

Publication draft Representations

Part 1

March 2017

The Publication draft of the Minerals and Waste Joint Plan was made available for comments between the 9th November 2016 and 21st December 2016. Any representations received outside these dates were considered 'Not duly made'.

A summary of the comments provided is available in the 'Summary of responses to the Publication document' which can be viewed at www.northyorks.gov.uk/mwjointplan .

Representations were received from 200 individuals or organisations and a copy of each of the full representation are being made available in this document. The document has been split into 4 parts with representations from 50 individuals or organisations in each.

The documents are arranged in 'respondent number' order. If you provided one or more representation within the dates then you will have received a 'respondent number' as part of the acknowledgement letter or email, and it is this number which you will need to search for to find a copy of your response.

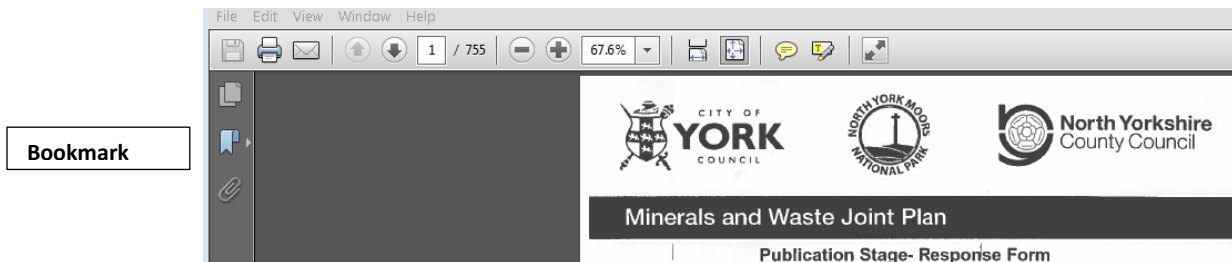
Part 1 of the document includes responses from respondents starting at **0053** and going up to **0948**.

Part 2 of the document includes responses from respondents starting at **1096** and going up to **3839**.

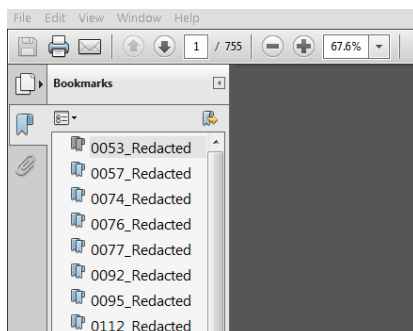
Part 3 of the document includes responses from respondents starting at **3844** and going up to **4107**.

Part 4 of the document includes responses from respondents starting at **4108** and going up to **4158**.

To locate your response when you open the document you will see



Click on the bookmark icon shown above and a list of all the responses in the document will appear in a list, as shown below, find the number you want in the list and click on it, this will take you to that specific response.



Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title: Ms	Initial(s): C
Surname: Skelly		
Organisation (if applicable): Hambleton Disitrcct Council		
Address:	Civic Centre	
	Stone Cross	
	Northallerton	
Post Code: DL6 2UU		
Telephone: 01609 779977		
Email: caroline.skelly@hambleton.gov.uk		

Agent contact details (if applicable)

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in separate guidance notes. You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.

A separate Part B form **MUST** be produced for each separate representation you wish to make. After this stage, further submissions will only be at the invitation of the inspector who will conduct an Examination in Public of the Joint Plan, based on the matters they identify during the Examination.

All responses should be returned by 5pm on Wednesday 21st December 2016. Please note that representations cannot be received after this deadline.

Responses can be returned by email to: mwjointplan@northyorks.gov.uk or by post using the address below:

Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

Data Protection:

North Yorkshire County Council, the North York Moors National Park Authority and the City of York Council are registered under the Data Protection Act 1998. For the purposes of the Data Protection Act legislation, your contact details and responses will only be retained for the preparation of the Minerals and Waste Joint Plan. Representations made at Publication stage cannot remain anonymous, but details will only be used in relation to the Minerals and Waste Joint Plan. Your response will be made available to view on the website and as part of the examination.

For official use only:
Respondent Number

Date received Date entered Date acknowledged

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Hambleton District Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="MJP07"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Although the Plan is considered sound, at the planning application stage NYCC should seek contributions to improve vehicular access onto the B2627. Restoration conditions should also seek to maximise the area of land restored rather than water. Care should also be taken to minimise any contamination of Ings Goit Beck, although it is acknowledged that this will be relocated.

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

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5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: Caroline Skelly	Date: 13/12/16
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Official Use Only Reference Number	
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Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Hambleton District Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="MJP43"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The exclusion of this site is supported.

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(continue on a separate sheet/expand box if necessary)

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All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: Caroline Skelly	Date: 13/12/16
----------------------------	----------------

Official Use Only Reference Number

mwjointplan

From: Caroline Skelly <Caroline.Skelly@hambleton.gov.uk>
Sent: 13 December 2016 17:34
To: mwjointplan
Subject: Publication Plan Response
Attachments: Publication_response_form_part_B1 (1)B.pdf; Publication_response_form_part_B1 (1) C.pdf; Publication_response_form_part_B1 (1)A.pdf; Publication_response_form_part_A1 (1).pdf

Please find attached the comments from Hambleton District Council to the Joint Minerals and Waste Publication Plan.

Although we have not presented a report to Cabinet to inform these comments they have been discussed with local Members.

Kind regards

Caroline

Caroline Skelly
Planning Policy Team Leader
Planning Policy
Tel: 01609 767150
Email: caroline.skelly@hambleton.gov.uk
Website: www.hambleton.gov.uk

Your calls may be recorded for training and quality purposes. The call recording policy is available at www.hambleton.gov.uk

HAMBLETON
DISTRICT COUNCIL

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All e-mail traffic may be subject to recording and / or monitoring in accordance with relevant legislation.

Hambleton District Council, Civic Centre, Stone Cross, Northallerton, DL6 2UU.

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title: Mr	Initial(s): J
Surname: Slater		
Organisation (if applicable): Plasmor		
Address:	PO Box 44, Womersley Road,	
	Knottingley	
	West Yorkshire	
Post Code: WF11 0DN		
Telephone:		
Email:		

Agent contact details (if applicable)

Name:	Title: Mr	Initial(s): G
Surname: Titman		
Organisation (if applicable): MJCA		
Address:	Baddesley Colliery Office	
	Main Road, Baxterley,	
	Atherstone, Warwickshire	
Post Code: CV9 2LE		
Telephone: 01827 717891		
Email: guytitman@mjca.co.uk		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

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Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

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Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	MJCA on behalf of Plasmor Ltd
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="MJP45"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	[MJCA are not legal advisors]
2.(2) Sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The allocation of the land north of Hemingbrough (reference MJP45) is supported. The allocation of site reference MJP45 provides for the remaining mineral reserves at Hemingbrough to be extracted (subject to access) and will provide a source of clay which is essential for the ongoing manufacturing operations at the Plasmor block making plant.

It is noted that the boundary of site reference MJP45 has been revised since the preferred options consultation of the Minerals and Waste Joint Plan to remove the areas now the subject of planning permission reference C8/2015/0280/CPO granted in March 2016. The proposed revision to the boundary of site reference MJP45 is supported.

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Not applicable

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

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5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

N/A

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: 	Date: 14 December 2016
------------------------------------------------------------------------------------------------	------------------------

Official Use Only Reference Number


Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	MJCA on behalf of Plasmor Ltd
------------------------	-------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="MJP55"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	[MJCA are not legal advisors]
2.(2) Sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The allocation of the land adjacent to the former Escrick Brickworks (reference MJP55) is supported. The allocation of preferred area reference MJP55 will provide a long term source of clay during the plan period which is essential for the the ongoing manufacturing operations at the Plasmor block making plant.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Not applicable

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

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No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

N/A

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [Redacted] Date: 14 December 2016

Official Use Only Reference Number [Grid]

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	MJCA on behalf of Plasmor Ltd
------------------------	-------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="WJP06"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	[MJCA are not legal advisors]
2.(2) Sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>					

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The allocation of the land adjacent to the former Escrick Brickworks (reference WJP06) is supported. The allocation of site reference WJP06 for the landfill of construction, demolition and excavation waste will provide for the restoration of site reference MJ55.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Not applicable

(continue on a separate sheet/expand box if necessary)

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Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

N/A

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All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [Redacted] Date: 14 December 2016

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	MJCA on behalf of Plasmor Ltd
------------------------	-------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="MJP44"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<input type="checkbox"/> [MJCA are not legal advisors]
2.(2) Sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>					

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The allocation of the land between the Plasmor block making plant at Great Heck and Pollington Airfield (reference MJP44) is supported. The site will provide a source of sand for use in the manufacturing operations at the Plasmor block making plant.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Not applicable

(continue on a separate sheet/expand box if necessary)

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Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

N/A

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All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [Redacted] Date: 14 December 2016

Official Use Only Reference Number [Grid]

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	MJCA on behalf of Plasmor Ltd
------------------------	-------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="MJP54"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<input type="checkbox"/> [MJCA are not legal advisors]
2.(2) Sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The allocation of the land at Mill Balk Quarry, Great Heck (reference MJP54) is supported. The site will provide a source of building sand during the plan period.

It is noted that the site information presented for Mill Balk Quarry (reference MJP54) in Appendix A to the Publication draft of the Minerals and Waste Joint Plan states that a key sensitivity for this site is the potential impact on best and most versatile agricultural land. We draw to your attention that the site comprises land previously disturbed by mineral extraction operations and woodland. The site no longer comprises best and most versatile agricultural land.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Not applicable

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

N/A

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [Redacted] Date: 14 December 2016

Official Use Only Reference Number [Grid]

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	MJCA on behalf of Plasmor Ltd
------------------------	-------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	<input type="text" value="M13"/>	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	----------------------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="text"/>	No	<input type="text"/>	[MJCA are not legal advisors]
2.(2) Sound	Yes	<input checked="" type="text" value="x"/>	No	<input type="text"/>	

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Justified</i>	Yes	<input checked="" type="text" value="x"/>	No	<input type="text"/>
<i>Effective</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Consistent with National Policy</i>	Yes	<input type="text"/>	No	<input type="text"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="text" value="x"/>	No	<input type="text"/>
--------------------------------------------	-----	-------------------------------------------	----	----------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The approach to policy M13 is supported.

