and reliance upon NPPF • It is considered that the NPPF, NPPG and emerging local policies will provide sufficient controls without the need for additional local requirements 		
Key Messages Q176) No alternative options put forward as part of the consultation.		
Key Messages Q177) <ul style="list-style-type: none"> • The criteria overlaps with a number of areas already discussed, leading to potential inconsistencies between policies 		
SA of options including alternatives		
N/A		
Joint Authorities response to consultation responses		
It is agreed that there is significant overlap between some of the criteria in this policy option and other policy areas for the Plan. It is considered that it would be preferable where practicable to incorporate elements addressed under the 'other key criteria' option within other relevant policy areas in the Plan.		
Evidence base update		
Updated National Planning Practice Guidance has been published subsequent to Issues and Options consultation.		

Duty to Cooperate
Is this a duty to cooperate matter? No
Discussion around development of preferred policy approach
<p>The majority of respondents expressed a preference for Option 1.</p> <p>The Sustainability Report recommends that Option 1 be taken forward. It was considered that Option 2 presents an element of uncertainty in the long term should the NPPF be replaced or amended.</p> <p>In response to concerns raised by consultees about the potential overlap between different policies within the plan it is considered that the majority of the criteria addressed in this option could be included within other relevant policy topics in the Plan. Draft policy relating to id59 (Local amenity and cumulative impacts) has therefore been amended to incorporate reference to air quality, visual impact, impact on the local economy, impacts on opportunities for enjoyment and understanding of the special qualities of the National Park and public safety. Reference to protection of tranquillity and dark night skies has been added into id63, Landscape. Reference to subsidence and land stability has been included within id68 Sustainable design, construction and operation of development.</p> <p>It is not considered practicable to incorporate policy relating to protection of soils and best and most versatile agricultural land into existing policy areas. It is therefore appropriate to revise the scope of id69 to form a new separate policy to deal specifically with this topic.</p>
Preferred policy approach – title changed to D12: Protection of agricultural land and soils
<p>Best and Most Versatile agricultural land will be protected from unnecessary and irreversible loss. Where development of best and most versatile agricultural land is justified, taking into account the requirements of other strategic policies in the Plan, proposals should specify the measures to be taken to ensure that any soils requiring removal as part of the development are retained and conserved on site in order to maintain their longer term potential for agricultural production.</p> <p>Reclamation proposals for minerals and waste development on best and most versatile land should, where practicable, include provision for the restoration of land to best and most versatile quality and will be subject to aftercare requirements to ensure that a high standard can be achieved.</p> <p>Supporting text</p> <p>The Joint Plan area contains very large areas of land in use for agriculture, particularly within the NYCC area. A substantial amount of this land, particularly in the lower lying areas, is of best and most versatile quality (ie it meets the requirements for classification as Grades, 1, 2 or 3a quality in the Defra agricultural land classification system). National planning policy requires that local planning authorities should take into account the economic and other benefits of best and most versatile agricultural land and that, where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be used in preference to that of higher quality.</p> <p>Whilst it is unlikely that there will be a need for development of substantial areas of agricultural land for waste management purposes during the plan period, the nature of mineral working means that, in the large majority of cases, disturbance of agricultural land is involved. There is a relatively close association between areas of high quality agricultural land and minerals resources, for example in the Vales of Mowbray, York and Pickering and in</p>

Selby District. In order to meet future needs for minerals it is expected that development of agricultural land will be necessary and, as a result of the wide range of other constraints that apply in identifying suitable locations for mineral working, working in areas of best and most versatile land may also be required.

Where disturbance of agricultural land is justified, particularly best and most versatile land, it will be particularly important to ensure that soils are stripped, handled, stored and conserved at the site in a manner which helps maintain their longer term potential. This will allow their eventual reuse to recreate land of best and most versatile quality or, in some cases to enhance the quality of land of previously lower quality. Where practicable, soils removed to allow minerals extraction should be directly replaced as part of progressive restoration of the site. Where this is not practicable, soils can be stored in screening mounds as part of landscaping proposals. In all cases it is important to avoid repeated handling of soils as this can result in a progressive degradation in quality. It is also important to ensure that soils are only stripped, handled and replaced when in a relatively dry condition, to help prevent damage to the soil structure. Where permission is granted for development which involves stripping, handling or replacement of soil, conditions will be attached to ensure best practice in the interests of protecting the soil resource. Short term relaxations of usual noise limits may be incorporated in any permission to allow short term particularly noisy activities such as soil stripping and bund formation.

Where reclamation of mineral workings to agriculture is proposed, an aftercare period will be required (usually for 5 years) in order to ensure that the site is capable of beneficial afteruse for agriculture and this will also be a requirement of conditions imposed on any permission.

Links to Objectives and Policies

Link to Objectives

Objective 9

Objective 10

Objective 11

Objective 12

Links to other relevant policies in the Plan:

Id63: Landscape

Id67: Strategic approach to reclamation and Afteruse

SA/SEA

Summary of assessment

This policy will help towards the sustainable conservation of our most important soil resources. It performs positively against most SA objectives, particularly those relating to protecting soils and land, adapting to climate change, protecting landscapes and supporting a changing population's needs. While some mixed outcomes may be expected in the long term when the benefits of low level quarry restoration are considered (i.e. for the biodiversity, recreation and health objectives) these are minor exceptions to a broadly very positive assessment.

Recommendations

No mitigation is proposed.

Part 2 - Preferred options to Publication

Consultation Responses to Preferred Options

Protection of agricultural land and soils

9.100 The agricultural economy is very important within the Plan area, which is predominantly rural in character. It is therefore also important that, so far as possible, good quality agricultural land and soils are protected from impacts from minerals and waste development.

Policy D12: Protection of agricultural land and soils

Best and Most Versatile agricultural land will be protected from unnecessary and irreversible loss. Where development of best and most versatile agricultural land is justified, proposals should prioritise the protection and enhancement of soils and the long term potential to recreate areas of best and most versatile land. Where relevant, development will be subject to aftercare requirements to ensure that a high standard of agricultural restoration can be achieved.

Development proposals will be required to demonstrate that all practicable steps will be taken to conserve and manage all on-site soil resources, including soils with environmental value, in a sustainable way. Development which would disturb or damage soils of high environmental value such as peat and other soil contributing to ecological connectivity or carbon storage will not be permitted.

Main responsibility for implementation of policy: NYCC, NYMNPA, CYC, Minerals and Waste industry

Key links to other relevant policies and objectives

Strategic policies in Chapter 5, 6 and 7, Policies D07, D10

Objectives 9, 10, 11, 12

Monitoring: Monitoring indicator 56 (see Appendix 3)

Policy Justification

9.101 The Joint Plan area contains very large areas of land in use for agriculture, particularly within the NYCC area. A substantial amount of this land, particularly in the lower lying areas, is of best and most versatile quality (i.e. it meets the requirements for classification as Grades, 1, 2 or 3a quality in the Defra agricultural land classification system). National planning policy requires that local planning authorities should take into account the economic and other benefits of best and most versatile agricultural land and that, where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be used in preference to that of higher quality.

9.102 Whilst it is unlikely that there will be a need for development of substantial areas of agricultural land for waste management purposes during the plan period, the nature of mineral working means that, in the large majority of cases, disturbance of agricultural land is involved. There is a relatively close association between areas of high quality agricultural land and minerals resources, for example in the Vales of Mowbray, York and Pickering and in Selby District. In order to meet future needs for minerals it is expected that development of agricultural land, including some land of best and most versatile quality, will be necessary as a result of the wide range of other constraints that apply in identifying suitable locations for mineral working.

9.103 Proposals involving development of more than 1ha of agricultural land should be

Comment [MS299]: 3708/0433, 3709/0371, 3849/1990- Methane from horizontal probes used in fracking can lead to contamination of soils
 Note - pollution from hydrocarbons development is addressed through other policies in the plan

3846/1948- agricultural land should not be lost to fracturing
 Note - Minerals development is temporary and it is likely to be practicable to restore most hydrocarbons development sites to agriculture. Minerals can only be worked where they occur. Other policies in the Plan deal with restoration of minerals sites.

Comment [MS300]: 1174/1679 Delete 'unnecessary and'
 Note - It is considered that reference to 'unnecessary' is appropriate taking into account the requirements of para. 112 of the NPPF, which recognises that there may be circumstances that justify development on BMV land

Comment [MS301]: 1112 (RSPB North) 0772, 0128/1178 (YWT)- the policy should be amended to reflect the fact that reclamation of bmv land does not have to be to agriculture, the policy should recognise that biodiversity restoration may be more appropriate in some cases. However the land should be returned to a condition and quality such that if required in the long term, the land could be capable of supporting agriculture.
 Note - It is agreed that the Policy should be revised to better reflect the objective of ensuring retention of the long term potential of soil resources on BMV land.