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Not applicable

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

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No, I do not wish to participate at the oral examination Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

N/A

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [Redacted] Date: 14 December 2016

Official Use Only Reference Number [Grid]

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	MJCA on behalf of Plasmor Ltd
------------------------	-------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	<input type="text" value="M08"/>	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	----------------------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="text"/>	No	<input type="text"/>	[MJCA are not legal advisors]
2.(2) Sound	Yes	<input checked="" type="text" value="x"/>	No	<input type="text"/>	

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Justified</i>	Yes	<input checked="" type="text" value="x"/>	No	<input type="text"/>
<i>Effective</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Consistent with National Policy</i>	Yes	<input type="text"/>	No	<input type="text"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="text" value="x"/>	No	<input type="text"/>
--------------------------------------------	-----	-------------------------------------------	----	----------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The approach to policy M08 is supported.

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Not applicable

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

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N/A

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Signature: [Redacted] Date: 14 December 2016

Official Use Only Reference Number [Grid]

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	MJCA on behalf of Plasmor Ltd
------------------------	-------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	<input type="text" value="W05"/>	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	----------------------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="text"/>	No	<input type="text"/>	[MJCA are not legal advisors]
2.(2) Sound	Yes	<input checked="" type="text" value="x"/>	No	<input type="text"/>	

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Justified</i>	Yes	<input checked="" type="text" value="x"/>	No	<input type="text"/>
----------------------------	-----	----------------------	----	----------------------	------------------	-----	-------------------------------------------	----	----------------------

<i>Effective</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Consistent with National Policy</i>	Yes	<input type="text"/>	No	<input type="text"/>
------------------	-----	----------------------	----	----------------------	----------------------------------------	-----	----------------------	----	----------------------

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="text" value="x"/>	No	<input type="text"/>
--------------------------------------------	-----	-------------------------------------------	----	----------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The approach to policy W05 is supported.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Not applicable

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

N/A

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [Redacted] Date: 14 December 2016

Official Use Only Reference Number [Grid]

Joan Jackson

From: Guy Titman <Guytitman@mjca.co.uk>
Sent: 20 December 2016 12:24
To: mwjointplan
Cc: 'julian.slater@plasmor.co.uk'
Subject: Minerals and Waste Joint Plan - Publication Stage - Response Form
Attachments: PL_MWDFp20439.pdf

Please find attached a completed response form for the Publication Draft Minerals and Waste Joint Plan sent on behalf of Plasmor.

MJCA
Baddesley Colliery Offices
Main Road
Baxterley
Atherstone
Warwickshire
CV9 2LE

Tel: 01827 717891
Fax: 01827 718507
www.mjca.co.uk



Technical advisers on environmental issues

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We extend to all our clients and colleagues our best wishes for a Happy Christmas and a successful New Year.

Our offices will be closed from the afternoon of Friday 23 December 2016 and will reopen at 8.30am on Tuesday 3 January 2017.

An emergency telephone response service will be in operation for 28, 29 and 30 December 2016.

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21 December 2016

RE: SDC representation to the North Yorkshire, York and North York Moors Minerals and Waste Joint Plan - Publication Draft.

Dear Sir/Madam

Thank you for giving Selby District Council the opportunity to comment on the North Yorkshire, York and North York Moors Minerals and Waste Joint Plan Publication Draft.

Selby District Council are in the process of producing PLAN Selby, the sites and policies document to support the adopted Core Strategy. As part of PLAN Selby, we are reviewing the use of key sites including several former collieries. This has allowed us to work closely with landowners to ensure sites are delivered to provide jobs and homes that help meet the objectives of the adopted Core Strategy. Further to you reviewing this representation, we would like to formally invite you to meet with us to discuss our progression with PLAN Selby and the potential impact this may have on the Minerals and Waste Joint Plan.

Prior to sending this formal response, we were given the opportunity to review Barton Willmore's draft response which is being sent on behalf of their client Haworth Estates. It is our understanding that they will be raising an objection the draft plan.

Having reviewed their draft response, we share Barton Wilmore's concerns with regards to the current wording of the policy as it possibly compromises the development of sites such as Olympia Park, Kellingley Colliery and Gascoigne Wood which are all sites of strategic importance to the District.

Whilst we have no objection in principal to the use of safeguarding via buffer zones, we have yet to see the evidence which supports the use of buffer zones at the above mentioned sites.

Policy S03: Waste Management Facility Safeguarding could restrict or impact redevelopment at Kellingley Colliery by applying the 250m buffer. In addition, we would expect existing planning permissions (i.e. the Southmoor Energy Centre) to feature within the draft plan.

Policy S04: Transport Infrastructure Safeguarding could restrict or impact redevelopment at both Olympia Park and Gascoigne Wood by applying the 100m buffer.

We need to be sure that these policies do not preclude beyond minerals and waste uses. As such, we ask that wording is added providing clarification which specifically details that it is not the intention of the policy to restrict forthcoming re-development of these sites outside of the waste and minerals remit.

We would very much like to meet with you to discuss the issues raised above to bring you up to date with the progress made to date on PLAN Selby. If you have any questions, please do not hesitate to contact me on 01757 705101 (Ext:42155).

Yours Faithfully,

Rebecca Raine

Planning Consultant – working on behalf of Selby District Council

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title: Mr	Initial(s): C
Surname: Gibben		
Organisation (if applicable): Middlesbrough Council.		
Address:	Planning Services	
	PO. Box 504, Civic Centre,	
	Middlesbrough	
Post Code: TS1 9FY		
Telephone: 01642 729065		
Email: charlton_gibben@middlesbrough.gov.uk		

Agent contact details (if applicable)

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in separate guidance notes. You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.

A separate Part B form **MUST** be produced for each separate representation you wish to make. After this stage, further submissions will only be at the invitation of the inspector who will conduct an Examination in Public of the Joint Plan, based on the matters they identify during the Examination.

All responses should be returned by 5pm on Wednesday 21st December 2016. Please note that representations cannot be received after this deadline.

Responses can be returned by email to: mwjointplan@northyorks.gov.uk or by post using the address below:

Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

Data Protection:

North Yorkshire County Council, the North York Moors National Park Authority and the City of York Council are registered under the Data Protection Act 1998. For the purposes of the Data Protection Act legislation, your contact details and responses will only be retained for the preparation of the Minerals and Waste Joint Plan. Representations made at Publication stage cannot remain anonymous, but details will only be used in relation to the Minerals and Waste Joint Plan. Your response will be made available to view on the website and as part of the examination.

For official use only:
Respondent Number

Date received Date entered Date acknowledged

19 December 2016

Minerals and Waste Joint Plan,
Planning Service,
North Yorkshire County Council,
County Hall,
Northallerton,
North Yorkshire,
DL7 8BR.

Direct Line: (01642) 729065

Fax: (01642) 729971

Our Ref: CJG/NYMW/DEV1

Your Ref:

When telephoning please ask for :

CHARLTON GIBBEN

Dear Mr Smith,

Minerals and Waste Joint Plan – Publication (November 2016 – December 2016)

Thank you for the opportunity to comment on the above consultation. This is a joint officer response on behalf of the five Tees Valley mineral and waste planning authorities.

The five authorities support the overall aims and objectives of the Publication Minerals and Waste Joint Plan. We also agree that the Joint Plan meets the four tests of soundness, is legally compliant, and complies with duty to co-operate aspects.

In addition, the five authorities wish for their previous joint response (submitted 20 January 2016) made at the Preferred Options Consultation stage, to be taken into account. Furthermore, along with our previous comments, the five authorities wish to include the following as part of their overall response:

The spatial portrait of the plan area recognises that the economy of the Tees Valley is particularly relevant to North Yorkshire as commuter patterns cross into these areas. It also states that population and household growth in adjacent urban areas is also expected to be relatively high and population and economic growth in these areas may have implications for minerals demand in North Yorkshire.

The Local policies and strategies recognises that although only a small part of the Plan area falls within the Tees Valley Local Economic Partnership area, managed by Tees Valley Unlimited, it is still important to consider the influence which economic growth from outside the Plan area may have.

This recognition is particularly important within the Tees Valley as authorities review their development plans, and plan positively for ambitious population and economic growth.

I trust that our previous submitted response and the above comments will be taken into account, and welcome the opportunity to continue to co-operate during the plan preparation process. Should you have any further queries, please do not hesitate to contact me on 01642 729065 or at planningpolicy@middlesbrough.gov.uk .

Yours sincerely,

[Redacted Signature]

Strategic Policy Manager
Middlesbrough Council

On behalf of:

Darlington, Hartlepool, Redcar & Cleveland, Stockton-on-Tees, and Middlesbrough Borough Councils.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Middlesbrough Council on behalf of the five Tees Valley Authorities
------------------------	---------------------------------------------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No. Policy No. Policies Map

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please see covering letter.

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(continue on a separate sheet/expand box if necessary)

**Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.
After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.**

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [REDACTED]	Date: 21.12.16
-----------------------------------------------------------------------------------	----------------

Official Use Only Reference Number

Joan Jackson

From: Charlton Gibben <Charlton_Gibben@middlesbrough.gov.uk>
Sent: 04 January 2017 11:54
To: mwjointplan
Subject: RE: Minerals and Waste Joint Plan - Publication Tees Valley Joint Response

Dear Joan,

Further to your below email I have spoken to the other Tees Valley Authorities, and we wish for our response to be recorded as five individual local authority responses. This will ensure that each LA will be properly /officially represented and kept informed of developments through the examination directly, rather than relying on one authority acting as a conduit.

In addition, I also need to inform you that there is no longer an organisation called the "Tees Valley Joint Strategy Unit". Furthermore, it should be noted, that Tees Valley Unlimited is the Local Enterprise Partnership (a separate organisation), and should not be used to describe the Local Authorities working together (or, for that matter, the Tees Valley Combined Authority).

I hope the above is of assistance.

Best Regards,
Charlton Gibben,
Senior Planning Policy Officer,
Planning Services,
Middlesbrough Council,
P.O.Box 504,
Civic Centre,
Middlesbrough,
TS1 9FY.

Tel: 01642 729065

From: mwjointplan [mailto:mwjointplan@northyorks.gov.uk]
Sent: 03 January 2017 15:46
To: Charlton Gibben <Charlton_Gibben@middlesbrough.gov.uk>
Subject: FW: Minerals and Waste Joint Plan - Publication Tees Valley Joint Response

Dear Mr Gibben,

You recently provided a response to our Minerals and Waste Joint Plan Publication document, the number we provided to you was for Middlesbrough Council only. The title we have been using to record combined responses from the 5 Tees Valley Authorities has been 'Tees Valley Unlimited – Joint Strategy Unit' is this still correct? If not what title should we use?

Once you have clarified the situation we will provide you with the correct Respondent Number which will cover a joint submission.

Sorry for the confusion.

Regards

Joan Jackson

From: mwjointplan
Sent: 22 December 2016 09:28
To: 'Charlton Gibben'
Subject: RE: Minerals and Waste Joint Plan - Publication Tees Valley Joint Response

Dear Mr Gibben,

Minerals and Waste Joint Plan – Publication

Thank you for your response to the Minerals and Waste Joint Plan Publication Stage.

Please accept this email as confirmation of receipt of your response on behalf of Middlesbrough Council.

Your response has been noted and will be processed. For reference a Respondent Number has been allocated to your response. Your unique Respondent Number is 0077. This can be used to identify your response on the website.

Copies of responses will be made available to view on our website www.northyorks.gov.uk/mwjointplan as soon as possible after the close of consultation.

The next stage in the process will be submission of the Minerals and Waste Joint Plan for Examination in Public. At that time it will be the role of the Inspector to consider the representations received alongside the published plan. As you have responded to this consultation you will be automatically notified when the Plan is submitted.

Yours Sincerely,

Minerals and Waste Joint Plan Team

From: Charlton Gibben [mailto:Charlton_Gibben@middlesbrough.gov.uk]
Sent: 21 December 2016 12:34
To: mwjointplan <mwjointplan@northyorks.gov.uk>
Cc: Wren, Rebecca <Rebecca.Wren@redcar-cleveland.gov.uk>; 'Palmer, Jane (DaNS)' <Jane.Palmer@stockton.gov.uk>; David Nelson <David.Nelson@darlington.gov.uk>; Matthew Clifford <Matthew.Clifford@hartlepool.gov.uk>
Subject: Minerals and Waste Joint Plan - Publication Tees Valley Joint Response

Dear Rob,

Please find attached the Tees Valley Authorities response to the above consultation. If you have any queries regarding our response please do not hesitate to contact me by the below telephone number or via email.

Best Regards,
Charlton Gibben,
Senior Planning Policy Officer,
Planning Services,
Middlesbrough Council,
P.O.Box 504,
Civic Centre,
Middlesbrough.

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title: Mr	Initial(s): C
Surname: Gibben		
Organisation (if applicable): Middlesbrough Council.		
Address:	Planning Services	
	PO. Box 504, Civic Centre,	
	Middlesbrough	
Post Code: TS1 9FY		
Telephone: 01642 729065		
Email: charlton_gibben@middlesbrough.gov.uk		

Agent contact details (if applicable)

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

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Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

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For official use only:
Respondent Number

Date received..... Date enteredDate acknowledged.....

19 December 2016

Minerals and Waste Joint Plan,
Planning Service,
North Yorkshire County Council,
County Hall,
Northallerton,
North Yorkshire,
DL7 8BR.

Direct Line: (01642) 729065
Fax: (01642) 729971

Our Ref: CJG/NYMW/DEV1
Your Ref:
When telephoning please ask for :
CHARLTON GIBBEN

Dear Mr Smith,

Minerals and Waste Joint Plan – Publication (November 2016 – December 2016)

Thank you for the opportunity to comment on the above consultation. This is a joint officer response on behalf of the five Tees Valley mineral and waste planning authorities.

The five authorities support the overall aims and objectives of the Publication Minerals and Waste Joint Plan. We also agree that the Joint Plan meets the four tests of soundness, is legally compliant, and complies with duty to co-operate aspects.

In addition, the five authorities wish for their previous joint response (submitted 20 January 2016) made at the Preferred Options Consultation stage, to be taken into account. Furthermore, along with our previous comments, the five authorities wish to include the following as part of their overall response:

The spatial portrait of the plan area recognises that the economy of the Tees Valley is particularly relevant to North Yorkshire as commuter patterns cross into these areas. It also states that population and household growth in adjacent urban areas is also expected to be relatively high and population and economic growth in these areas may have implications for minerals demand in North Yorkshire.

The Local policies and strategies recognises that although only a small part of the Plan area falls within the Tees Valley Local Economic Partnership area, managed by Tees Valley Unlimited, it is still important to consider the influence which economic growth from outside the Plan area may have.

This recognition is particularly important within the Tees Valley as authorities review their development plans, and plan positively for ambitious population and economic growth.

I trust that our previous submitted response and the above comments will be taken into account, and welcome the opportunity to continue to co-operate during the plan preparation process. Should you have any further queries, please do not hesitate to contact me on 01642 729065 or at planningpolicy@middlesbrough.gov.uk .

Yours sincerely,


Strategic Policy Manager
Middlesbrough Council

On behalf of:

Darlington, Hartlepool, Redcar & Cleveland, Stockton-on-Tees, and Middlesbrough Borough Councils.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Middlesbrough Council on behalf of the five Tees Valley Authorities
------------------------	---------------------------------------------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please see covering letter.

(continue on a separate sheet/expand box if necessary)

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title: Mr	Initial(s): J
Surname: McKewon		
Organisation (if applicable): Durham County Council		
Address:	Spatial Policy Team, Regeneration and Local Services	
	Durham County Council	
	County Hall	
Post Code: DH1 5UQ		
Telephone: 03000 263 403		
Email: Jason.mckewon@durham.gov.uk		

Agent contact details (if applicable)

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in separate guidance notes. You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.

A separate Part B form **MUST** be produced for each separate representation you wish to make. After this stage, further submissions will only be at the invitation of the inspector who will conduct an Examination in Public of the Joint Plan, based on the matters they identify during the Examination.

All responses should be returned by 5pm on Wednesday 21st December 2016. Please note that representations cannot be received after this deadline.

Responses can be returned by email to: mwjointplan@northyorks.gov.uk or by post using the address below:

Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

Data Protection:

North Yorkshire County Council, the North York Moors National Park Authority and the City of York Council are registered under the Data Protection Act 1998. For the purposes of the Data Protection Act legislation, your contact details and responses will only be retained for the preparation of the Minerals and Waste Joint Plan. Representations made at Publication stage cannot remain anonymous, but details will only be used in relation to the Minerals and Waste Joint Plan. Your response will be made available to view on the website and as part of the examination.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Durham County Council
------------------------	-----------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	<input type="text" value="W02"/>	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	----------------------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Durham County Council supports this key policy which seeks to support proposals for the additional waste management capacity which is needed to achieve an increase in net self-sufficiency in the management of waste to a level equivalent to expected arisings in the Plan area by the end of the plan period.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Durham County Council
------------------------	-----------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	W01 <input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	--------------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Durham County Council supports the overarching policy for waste management and considers that this will help move waste up the waste hierarchy.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Durham County Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="4.1 - 4.2"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	----------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Durham County Council wishes to offer its support to the Joint Plans vision, priorities and its objectives. The Council considers that the vision, priorities and objectives respond effectively to the challenges faced by the area, that they are consistent with national guidance and compatible with the Council's own policy approach through its existing Minerals and Waste Local Plans.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Durham County Council
------------------------	-----------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M03	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="text"/>	No	<input type="text"/>
2.(2) Sound	Yes	<input checked="" type="text"/>	No	<input type="text"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input checked="" type="text"/>	No	<input type="text"/>	<i>Justified</i>	Yes	<input checked="" type="text"/>	No	<input type="text"/>
<i>Effective</i>	Yes	<input checked="" type="text"/>	No	<input type="text"/>	<i>Consistent with National Policy</i>	Yes	<input checked="" type="text"/>	No	<input type="text"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="text"/>	No	<input type="text"/>
--------------------------------------------	-----	---------------------------------	----	----------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Durham County Council supports the establishment of both southern and northern facing distribution areas for sand and gravel. These distribution areas reflect the reality of the principal markets that North Yorkshire's quarries have traditionally served. In this regard there is a similar situation in the North East of England whereby Durham County Council also supplies significant quantities of aggregate into both the Tyne and Wear conurbation to the north and the Tees Valley conurbation to the south.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Not applicable.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Not applicable.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: 

Date: 15 December 2016

Official Use Only Reference Number



Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Durham County Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M02	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Durham County Council supports the scale of provision of sand and gravel proposed. This will enable the joint plan authorities to maintain a steady and adequate supply of sand and gravel to meet the joint plan area's own needs whilst also making a contribution to the needs of adjoining areas including both West Yorkshire and the Tees Valley which cannot meet its own needs.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Durham County Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph/No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M04	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Durham County Council supports the preferred policy approach. In particular, the Council supports the continuation of a northern facing sand and gravel landbank. This comment is based upon the fact that both Durham County Council and North Yorkshire County Council as adjoining mineral planning authorities have a role and responsibility in helping to assist the Tees Valley area which whilst being a major consumer of sand and gravel has produced no sand and gravel since 2012 and only limited quantities prior to 2012.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Durham County Council
------------------------	-----------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="2.87 - 2.90"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

In respect of the duty to cooperate the Localism Act requires local planning authorities to consult and engage with other councils in the preparation of their Local Plans. Throughout the plan making process in accordance with the duty to cooperate the joint plan authorities have engaged constructively, actively and on an ongoing basis with Durham County Council. We consider in respect of Durham County Council that the duty to cooperate has been fulfilled by the joint plan authorities.

mwjointplan

From: McCluskie, Helen <Helen.McCluskie@Doncaster.Gov.Uk>
Sent: 28 November 2016 14:18
To: mwjointplan
Cc: Johnson, Jeremy; Ward, Nicola (Planning)
Subject: RE: Minerals and Waste Joint Plan - Publication Stage

Follow Up Flag: Follow up
Flag Status: Flagged

Thanks for the consultation email
Doncaster council does not wish to make a representation regarding legal compliance and soundness.
I can confirm Doncaster has been consulted regularly throughout the process and we support the proposed allocation of the Barnsdale Bar and Went Edge quarry, recycling and waste management sites close to our borough boundary and the approach as proposed in the Joint Plan.