Comment [MS302]: 1174/1679- amend to reflect pp 13 of MPG7
 Note - MPG7 was replaced by the NPPF on 2012.

Comment [MS303]: 0119 (natural England) 1051- make it clear that developers would be required to ensure sufficient site specific agricultural land classification survey data is available to inform decision making.
 Note - it is agreed that this should be referenced in the text, although it is considered that a minimum threshold of 1ha site area should be applied to avoid a disproportionate need for information for small scale proposals.

accompanied by sufficient information to demonstrate the quality of the land within the site, in accordance with the national agricultural land classification system. Where disturbance of agricultural land is justified, particularly best and most versatile land, it will be important to ensure that soils are stripped, handled, stored and conserved at the site in a manner which helps maintain their longer term potential. This will allow their eventual reuse to recreate land of best and most versatile quality or, in some cases to enhance the quality of land of previously lower quality. Where practicable, soils removed to allow minerals extraction should be directly replaced as part of progressive restoration of the site. Where this is not practicable, soils can be stored in screening mounds as part of landscaping proposals. In all cases it is important to avoid repeated handling of soils as this can result in a progressive degradation in quality. It is also important to ensure that soils are only stripped, handled and replaced when in a relatively dry condition, to help prevent damage to the soil structure. Where permission is granted for development which involves stripping, handling or replacement of soil, conditions will be attached to ensure best practice in the interests of protecting the soil resource. Short term relaxations of usual noise limits may be incorporated in any permission to allow short term particularly noisy activities such as soil stripping and bund formation.

- 9.104 Where reclamation of mineral workings to agriculture is proposed, an aftercare period will be required (usually for 5 years) in order to ensure that the site is capable of beneficial afteruse for agriculture and this will also be a requirement of conditions imposed on any permission.
- 9.105 In some cases, soils may have particular qualities which mean they are important for biodiversity, even if they are not suitable for formation of best and most versatile agricultural land. Such soils are also a valuable resource and should be retained and used effectively as part of site restoration in order to ensure that their value is preserved for the future.

Comment [JJ304]: 0119 (natural England) Add text 'forestry or amenity (including biodiversity)' after 'agriculture' Note - as the policy is concerned specifically with agricultural land it is considered to make specific reference to this in the Policy. The approach for other forms of restoration is clarified in Policy D10.

SA/SEA

Summary of assessment This policy will help towards the sustainable conservation of our most important soil resources. It performs positively against most SA objectives, particularly those relating to protecting soils and land, adapting to climate change, protecting landscapes and supporting a changing population's needs. While some mixed outcomes may be expected in the long term when the benefits of low level quarry restoration are considered (i.e. for the biodiversity, recreation and health objectives) these are minor exceptions to a broadly very positive assessment. Mixed effects are also observed in relation to the sustainable economy objective, as the policy may prove restrictive to some development. However, there are also key economic benefits from conserving soils, which underpin the agricultural and food retail economies.

Recommendations This policy is highly positive and further mitigation is not noted.

Overall Summary of Reasons for Change

Revisions have been made to the Policy and supporting text in response to representations at preferred options stage and to clarify the intended approach.

Development of Policy D13: Consideration of applications in Development High Risk Areas.