Kind regards
Helen McCluskie
Principal Planning Officer
Local Plans Team
Directorate of Regeneration and Environment

Doncaster Metropolitan Borough Council
Civic Office
Waterdale
Doncaster
DN1 3BU

Telephone: 01302 734874

From: Johnson, Jeremy
Sent: 09 November 2016 13:48
To: McCluskie, Helen
Cc: Ward, Nicola (Planning)
Subject: FW: Minerals and Waste Joint Plan - Publication Stage

Helen – I guess that you may have received this directly. Can you respond as needed. J

Jeremy Johnson
Planning Policy Manager (Local Plans)
Directorate of Regeneration and Environment
Civic Office
Waterdale
Doncaster
DN1 3BU

Tel: 01302 734933
Email: jeremy.johnson@doncaster.gov.uk

From: mwjointplan [<mailto:mwjointplan@northyorks.gov.uk>]
Sent: 09 November 2016 13:38

To: mwjointplan

Subject: Minerals and Waste Joint Plan - Publication Stage

Dear Sir/Madam,

Minerals and Waste Joint Plan – Publication

North Yorkshire County Council, City of York Council and the North York Moors National Park Authority are working together to produce a Minerals and Waste Joint Plan covering all three planning authority areas. When finalised the new Joint Plan will help the three authorities take decisions on planning applications for minerals and waste development up to 31 December 2030. A number of public consultations have already taken place to help develop the new Plan, including an 'Issues and Options' consultation in 2014 and a 'Preferred Options' consultation in 2015.

A final draft of the Joint Plan has now been prepared and is being published for a six week period to allow for representations to be made, before it is submitted for examination in public by an independent planning inspector. At this stage only representations relating to the legal compliance and soundness of the Joint Plan are required. More information about this is contained in the guidance notes attached with this email.

The formal publication period commences on **Wednesday 9th November 2016** and will close on **Wednesday 21st December 2016**. All responses must be received by **5pm** on that day. Please note we will be unable to accept responses after this deadline.

The Joint Plan and supporting documents are available to view on the Joint Plan Website: www.northyorks.gov.uk/mwconsult. Paper copies of the Joint Plan and main supporting documents, including a response form and guidance notes, are available to view during normal opening hours at all public libraries in the area covered by the Joint Plan, including mobile libraries and at all main offices of the three Authorities, as well as at District and Borough Council main offices and the National Park Centres.

Please see attached to this email:

- Formal Publication Letter,
- Statement of Representations Procedure,
- Response Form (Part A & Part B) and
- Guidance Notes

For further information about the Minerals and Waste Joint Plan please visit our website: www.northyorks.gov.uk/mwconsult

Yours faithfully

Minerals and Waste Joint Plan Team

On behalf of:

North Yorkshire County Council, City of York Council and North York Moors National Park Authority

This email has been sent on behalf of North Yorkshire County Council (NYCC), City of York Council (CYC) and North York Moors National Park Authority (NYMNP).

WARNING

Any opinions or statements expressed in this e-mail are those of the individual and not necessarily those of NYCC, CYC or NYMNP.

This e-mail and any files transmitted with it are confidential and solely for the use of the intended recipient. If you receive this in error, please do not disclose any information to anyone, notify the sender at the above address and then destroy all copies.

NYCC, CYC or NYMNPA computer systems and communications may be monitored to ensure effective operation of the system and for other lawful purposes. All GCSX traffic may be subject to recording and/or monitoring in accordance with relevant legislation.

Although we have endeavoured to ensure that this e-mail and any attachments are free from any virus we would advise you to take any necessary steps to ensure that they are actually virus free.

If you receive an automatic response stating that the recipient is away from the office and you wish to request information under either the Freedom of Information Act, the Data Protection Act or the Environmental Information Regulations please forward your request by e-mail to the Data Management Team (datamanagement.officer@northyorks.gov.uk) who will process your request.

North Yorkshire County Council

City of York Council

North York Moors National Park Authority

Our ref:
Your ref:

Highways Agency
Network Strategy (YH)
3rd Floor Tees Wing
Lateral
8 City Walk
Leeds
LS11 9AT

Business Reply Service
Joint Minerals and Waste Plan
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8BR

Direct Line: 0113 2835497

For the attention of: Planning Manager

16 December 2016

Dear Sir / Madam

CITY OF YORK COUNCIL, NORTH YORKSHIRE COUNTY COUNCIL AND NORTH YORK MOORS NATIONAL PARK MINERALS AND WASTE JOINT PLAN PUBLICATION DRAFT (NOVEMBER 2016)

Highways England welcomes the opportunity to provide comments on the Publication Draft of the North Yorkshire Minerals and Waste Joint Plan (the Plan) for the City of York Council, North Yorkshire County Council and North York Moors National Park. We have previously provided comments on the Joint Plan Issues and Options and earlier drafts including the Core Strategy Issues Paper and Waste Core Strategy First Consultation. This letter provides a summary of our response, whilst further detailed comment on the preferred policies has been provided in the accompanying policy schedule. In addition a site appraisal technical note has been produced to accompany our response, which provides a broad consideration of the site allocations.

The Strategic Road Network in the Joint Plan Area

The Strategic Road Network (SRN) within the joint plan area comprises of the following routes:

- The **A64(T)** provides a southwest-northeast link through the county connecting York with Scarborough and the A1 northeast of Leeds.
- The **A1(M)** provides a north-south link through the county ultimately connecting the south of England with the Scottish border.
- The **A66(T)** links the A1(M) to the northeast coast.
- The **A168(T)** links the A1(M) to the A19 east of Ripon.
- The **A19(T)** provides a north-south link from the A1(M) to Middlesbrough.
- The **M62** which provides an east-west link through the south of the county. The M62 links the county with Leeds, Manchester and Liverpool.

Background

Highways England was generally supportive of the North Yorkshire County Council Minerals Issues Paper particularly with regards to ensuring transport infrastructure is available, especially via more sustainable means of transport. Similarly, in response to the Waste Core Strategy we considered that there were a number of issues in relation to waste transportation that were particularly important when developing a strategy for waste management and transportation in the County. As referred to in response to the Minerals Issues Paper, we were supportive of maximising the use of sustainable transport infrastructure for the transportation of waste, where feasible, as this would help to reduce the impacts on both the local and strategic road networks. We also stated that this should be an important

consideration when identifying appropriate sites for new facilities along with the principle that waste should be managed near where it arises, which again can help to reduce the need to transport waste over longer distances that are more likely to use the Strategic Road Network (SRN).

Highways England most recently responded to the Joint Plan Preferred Options in November 2015. We were generally supportive of the Plan and welcomed that the option to identify specific sites for allocation in the Plan had been taken forward as we considered that this approach would provide the greatest degree of certainty as to where future development would take place, enabling the potential traffic impacts of sites to be assessed both from an individual and cumulative perspective, along with the requirements for any new or improved transport infrastructure required to support sites and mitigate their impact on existing transport infrastructure.

We welcomed the intentions for waste management, which was considered to be in line with National planning policy, encouraging the management of waste in proximity to where it arises, and seeking to increase self-sufficiency to help facilitate a reduction in the need to transport waste out with the authority, which could create traffic movements that would need to utilise the SRN.

We maintained our support for the safeguarding of existing transport infrastructure, such as railheads, rail links and wharves which could be utilised in the future to support new facilities or enable a modal shift to more sustainable transport, which could help to reduce transportation via the road network and in particular the SRN for more strategic movements. We were also particularly supportive of Policy D03: Transport of minerals and waste and associated traffic impacts and the prioritisation of minerals and waste transportation via alternatives to utilising the highway network, and the policy provisions that would ensure sufficient capacity should be available in a transport network to accommodate the additional level of traffic generated by the Plans development proposals. We also supported the requirement to implement highway improvements where adverse impacts would require mitigation and welcomed the requirement to provide a transport assessment to support proposals had been included in the policy.

In the accompanying technical note we considered the suitability of the Joint Plan Traffic Assessment that supported the Plan and assessed the traffic impacts of sites being considered for allocation. We considered that the level of traffic generated individually at each of the sites was unlikely to be of concern to Highways England in capacity terms. The cumulative impact of the various sites had been considered and it was accepted that these were generally limited. However, it was noted that should there be any cumulative issues these could be controlled through appropriate planning conditions. It was also noted that there is a potential highway safety issue associated with the sub-standard merge and diverge on the northbound A1 Junction with B6474 and therefore additional HGVs at this location could represent a highway safety issue that would need further consideration.

Joint Plan Publication Draft Summary

On the whole Highways England is generally supportive of the policies within the Joint Plan and in our consideration of the potential impact of sites on the SRN, the proposed daily traffic levels at each of the sites is still unlikely to cause us concern in terms of capacity. A small number of sites may present an issue particularly at peak times due to the proposed number of HGV movements expected. However, it is considered that these could be resolved as and when the sites come forward through the planning process utilising conditions to limit HGV movements during the peak periods.

We also consider that it is unlikely that the cumulative impact of these sites will present an issue at any particular SRN junction as the sites are utilising a number of different junctions on various parts of the SRN. There are several sand and gravel sites where HGVs are likely

to access the A1M at Mid Catterick and Leeming Bar but most are some distance from the network.

It should be noted that site MJP21 Killerby has the potential to be of concern where 34 HGV movements may use the Mid Catterick junction each hour. Combined with site MJP33 there is the potential for a combined impact of 47 HGV movements per hour at this location in addition to a number of light vehicle movements. However, we again consider that any concerns can be considered through the planning process when detailed trip generations and distributions can be considered.

Therefore, to conclude Highways England considers that the Joint Plan is sound when considered against the tests of being positively prepared, justified, effective, and consistent with national policy.

I trust this response is helpful, however should you require any further information, please do not hesitate to contact me and I look forward to receiving confirmation that our comments have been received in due course.

Yours sincerely

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CITY OF YORK COUNCIL, NORTH YORKSHIRE COUNTY COUNCIL AND NORTH YORK MOORS NATIONAL PARK MINERALS AND WASTE JOINT PLAN PUBLICATION DRAFT (NOVEMBER 2016)

The table below details Highways England's response to the individual policies of the Publication Draft Minerals and Waste Joint Plan

POLICY	JOINT PLAN ISSUES AND OPTIONS CONSULTATION RESPONSE
<p>Vision</p> <p>Over the period to 31 December 2030 the Plan area will move towards the more sustainable provision of minerals and waste infrastructure and services, maintaining a careful balance between meeting future needs whilst protecting and enhancing the Plan area's environment, protecting and supporting its communities and strengthening its economy.</p> <p><u>Delivering Sustainable Waste Management</u></p> <p>i. Less waste will be generated and the Plan area will have moved substantially closer to a zero waste economy, with more waste being used as a resource and disposal of waste arising in the Plan area only taking place as a last resort. National and local targets for recycling and diversion of waste will, as a minimum, have been met and, where practicable, exceeded. Important waste management infrastructure will have been safeguarded for the future and the Plan area will have delivered sufficient waste management capacity to meet needs equivalent to waste arising in North Yorkshire and the City of York, with waste only being exported out of the Plan area where necessary or more sustainable.</p> <p><u>Achieving the Efficient Use of Minerals Resources</u></p> <p>ii. Whilst maximising the use of alternatives to primary minerals, the provision of an adequate and steady supply of minerals will have been maintained, recognising the important role the Plan area has in the supply of a range of minerals and in particular recognising the area's role in aggregates provision in the Yorkshire and Humber area and the adjacent North East region. Provision will have also reflected the importance of using local minerals to help to maintain and improve the quality of the area's built environment. Important minerals resources and minerals supply infrastructure will have been safeguarded effectively for the future.</p> <p><u>Optimising the Spatial Distribution of Minerals and Waste Development</u></p> <p>iii. Where geological, environmental and infrastructure considerations allow, opportunities to ensure a good match between locations of minerals supply and demand will have been taken, and appropriately located mineral workings will also be playing a role as locations for the re-use and/or recycling of construction and demolition and excavation waste.</p> <p>iv. For both minerals and waste development, an adequate network of suitably scaled and sustainably located facilities will have been delivered in order to meet requirements identified in the Joint Plan and the distribution of these will reflect the availability of adequate transportation networks, any opportunities for modal shift and the benefits of</p>	<p>Highways England generally supports the vision particularly the aspects of Part i and ii which seek to safeguard infrastructure for waste management, minerals resources and minerals supply. We previously stated that this could be strengthened by making specific reference to specific infrastructure such as railheads, wharves and pipelines, but note that this has not been included and would therefore wish to reiterate this point.</p> <p>We are also particularly supportive of Part iv and its pursuit for both minerals and waste development to be sustainably located, and the intention to encouraging a modal shift to more sustainable means of transport. Part iv also seeks to minimise the overall distance waste and minerals are transported, reducing the distance between the beginning and end users. This is also sought in Part v with the aim to manage waste in both urban and rural areas as near to where it arises as practical and to co-locate new waste facilities with complementary industries, businesses and producers or users of waste. We are particularly supportive of these principles as they would help to reduce the amount traffic associated with minerals and waste developments on the road network and in particularly the Strategic Road Network (SRN) and ensure the safe and efficient operation of the network is maintained.</p>

<p>minimising the overall distance waste and minerals are transported.</p> <p>v. Waste arising in both urban and rural areas will be managed as near to where it arises as practicable, appropriate to the waste stream and scale of arisings, through a network of facilities accessible to local communities and businesses. New waste facilities in both urban and rural locations will, where practicable, have been co-located with complementary industries, businesses and producers or users of waste, in order to maximise the overall efficiency of waste management and the delivery of wider benefits to local businesses and the economy, including from the generation of heat and power through the recovery of waste.</p> <p>vi. In identifying appropriate locations for the delivery of both minerals and waste development the distinguished natural, historic and cultural environment and unique and special landscapes of the Plan area will have been protected, with particular protection afforded to the North York Moors National Park, the Areas of Outstanding Natural Beauty, the historic City of York and the World Heritage Site at Fountains Abbey/Studley Royal</p> <p><u>Protecting and Enhancing the Environment, Supporting Communities and Businesses and Mitigating and Adapting to Climate Change</u></p> <p>vii. Minerals and waste development will be taking place in accordance with the highest practicable standards of design, operation and mitigation throughout the life of the development in order to ensure that the amenity and health of local communities, the sustainability of local businesses and the high-quality environment of the Plan area are given robust protection, including from any adverse cumulative impacts arising from development of shale gas resources. Liaison between developers and local communities, businesses, regulators and landowners will have been key in delivering this.</p> <p>viii. Improved efficiency in energy and resource use, including increased use of alternatives to primary minerals and appropriate design and mitigation to address effects on, and from, climate change, including reducing the carbon footprint associated with minerals and waste and reducing flooding will have occurred, and a high standard of reclamation and afteruse of minerals and waste sites will be being delivered, providing a range of benefits for local communities and the environment of the area, including connecting local access and enhancing biodiversity and ecological networks at a landscape scale where practicable, as well as protecting and restoring high quality agricultural land.</p>	
<p>Objectives</p> <p>1. Encouraging the management of waste further up the hierarchy.</p> <p>2. Making adequate provision for the waste management capacity needed to manage waste arising within the sub-region and safeguarding important waste</p>	<p>Highways England is generally supportive of the objectives for the Plan, and in particular Objective 3 and its intention to safeguard minerals infrastructure, including transport infrastructure such as railheads and</p>

<ol style="list-style-type: none"> 3. Safeguarding important minerals resources and minerals infrastructure for the future. 4. Prioritising the long-term conservation of minerals through facilitating provision of sustainable alternatives to primary minerals extraction, including increasing the re-use and recycling of minerals and the use of secondary aggregates. 5. Planning for the steady and adequate supply of the minerals needed to contribute to local and wider economic growth, built development, quality of life, local distinctiveness and energy requirements, within the principles of sustainable development. 6. Identifying suitable locations for the extraction and recycling of minerals, the production of secondary aggregate, key minerals supply and transport infrastructure and the management of waste. 7. Seeking a good match between locations for waste management infrastructure and the places where waste arises, and between locations for mineral working and minerals supply infrastructure and the places where minerals and mineral products are used, in order to minimise the overall need for transport. 8. Promoting the use of alternatives to road transport and ensuring that new development is served by suitable transport networks. 9. Protecting and where appropriate enhancing the natural and historic environment, landscapes and tranquil areas of the Plan area. 10. Protecting local communities, businesses and visitors from the impacts of minerals and waste development, including transport. 11. Encouraging the sustainable design and operation of minerals and waste development activity, including using opportunities arising from minerals and waste development and reclamation activity to mitigate and adapt to climate change. 12. Delivering benefits for biodiversity, geodiversity, recreation and public access and other green infrastructure through reclamation of minerals workings. 	<p>wharfs, which support more sustainable means of transportation.</p> <p>We are also generally supportive of Objectives 6 to 8, which focus on optimising the spatial distribution of minerals and waste development. Objective 6 states that appropriate sites or areas for future minerals works, waste management and transport infrastructure should be identified and allocated, which Highways England supports as this helps to ensure that the traffic impacts of development and requirements for supporting transport infrastructure can be assessed upfront as part of the plan making process, rather than taking a reactive approach purely through the development management process.</p> <p>Objective 7 seeks to develop a locational policy which encourages new waste management infrastructure in locations as near as practicable to existing sources and expected patterns of growth along with co-locating waste facilities, where practicable, with complementary industries, businesses and producers or end users of waste. As stated above in relation to Part iv and v of the Vision, we are particularly supportive of the principle of minimising the overall distance of travel as it should help to reduce the amount of traffic associated with minerals and waste developments utilising the SRN.</p> <p>Again, we are particularly supportive of Objective 8 and its intention to promote the use of alternatives to road transportation, locating new development where sustainable transport modes such as rail and water and the use of pipelines can be utilised.</p> <p>Finally, we are also particularly supportive of Objective 10 and its intention to protect local communities, businesses and visitors from the impacts of minerals and waste development, including associated impacts such as from minerals and waste transportation.</p>
<p>Policy M01: Broad geographical approach to supply of aggregates</p> <p>The 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:</p> <p>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</p>	

<p>rock from the site will not compromise the high quality reclamation and afteruse of the site.</p> <p>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, enhanced mitigation and higher-quality site reclamation compared with that required by the existing permissions/. Where proposals are considered to comprise major development the test for major development in Policy D04 will also need to be satisfied.</p> <p>3) In the City of York area, the small scale extraction of sand and gravel where this is consistent with safeguarding the historic character and setting of the City.</p>	<p>distanced strategic movements.</p>
<p>Policy M02: Provision of sand and gravel</p> <p>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.</p> <p>Additional provision shall be made, through a mid-term review of provision in the Plan, if necessary 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.</p>	<p>Highways England have no specific comment on the overall provision of sand and gravel required within the Joint Plan area.</p>
<p>Policy M03: Overall distribution of sand and gravel provision</p> <p>Overall provision of sand and gravel will be allocated in the following proportions:</p> <ul style="list-style-type: none"> • Concreting sand and gravel (Southwards distribution area): 50% • Concreting sand and gravel (Northwards distribution area): 45% • Building sand: 5% <p>If it is not practicable to make overall provision in accordance with this ratio, through grant of permission on allocated sites, provision for concreting sand and gravel shall be made across both areas in combination.</p>	<p>Highways England have no specific comment on the overall distribution of sand and gravel provisions within the Joint Plan area and is more concerned with the potential individual and cumulative impact of specific sites on the operation of the SRN and the requirements for mitigation either physical or from a demand management perspective.</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>Highways England have no specific comment on the need for landbanks in relation to sand and gravel requirements within the Joint Plan area.</p>
<p>Policy M05: Provision of crushed rock</p>	

<p>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 Magnesian 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 Magnesian Limestone, at 31 December 2030 based on an annual rate of provision to be determined through the review.</p>	<p>Highways England have no specific comment on the overall provision of crushed rock required within the Joint Plan area.</p>
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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 Magnesian Limestone 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.