Part 1 - Issues and Options to Preferred Options

Id72 - Coal mining legacy					
<i>Options presented at Issues and options stage</i>	<p>Option 1: This option would seek to ensure that coal mining legacy issues are taken into account during assessment of development proposals which are proposed in development high risk areas identified by the Coal Authority, including those proposals falling within the responsibility of the District and Borough Councils within the Plan area. Applicants in such areas and for the relevant forms of development identified by the Coal Authority⁵⁰ would be required to provide information on land stability issues and where necessary incorporate suitable mitigation measures to address them.</p> <p>OR</p>				
	<p>Option 2: This option would not set out a specific policy relating to coal mining legacy issues but would refer to, and rely on, national policy in the NPPF and the advice published by the Coal Authority. The NPPF does not set out any specific policy relating to development in areas of former coal mining but does require that development is not put at unacceptable risk from land instability (para 109).</p> <p>OR</p>				
	<p>Option 3: The consideration of the legacy of coal mining would be left to be included within the local plans of the relevant District Councils given that the relevant developments being proposed are most likely to be determined by those councils.</p>				
What the SA told us					
<p>There are unlikely to be widespread effects as a result of either of these options. However, there are some small scale effects on soil / land, climate change adaptation, health and wellbeing, flood risk and meeting the needs of the population. These effects are generally positive, however, greater uncertainty is observed under Option 2 (which is subject to changes in national policy in the long term). Option 3 is generally considered to have neutral effects on trends observed in the baseline to this assessment as the relevant Local Plans' policy approach and sites have been, and will continue to be, subject to their own sustainability appraisals.</p>					
<p>Recommendations All options are broadly beneficial, but the most certain positive effects are associated with Option 1. Should Option 3 be followed, policy would need to be included in the Joint Plan in relation to the North York Moors National Park and the City of York area.</p>					
Number of consultation responses					
Total Number of comments against id:	5				
Question 185) Do you have an initial preference for any of the options presented above?	Number of respondents: 4				
	<table border="1"> <tr> <td>Option 1: 3 SC: 1</td> <td>Combination: 1 Opt. 2+3:1</td> </tr> <tr> <td>Option 2: 0</td> <td>Did Not Specify: 0</td> </tr> </table>	Option 1: 3 SC: 1	Combination: 1 Opt. 2+3:1	Option 2: 0	Did Not Specify: 0
	Option 1: 3 SC: 1	Combination: 1 Opt. 2+3:1			
Option 2: 0	Did Not Specify: 0				

	Option 3: 0	None: 0
Question 186) Are there any alternative options the Authorities should consider in relation to coal mining legacy?	Number of respondents: 1 SC: 0 MWI: 0 Local Authorities: 0	
Brief overview of consultation responses		
Key Messages Q185: <i>Option 1:</i> <ul style="list-style-type: none"> The Plan should contain policy criteria on land instability issues arising from mining legacy This option is valid because there is a strong correlation between waste sites and previously developed mining sites General comments on the options: <ul style="list-style-type: none"> The NPPG includes additional policy advice on coal mining risks Non-coal minerals working should also take account of ground stability issues Key Messages Q186: One suggested alternative option was put forward but it has not been taken forward.		
SA of options including alternatives		
N/A		
Joint Authorities response to consultation responses		
It is agreed that the Plan should contain policy criteria relating to mining legacy land instability, given the potential for development proposals to come forward in areas affected by former mining. Any approach should be generally in line with advice from the Coal Authority.		
Evidence base update		
<p>The NPPG (published since completion of Issues and Options consultation) contains a section on land stability. A Planning Authority should be concerned about land stability as failure to deal with the issue could cause harm to human health, local property and associated infrastructure and the wider environment. The planning system has an important role in considering land stability by:</p> <ul style="list-style-type: none"> Minimising the risk and effects of land stability on property, infrastructure and the public, Helping ensure that various types of development should not be placed in unstable locations without various precautions, and To bring unstable land, wherever possible, back into productive use. <p>Consideration of land stability in local plans will vary between areas and types of issues that the plan covers, but planning authorities may need to consider</p> <ul style="list-style-type: none"> Identifying specific areas where particular consideration of landslides, mining hazards or subsidence will be needed, Including policies that ensure unstable land is appropriately remediated, prohibit development in specific areas, or only allow specific types of development in these areas. Identifying circumstances where additional procedures or information, such as a land stability or slope stability risk assessment report, would be required to ensure that adequate and environmentally acceptable mitigation measures are in place, and Removing permitted development rights in specific circumstances. <p>Where applicable applicants should submit a Coal Mining Risk Assessment as part of their application in specific Development High Risk Areas.</p>		

The Coal Authority has produced maps based on Planning Authority Areas which show the Development High Risk Areas and Development Low Risk Areas for each one. There are limited Development High Risk Areas in the Joint Plan area, but more extensive Low Risk Development Areas.

There are exemptions to the requirement for an applicant to submit a Coal Mining Risk Assessment in support of a development proposal within the Development High Risk Area. The exemption list is divided into two parts, firstly type of application and secondly nature of application. Only one of these needs to be met so that the need for a Coal Mining Risk Assessment is not required.

Development on the exemptions list will not require submission of a Coal Mining Risk Assessment with a planning application; instead Local Planning Authorities will include an Information Note with the decision notice.

Applications in Development Low Risk Areas will not require an accompanying Coal Mining Risk Assessment and the Local Planning Authority will include the Coal Authority Standing Advice with the decision notice.

This evidence is accurate as of January 2015.

Duty to Cooperate

Is this a duty to cooperate matter? Yes

At a general level addressing land instability issues arising from former mining requires a consistent approach across both NYCC and the various district/borough councils in the two tier part of the Joint Plan area.