Highways England have no specific comment on the need for landbanks in relation to crushed rock requirements within the Joint Plan area.

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 Joint 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)
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 Pennycroft and Thorneyfields, Ripon (MJP14)
A Preferred Area on land at Oaklands (MJP07)
Proposals for development of these sites will be required to take account of the key

Highways England previously had a preference for Option 1 and the identification of specific site allocations for sand and gravel where possible. This option provided the greatest degree of certainty as to where future development could take place and was in line with national policy.

We considered that by taking this approach it would be possible to identify the most sustainably accessible sites, and enable the potential traffic impacts of sites to be assessed both from an individual and cumulative perspective, along with any new or improved transport infrastructure that could be required in order to sustainably deliver the Plan's mineral related development requirements and mitigate its impact on the operation of the SRN.

We also previously stated our support for a criteria based policy and that this should encourage both a modal shift to more sustainable methods of transport where feasible, again to ensure that sites associated with the authority's sand and gravel requirement will not impact on the SRN.

We therefore welcome that the policy identifies specific sites and cross references to Appendix 1 which identifies the key sensitivities.

<p>sensitivities and incorporate the necessary mitigation measures that are set out in Appendix 1.</p> <p>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 in the southwards distribution area and the need cannot be met through development of allocated sites or preferred areas. Permission will not be granted for development within these Areas of Search prior to 2025, unless there is a need for the earlier release of further reserves in order to maintain an adequate landbank or there is a shortfall in production capacity in the southwards distribution area requiring the release of additional sites for working.</p>	<p>requirements and mitigation that development proposals need to be consider in order to deliver development at the identified sites. Further consideration has been given to these sites and requirements in the accompanying technical note. This identifies that the majority of sites do not represent any particular concern, with the exception of MJP21: Land at Killebby, which has the potential to generate concerning peak period traffic levels. However, it is expected that this can be mitigated through the planning process.</p>
<p>Policy M08: Meeting building sand requirements</p> <p>Requirements for building sand will be met through existing permissions and the grant of permission on sites allocated in the Joint Plan for working.</p> <p>Building sand allocations:</p> <ul style="list-style-type: none"> 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>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>Highways England previously had a preference for Option 1 and the identification of specific site allocations for sand and gravel where possible. This option provided the greatest degree of certainty as to where future development could take place and was in line with national policy.</p> <p>We considered that by taking this approach it would be possible to identify the most sustainably accessible sites, and enable the potential traffic impacts of sites to be assessed both from an individual and cumulative perspective, along with any <u>new</u> or improved transport infrastructure that could be required in order to sustainably deliver the Plan's mineral related development requirements and mitigate its impact on the operation of the SRN.</p> <p>We also previously stated our support for a criteria based policy and that this should encourage both a modal shift to more sustainable methods of transport where feasible, again to ensure that sites associated with the authority's building sand requirement will not impact on the SRN.</p> <p>We therefore welcome that the policy identifies specific sites and cross references to Appendix 1 which identifies the key sensitivities, requirements and mitigation that development proposals need to be consider in order to deliver development at the identified sites. Further consideration has been given to these sites and requirements in the accompanying technical note, which identifies that we do not consider them to present any particular concern in terms of impact on the</p>

	network.
<p>Policy M09: Meeting crushed rock requirements</p> <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 Joint Plan for working.</p> <p>Magnesian Limestone allocations:</p> <p>Part 1) Allocations required in order to meet requirements during the Plan period:</p> <p>Land at Jackdaw Crag South, Stutton (MJP23)</p> <p>Land at Barnsdale Bar Quarry (MJP28)</p> <p>Land at Went Edge Quarry, Kirk Smeaton (MJP29)</p> <p>Part 2) Allocations required to contribute to maintaining an adequate landbank at 31 December 2030:</p> <p>Land at Gebdykes Quarry (MJP11)</p> <p>Land at Polgate Quarry (MJP10)</p> <p>Maintenance of supply of crushed rock is also supported through the identification of allocated sites at:</p> <p>Land at Settrington Quarry (MJP08) (Jurassic Limestone)</p> <p>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>	<p>Highways England previously had a preference for Option 1 and the identification of specific site allocations for sand and gravel where possible. This option provided the greatest degree of certainty as to where future development could take place and was in line with national policy.</p> <p>We considered that by taking this approach it would be possible to identify the most sustainably accessible sites, and enable the potential traffic impacts of sites to be assessed both from an individual and cumulative perspective, along with any new or improved transport infrastructure that could be required in order to sustainably deliver the Plan's mineral related development requirements and mitigate its impact on the operation of the SRN.</p> <p>We also previously stated our support for a criteria based policy and that this should encourage both a modal shift to more sustainable methods of transport where feasible, again to ensure that sites associated with the authority's crushed rock requirement will not impact on the SRN.</p> <p>We therefore welcome that the policy identifies specific sites and cross references to Appendix 1 which identifies the key sensitivities, requirements and mitigation that development proposals need to be consider in order to deliver development at the identified sites. Further consideration has been given to these sites and requirements in the accompanying technical note, which identifies that we do not consider them to present any particular concern in terms of impact on the network.</p>
<p>Policy M10: Unallocated extensions to existing quarries</p> <p>Proposals for extensions to minerals extraction sites on land not allocated for working in the Joint Plan will be permitted subject to the following criteria:</p> <p>i) If the site is in the National Park or an AONB, the requirements for major development in Policy D04 are complied with;</p> <p>ii) The development would not compromise overall delivery of the strategy for the sustainable supply and use of minerals, including encouraging the use of alternatives to primary minerals;</p>	<p>Highways England has no significant concerns with this policy and welcomes the inclusion of the criteria iii) to ensure development is consistent with the Joint Plans development management policies, which should ensure appropriate consideration is given to any consequential changes to trip generation and the potential implications for supporting transport infrastructure.</p>

<p>ii) The development would be consistent with the development management policies in the Joint Plan.</p>	
<p>Policy M11: Supply of alternatives to land-won primary aggregates <i>Policy not of relevance to Highways England – policy wording not repeated verbatim here.</i></p>	<p>No Comment</p>
<p>Policy M12: Continuity of supply of silica sand <i>Policy not of relevance to Highways England – policy wording not repeated verbatim here.</i></p>	<p>No Comment</p>
<p>Policy M13: Continuity of supply of clay</p> <p>1) The provision of sufficient permitted reserves of clay to provide a 25 year supply for existing manufacturing operations at Aine Brickworks and Plasmor Blockworks, Great Heck, is supported as follows:</p> <p>i) Allocation required in order to meet requirements during the Plan period: Land to north of Hemingbrough clay pit (MJP45)</p> <p>ii) Allocation potentially required to contribute to maintaining longer term supply for Plasmor Blockworks:</p> <p>A Preferred Area on land adjacent to former Escrick Brickworks (MJP55) Development of reserves within this Preferred Area will only be permitted where it would follow the extraction of reserves within allocation MJP45 or it can be demonstrated that additional reserves are required to maintain an 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>2) Maintaining the supply of clay is also supported through identifying an allocated site for engineering clay at: Land north of Duttons Farm, Upper Poppleton (MJP52)</p> <p>3) Proposals for the development of sites allocated 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>4) Working of unallocated brick clay resources will be permitted where it can be demonstrated that the mineral is needed 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 Joint Plan and subject to compliance with relevant development management policies in the Joint Plan.</p>	<p>Highways England previously had a preference for Option 1 and the identification of specific site allocations for the supply of clay where possible. This option provided the greatest degree of certainty as to where future development could take place and was in line with national policy.</p> <p>We considered that by taking this approach it would be possible to identify the most sustainably accessible sites, and enable the potential traffic impacts of sites to be assessed both from an individual and cumulative perspective, along with any new or improved transport infrastructure that could be required in order to sustainably deliver the Plan's mineral related development requirements and mitigate its impact on the operation of the SRN.</p> <p>We also previously stated our support for a criteria based policy and that this should encourage both a modal shift to more sustainable methods of transport where feasible, again to ensure that sites associated with the authority's crushed rock requirement will not impact on the SRN.</p> <p>We therefore welcome that the policy identifies specific sites and cross references to Appendix 1 which identifies the key sensitivities, requirements and mitigation that development proposals need to be consider in order to deliver development at the identified sites. Further consideration has been given to these sites and requirements in the accompanying technical note, which identifies that we do not consider them to present any particular concern in terms of impact on the network.</p>

<p>Policy M14: Incidental working of clay in association with other minerals <i>Policy not of relevance to Highways England – policy wording not repeated verbatim here.</i></p>	<p>No Comment</p>
<p>Policy M15: Continuity of supply of building stone <i>Policy not of relevance to Highways England – policy wording not repeated verbatim here.</i></p>	<p>No Comment</p>
<p>Policy M16: Key spatial principles for hydrocarbon development <i>Policy not of relevance to Highways England – policy wording not repeated verbatim here.</i></p>	<p>No Comment</p>
<p>Policy M17: Other spatial and locational criteria applying to hydrocarbon development</p> <p>1) Accessibility and transport</p> <p>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:</p> <p>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 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/or traffic routing arrangements; and</p> <p>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</p> <p>c) There are suitable arrangements in place for on-site manoeuvring, parking and loading/unloading.</p> <p>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.</p> <p>iii) Where produced gas needs to be transported to facilities or infrastructure not located at the point of production, 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.</p> <p>2) Cumulative impact</p> <p>i) Hydrocarbon development will be permitted in locations where it would not give rise to</p>	<p>Highways England is supportive of the spatial and locational criteria identified for hydrocarbon related development. In particular we welcome the provisions within part 1, including the need for a Transport Assessment, which needs to demonstrate that capacity in the road network exists and traffic generated by the development would not have any unacceptable adverse impacts or can be satisfactorily mitigated. However, the policy specifically refers to this applying where development would seek direct or indirect access to classified A or B roads. We consider that reference should also be made to the SRN to ensure such development gives appropriate consideration to its impact on the strategic network and any potential mitigation that may be required.</p> <p>With regards to the criteria relating to the consideration of cumulative impacts resulting from hydrocarbon related development, we welcome the inclusion of 2)(ii)a) requiring consideration of associated transport impacts in relation to proposed new well pad sites and to other existing, planned or unrestored well pads, and criterion c) which seeks to ensure that adequate access links to the highway network are available. Again, such considerations should also be made in relation to the SRN as well as the local road network.</p>

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.

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.

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

<p>of lower quality in preference to higher quality.</p> <p>3) Local economy 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.</p> <p>4) Specific local amenity considerations relevant to hydrocarbon development</p> <p>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.</p> <p>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.</p> <p>iii) Proposals involving hydraulic fracturing should be accompanied by an air quality monitoring plan and Health Impact Assessment.</p>	
<p>Policy M18: Other specific criteria applying to hydrocarbon development <i>Policy not of relevance to Highways England – policy wording not repeated verbatim here.</i></p>	<p>No Comment</p>
<p>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:</p> <p>i) The local geological circumstances are suitable;</p> <p>ii) The proposals would not have an unacceptable impact on the quality and availability of ground and surface water resources, on land stability, or on public health and safety;</p> <p>iii) There would be no unacceptable impact on the environment or local communities; and</p> <p>iv) The proposals are consistent with other relevant policies in the Plan.</p>	<p>Highways England has no particular concerns with this policy and is generally supportive of the requirement for the transport of carbon or gas to be via pipeline.</p>

Transport of carbon or gas should be via pipeline with the routing of lines selected to give rise to the least environmental or amenity impact.

Policy M20: Deep coal and disposal of colliery spoil

- 1) Proposals for surface and underground development for the mining of deep coal will be permitted where all the following criteria are met:
 - i) the location, siting and design of the surface development would ensure a high standard of protection for the environment and local communities in line with the development management policies in the Joint Plan;
 - ii) the proposals would enable coal to be transported in a sustainable manner;
 - iii) where located in the Green Belt, the proposals would comply with national policy on Green Belt;
 - iv) 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;
 - v) 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 permitted where they would be consistent with the development management policies in the Joint Plan.
 - 3) Proposals for new spoil disposal facilities will be assessed by reference 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 for new spoil disposal facilities which are located:
- iv) Outside the Green Belt, unless it can be shown that the proposals can be accommodated within the Green Belt 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 communities.

Highways England previously stated that it would be supportive of an option that supports proposals for deep coal and disposal of colliery spoil, where transportation would utilise sustainable modes where possible. We therefore welcome the inclusion of criterion iii) in relation to surface and underground development for deep coal mining, which requires proposals to ensure that coal can be transported in a sustainable manner. Further we welcome the inclusion of criterion v) in relation to proposals for new spoil disposal facilities that seeks to ensure such that spoil can be delivered to such sites utilising sustainable means of transport or transport of spoil can take place without any unacceptable impacts where transportation via road is necessary.

Policy M21: Shallow coal

<p><i>Policy not of relevance to Highways England – policy wording not repeated verbatim here.</i></p>	<p>No Comment</p>
<p>Policy M22: Potash, polyhalite and salt supply</p> <p>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.</p> <p>Proposals for new surface development and infrastructure associated with the existing permitted potash, polyhalite and salt mine sites in the National Park, or their surface expansion, which are not considered to be major development, will be permitted provided they meet the requirements of Policy D11 and Policy 102 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 need for the development.</p> <p>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 permitted where it can be demonstrated that the following criteria are met:</p> <ul style="list-style-type: none"> i) The proposals would not detract from the special qualities of the National Park, taking account of any mitigation measures proposed; 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 disposing of mining waste materials arising from the development are acceptable; and iv) The requirements of Policy 101 for transport and infrastructure have been fully considered. 	<p>Highways England has no particular concerns with this policy and welcomes the inclusion of criteria iv) which requires development proposals to consider the requirements of transport and infrastructure provided in Policy 101.</p>
<p>Policy M23: Supply of gypsum</p> <p><i>Policy not of relevance to Highways England – policy wording not repeated verbatim here.</i></p>	<p>No Comment</p>
<p>Policy M24: Supply of vein minerals</p> <p>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 Joint Plan, having particular regard where relevant to any</p>	<p>Highways England have no particular concerns with this policy and generally welcome the requirement for proposals relating to the extraction of vein minerals, to comply with the Joint Plan's development</p>

<p>impacts on:</p> <ul style="list-style-type: none"> i) important habitats and species; ii) protected landscapes; iii) heritage assets; iv) tourism assets; v) transport infrastructure. 	<p>management policies and to give particular consideration to the impacts on transport infrastructure.</p>
<p>Policy M25: Borrow pits</p> <p>Proposals for borrow pits, where permission is required, will be permitted where the required mineral cannot practically be supplied by secondary or recycled material of appropriate specification from a source in close proximity to the construction project, and; where all the following criteria are met:</p> <ul style="list-style-type: none"> 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. 	<p>Highways England is generally supportive of this policy and the criteria included, which seeks to ensure that borrow pits are located within or adjoining sites where the material is intended for use to reduce significant transport movements, which could utilise the road network, including the SRN.</p>
<p>Policy W01: Moving waste up the waste hierarchy</p> <p>1) Proposals will be permitted where they would contribute to moving waste up the waste hierarchy through:</p> <ul style="list-style-type: none"> 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 to divert waste from landfill. <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 permitted 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 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 at existing permitted landfill sites with remaining void space will be supported in principle, where necessary either:</p> <ul style="list-style-type: none"> (i) to maintain capacity for disposal of residual waste, or; (ii) to achieve the satisfactory restoration of the site. 	<p>Highways England is generally supportive of the policy which seeks to ensure that waste is recovered at the nearest installation, thereby reducing the need for transportation and reducing the consequential impacts of traffic movements.</p>

- 4) Landfill of inert waste will be permitted where it would facilitate:
- 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.

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 specifically to manage waste arising outside the Plan area it will not be permitted 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.

Highways England is generally supportive of the policy which seeks to ensure that waste is recovered at the nearest installation, thereby reducing the need for transportation and reducing the consequential impacts of traffic movements.

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 supported 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 compliance 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 the site locational and identification principles in Policies W10 and W11

Highways England previously had a preference for the identification of specific site allocations for waste management facilities where possible. This option provided the greatest degree of certainty as to where future development could take place and was in line with national policy.

We considered that by taking this approach it would be possible to identify the most sustainably accessible sites, and enable the potential traffic impacts of sites to be assessed both from an individual and cumulative perspective, along with any new or improved transport infrastructure that could be required in order to sustainably deliver the Plan's mineral related development requirements and mitigate its impact on the operation of the SRN.

<p>will be permitted.</p> <p>3) Permitting proposals for:</p> <p>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;</p> <p>b) Improvements to the Household Waste Recycling Centre network.</p> <p>4) Proposals for development at 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>We also previously stated our support for a criteria based policy and that this should encourage both a modal shift to more sustainable methods of transport where feasible, again to ensure that sites associated with the authority's crushed rock requirement will not impact on the SRN.</p> <p>We therefore welcome that the policy identifies specific sites and cross references to Appendix 1 which identifies the key sensitivities, requirements and mitigation that development proposals need to be consider in order to deliver development at the identified sites. Further consideration has been given to these sites and requirements in the accompanying technical note, which identifies that we do not consider them to present any particular concern in terms of impact on the network.</p>
<p>Policy W04: Meeting waste management capacity requirements - Commercial and industrial waste (including hazardous C&I waste)</p> <p>1) Net self-sufficiency in capacity for management of C&I waste will be supported through:</p> <p>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 identification principles in Policies W10 and W11;</p> <p>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;</p> <p>iii) Providing large scale capacity for recovery of energy and anaerobic digestion for C&I waste through a combination of spare capacity within the Allerton Waste Recovery Park facility and the Southmoor Energy Centre (WJP03), 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</p>	<p>Highways England is generally supportive of this policy and the intention to have net self-sufficiency in the capacity for C&I waste management, which should have positive implications in terms of minimising waste transportation, particularly in relation to waste arising from outside of the Plan area.</p>

<p>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 the 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 Knarborough (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>3) 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>Policy W05: Meeting waste management capacity requirements - Construction, Demolition and Excavation waste (including hazardous CD&E waste)</p> <p>1) Net self-sufficiency in capacity for management of CD&E waste will be supported through:</p> <p>i) Permitting proposals which would deliver increased capacity for recycling CD&E waste where the development would be consistent with the site locational and identification principles in Policies W10 and W11;</p> <p>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;</p> <p>iii) Permitting proposals for additional landfill capacity for CD&E waste where it would be consistent with the principles set out in Policy W01 parts 3) and 4);</p> <p>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.</p> <p>2) Provision of capacity for management of CD&E waste is also supported through site allocations for:</p> <p>i) Allocations for recycling of CD&E waste: Land at Potgate Quarry, North Stainley (WJP24)</p>	<p>Highways England is generally supportive of this policy and the intention to have net self-sufficiency in the capacity for CD&E waste management, which should have positive implications in terms of minimising waste transportation, particularly in relation to waste arising from outside of the Plan area.</p>