Discussion around development of preferred policy approach

There were only a small number of responses to this option. The majority supported Option 1, with one supporting a combination of Option 2 and Option 3.

The Coal Authority, who are responsible for mapping and providing advice on old and abandoned coal mines, considered that the Plan should contain some policy criteria based on land instability arising from mining legacy in relation to minerals and waste development, and that it is also necessary to take due account of this issue for non-coal mineral extraction that takes place over historic coal workings.

Development other than minerals and waste will fall under the remit of District or Borough Councils and policies related to this development should be included in their Local Plans.

Option 1 was preferred by the SA.

The Coal Authority requires Coal Mining Risk Assessments for any applications, (unless the application type is identified on the exemptions list,) in Development High Risk Areas, which are identified on maps supplied by them. This point needs to be addressed in the policy.

The preferred policy is based on Option 1 with the inclusion of a reference to Coal Mining Risk Assessments for applications in Development High Risk Areas.

Preferred policy approach – title changed to D13: Consideration of applications in Development High Risk Areas

Proposals for non-exempt development in Development High Risk Areas identified by the Coal Authority should be accompanied by a Coal Mining Risk Assessment and where necessary incorporate suitable mitigation measures in relation to land stability. Permission will be granted where it can be demonstrated, through the Coal Mining

Risk Assessment, that the development will not be at unacceptable risk.

Supporting text

National planning policy and guidance indicates that Planning Authorities should be concerned about land stability as failure to deal with the issues could cause harm to human health, local property and associated infrastructure and the wider environment. The planning system has an important role in considering land stability by:

- Minimising the risk and effects of land stability on property, infrastructure and the public.
- Helping ensure that various types of development should not be placed in unstable locations without various precautions, and
- To bring unstable land, wherever possible, back into productive use.

The Coal Authority map and monitor old and disused mines and also highlight the public safety hazards and risk associated with them. Planning Authorities must consider the potential for the presence of any old and disused mines when dealing with planning applications for many forms of development, including minerals and waste development. Across the Joint Plan area and the adjacent Yorkshire dales National Park Authority area there are approximately 13,500 recorded mine entries.

The Coal Authority has identified Development High Risk Areas (formally known as Coal Mining Development Referral areas). These are most likely to be subject to land stability and other public safety hazards associated with old mine entries. Within the Joint Plan area they occur mainly within Selby District and more limited areas in the western part of the Plan area. Low Risk Development Areas are more extensive.

Within Development High Risk Areas the Coal Authority will expect all new development proposals that require planning permission, except certain types of development that are exempt, to be accompanied by a Coal Mining Risk Assessment when submitted to the relevant local planning authority. Proposals in Development High Risk Areas for the types of development identified on the list of exemptions below, as well as proposals in Development Low Risk Areas, will not require a Coal Mining Risk Assessment but the Coal Authority's standing advice will apply and the local planning authority will include an informative note within the decision notice when granting planning permission.

The exemption list is divided into two parts. The first part is based on type of application and the second on the nature of the development proposed. Proposals only need to meet a criterion on one of the lists in order to be exempt.

Exemptions based on type of application:

- Reserved matters/reserved details, approval of matters specified in conditions,
- Householder development,
- Extension of time,
- Change of use,
- Variation or removal of condition,
- Heritage consents, (listed building or conservation areas),
- Advertisement consents,
- Lawful development certificates,
- Prior notification, (any type),
- Hazardous substances consent,
- Tree or hedgerow works, (TPO or in conservation area),

Exemptions based on nature of development:

- Change of use, (land or buildings) – where no other built development is proposed,
- Temporary structures with no ground works,

<ul style="list-style-type: none"> • Means of enclosure, • Street type furniture, • Alterations to existing non-residential buildings that create no new floor space, • Non-commercial private/domestic stables.
<p>Links to Objectives and Policies</p> <p><i>Link to Objectives:</i> <i>Objective 9</i> <i>Objective 10</i></p> <p><i>Links to other relevant policies in the Plan:</i> <i>Id59: Local amenity and cumulative impacts.</i> <i>Id68: Sustainable design, construction and operation of development</i></p>
<p>SA/SEA</p> <p>Summary of assessment</p> <p>There are unlikely to be widespread effects as a result of this policy, however, there are some small scale positive effects on soil / land, climate change adaptation, health and wellbeing, flood risk and meeting the needs of the population. This is because the policy is likely to ensure that development is less prone to land instability impacts.</p> <p>Recommendations</p> <p>No mitigation is proposed.</p>

Part 2- Preferred options to Publication

<p>Consultation Responses to Preferred Options</p> <p>9.106 An issue associated with coal mining is the legacy of large numbers of disused mines in the Plan area. Across the whole of North Yorkshire (including the two National Parks) there are approximately 13,500 recorded mine entries. These can give rise to land stability issues and other hazards.</p> <p>9.107 It is the responsibility of the Coal Authority to map and monitor old and disused mines and also highlight the public safety hazards and risk associated with them, but the Joint Plan authorities, and the District and Borough Councils in the NYCC area, must take them into consideration when dealing with planning applications and development proposals.</p>
<p>Policy D13 - Consideration of applications in Development High Risk Areas</p> <p>Proposals for non-exempt development in Development High Risk Areas identified by the Coal Authority should be accompanied by a Coal Mining Risk Assessment and, where necessary, incorporate suitable mitigation measures in relation to land stability. Permission will be granted where it can be demonstrated, through the Coal Mining Risk Assessment, that the development will not be at unacceptable risk.</p> <p>Main responsibility for implementation of policy: NYCC, NYMNPA, CYC, Minerals and Waste industry and The Coal Authority</p> <p>Key links to other relevant policies and objectives</p> <p>D11 Objectives 9, 10</p> <p>Monitoring: Monitoring indicator 57 (see Appendix 3)</p>

Policy Justification

- 9.108 National planning policy and guidance indicates that Planning Authorities should be concerned about land stability as failure to deal with the issues could cause harm to human health, local property and associated infrastructure and the wider environment. The planning system has an important role in considering land stability by:
- minimising the risk and effects of land stability on property, infrastructure and the public.
 - helping ensure that various types of development should not be placed in unstable locations without various precautions, and
 - bringing unstable land back into productive use, wherever possible.
- 9.109 The Coal Authority has identified Development High Risk Areas (formally known as Coal Mining Development Referral areas). These are most likely to be subject to land stability and other public safety hazards associated with old mine entries. They occur mainly within Selby District and more limited locations in the western part of the Plan area. Low Risk Development Areas are more extensive.
- 9.110 Within Development High Risk Areas the Coal Authority will expect all new development proposals that require planning permission, except certain types of development that are exempt, to be accompanied by a Coal Mining Risk Assessment when submitted to the relevant local planning authority. Proposals in Development High Risk Areas for the types of development identified on the list of exemptions below, as well as proposals in Development Low Risk Areas, will not require a Coal Mining Risk Assessment but the Coal Authority's standing advice will apply and the local planning authority will include an informative note within the decision notice when granting planning permission.
- 9.111 The exemption list is divided into two parts. The first part is based on type of application and the second on the nature of the development proposed. Proposals only need to meet a criterion on one of the lists in order to be exempt.
- 9.112 Exemptions based on type of application:
- Reserved matters/reserved details, approval of matters specified in conditions,
 - Householder development,
 - Extension of time,
 - Change of use,
 - Variation or removal of condition,
 - Heritage consents, (listed building or conservation areas),
 - Advertisement consents,
 - Lawful development certificates,
 - Prior notification, (any type),
 - Hazardous substances consent,
 - Tree or hedgerow works, (TPO or in conservation area),
- 9.113 Exemptions based on nature of development:
- Change of use, (land or buildings) – where no other built development is proposed,
 - Temporary structures with no ground works,
 - Means of enclosure,
 - Street type furniture,
 - Alterations to existing non-residential buildings that create no new floor space,

- Non-commercial private/domestic stables.

SA/SEA

Summary of assessment There are unlikely to be widespread effects as a result of this policy, however, there are some small scale positive effects on soil / land, climate change adaptation, health and wellbeing, flood risk and meeting the needs of the population. This is because the policy is likely to ensure that development is less prone to land instability impacts (such as subsidence) which can impact on the aforementioned objectives.

Recommendations No further mitigation is proposed

Overall Summary of Reasons for Change

Minor revisions made to supporting text for clarity.

ⁱ Yorkshire and Humber Waste Position Statement (Feb 2016)

Contact us

Minerals and Waste Joint Plan Team Planning Services, North Yorkshire County Council, County Hall, Northallerton, North Yorkshire, DL7 8AH

Tel: **01609 780780** Email: **mwjointplan@northyorks.gov.uk**