<p>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 CD&E waste: 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. 3) Proposals for development of the allocated sites for recycling or landfill 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.</p>	
<p>Policy W06: Managing agricultural waste <i>Policy not of relevance to Highways England – policy wording not repeated verbatim here.</i></p>	<p>No Comment</p>
<p>Policy W07: Managing low level (non-nuclear industry) radioactive waste <i>Policy not of relevance to Highways England – policy wording not repeated verbatim here.</i></p>	<p>No Comment</p>
<p>Policy W08: Managing waste water and sewage sludge <i>Policy not of relevance to Highways England – policy wording not repeated verbatim here.</i></p>	<p>No Comment</p>
<p>Policy W09: Managing power station ash and incinerator Bottom Ash <i>Policy not of relevance to Highways England – policy wording not repeated verbatim here.</i></p>	<p>No Comment</p>
<p>Policy W10: Overall locational principles for provision of waste capacity The allocation of sites and determination of planning applications should be consistent with the following principles: 1) Providing new waste management capacity within those parts of the Plan area outside the North York Moors National Park and the Areas of Outstanding Natural</p>	<p>Highways England previously stated that it was supportive of the principles included in Option 2 which would seek sites to be located as close as practicable to the source/s of waste to be dealt with, and that wider strategic facilities should be located where the overall</p>

<p>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.</p> <p>2) Maximising the potential of the existing facility network by 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.</p> <p>3) Supporting proposals for development of waste management capacity at new sites where the site is compatible with 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:</p> <p>a) For new 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 localised needs for 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;</p> <p>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.</p>	<p>transportation impacts would be minimised. We therefore welcome that both of these principles have been incorporated into the policy and will therefore help to reduce the impact of waste transportation.</p>
<p>Policy W11: Waste site identification principles</p> <p>The allocation of sites and determination of planning applications for new waste management facilities should be consistent with the following principles:</p> <p>1) Siting facilities for the preparation or re-use, recycling, transfer and treatment of waste (excluding energy recovery or 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;</p> <p>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 arisings in rural areas, the curtilage of redundant agricultural buildings or other appropriate on-farm locations. Where development of new capacity on greenfield land is necessary then preference will be</p>	<p>Highways England is generally supportive of this policy. We previously stated our preference for Option 2 and the local approach to the siting of waste facilities. Through pursuing this approach and the principles of co-location opportunities where they may arise, we considered that it would help to reduce the need for significant transport of waste over longer distances, which would generally be less likely to therefore impact on the SRN. We also stated that we were particularly supportive of the requirement of Option 2 to ensure that consideration is given to a site's impact on the capacity of transport infrastructure and any cumulative impact from previous waste disposal facilities. We therefore welcome the policy requirement to ensure that in all cases sites will need to be suitable when considered in relation to infrastructure constraints, which specifically includes the capacity of transport infrastructure and any potential cumulative impact from previous waste disposal facilities.</p>

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 building;

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 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 other 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.

Policy I01: Minerals and waste transport infrastructure

1) The development of rail, water, pipeline or conveyor transport infrastructure, or use of Highways England are particularly supportive of this policy which

<p>existing infrastructure, will be encouraged and permitted 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.</p> <p>2) 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.</p> <p>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 Joint 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.</p> <p>3) 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)</p> <p>Proposals for development of this site 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>encourages and supports the transportation of minerals and waste via more sustainable means, including the use of rail, water and pipelines. The prioritisation of alternatives to road transport, particularly where minerals or waste development is located in close proximity to wharf or rail heads, as identified in part 2) of the policy is also particularly supported, and should have a positive impact both on the local road network and on the SRN.</p> <p>It is understood from paragraph 7.7 that this will predominantly involve the re-use of existing inactive and under-used infrastructure as opposed to new wharves and railheads, which we generally support. We also welcome the clarity provided in paragraph 7.8 that minerals and waste development that is located in close proximity to sustainable transport infrastructure, should give consideration to its use as part of a Transport Assessment, in accordance with Policy D03.</p> <p>Part 3) of the policy identifies Land at Barlby Road, Selby (MJP09) as a site for the rail reception, handling and onward distribution of aggregate in order to help secure its long term use for sustainable transportation. We are therefore generally supportive of this intention. Further consideration has been given to this site in the accompanying technical note, which identifies that we do not consider it to present any particular concern in terms of impact on the network given the site is already operational and it is assumed that there will be no Net change in vehicle movements from the existing operation.</p>
<p>Policy 102: Locations for ancillary minerals infrastructure</p> <p>1) Development of ancillary minerals infrastructure at active minerals extraction sites and sites producing secondary aggregate will be permitted provided the following criteria are met:</p> <p>i) 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</p> <p>ii) The development would not have significant additional adverse impact on local communities, businesses or the environment; and</p> <p>iii) The development would not unacceptably increase the overall amount of road transport to or from the host site; and</p> <p>iv) Where the host site is located in the Green Belt the ancillary development is acceptable in accordance with national and local Green Belt policy; and</p> <p>v) The development is linked to the overall life of minerals extraction or supply of</p>	<p>Highways England previously stated a preference for Option 1 which was to include provisions to ensure the process or development relating to ancillary minerals would not significantly increase the overall amount of road transport to and from the site. We therefore welcome the inclusion of criteria 1) ii), which states that development should not unacceptably increase the overall amount of road transport to or from the host site.</p>

<p>secondary aggregate at the host site, unless the location is appropriate to its retention in the longer term.</p> <p>2) Within the City of York area, development of ancillary minerals infrastructure will also be permitted provided the following criteria are met:</p> <p>i) The site would be located on industrial or employment land, previously developed land, or would be co-located with other compatible industrial or commercial development; and</p> <p>ii) The site has good access to the transport network; and</p> <p>iii) The development would not have significant adverse impact on local communities, businesses or the environment including heritage assets.</p> <p>3) 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 mine surface site if developed, or within the Whitby Business Park identified on the Policies Map.</p>	
<p>Policy S01: Safeguarding mineral resources</p>	
<p><i>Policy not of relevance to Highways England – policy wording not repeated verbatim here.</i></p>	<p>No Comment</p>
<p>Policy S02: Developments proposed within Minerals Safeguarding Areas</p>	
<p><i>Policy not of relevance to Highways England – policy wording not repeated verbatim here.</i></p>	<p>No Comment</p>
<p>Policy S03: Waste management facility safeguarding</p>	
<p><i>Policy not of relevance to Highways England – policy wording not repeated verbatim here.</i></p>	<p>No Comment</p>
<p>Policy S04: Transport Infrastructure safeguarding</p> <p>Railheads, rail links and wharves identified on the Policies Map, with a 100m buffer zone, will be safeguarded against development which would prevent or frustrate the use of the infrastructure for minerals or waste transport purposes, unless:</p> <p>i) The need for the alternative development outweighs the benefits of retaining the facility; and</p> <p>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</p> <p>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.</p> <p>Where development, other than exempt development as defined in the Safeguarding Exemption Criteria list, is proposed within an identified buffer zone permission will be</p>	
	<p>Highways England is supportive of this policy and the intentions to safeguard transport infrastructure, which could be utilised in the future to support new facilities or enable a modal shift to more sustainable transport options. This therefore has the potential to support a reduction in the transportation of minerals and waste via the road network and in particular the SRN for more strategic movements.</p>

<p>granted where adequate mitigation can, if necessary, be provided to reduce any impacts from the existing or proposed adjacent minerals or waste transport infrastructure uses to an acceptable level, and the benefits of the proposed use outweigh any safeguarding considerations.</p>	
<p>Policy S05: Minerals ancillary Infrastructure safeguarding</p>	
<p>Minerals ancillary Infrastructure sites identified on the Policies Map, with a 100m buffer zone, will be safeguarded against development which would prevent or frustrate the use of the site for minerals ancillary infrastructure purposes, unless:</p> <ul style="list-style-type: none"> i) The need for the alternative development outweighs the benefits of retaining the site; and ii) Where minerals ancillary infrastructure is in active use on the land, a suitable alternative location can be provided for the displaced infrastructure; or iii) 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>Where development, other than exempt development as defined in the Safeguarding Exemption Criteria list, is proposed within an identified buffer zone permission will be granted where adequate mitigation can, if necessary, be provided to reduce any impacts from the existing or proposed adjacent minerals ancillary infrastructure uses to an acceptable level, and the benefits of the proposed use outweigh any safeguarding considerations.</p>	<p>Highways England is generally supportive of this policy and the intentions to safeguard ancillary Infrastructure.</p>
<p>Policy S06: Consideration of applications In Consultation Areas</p>	
<p><i>Policy not of relevance to Highways England – policy wording not repeated verbatim here.</i></p>	<p>No Comment</p>
<p>Policy D01: Presumption in favour of sustainable minerals and waste development</p>	
<p>waste development</p> <p>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 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.</p> <p>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.</p> <p>Where there are no policies relevant to the application or relevant policies are out of date then the Authority will grant permission unless:</p>	<p>One of the key functions of Highways England is to support and facilitate the delivery of sustainable economic growth and we are therefore supportive of the general principle of taking a positive approach that reflects the presumption in favour of sustainable minerals and waste development as promoted by the National Planning Policy Framework. We are therefore supportive of this policy.</p>

<ul style="list-style-type: none"> • 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 policies relating to 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 Policy D04 of this Joint Plan. 	
<p>Policy D02: Local amenity and cumulative impacts</p>	
<p>1) 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:</p> <ul style="list-style-type: none"> • 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 at a single site and/or as a result of a number of sites operating in the locality <p>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>2) 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.</p>	<p>Highways England have no particular comment but are generally supportive of this policy.</p>

<p>Policy D03: Transport of minerals and waste and associated traffic impacts</p> <p>1) Where practicable minerals and waste movements should utilise alternatives to road transport including rail, water, pipeline or conveyor.</p> <p>Where road transport is necessary, proposals will be permitted where:</p> <ul style="list-style-type: none"> • 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 have an unacceptable impact on local communities, businesses or other users of the highways network, or 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. <p>Where access infrastructure improvements are needed to ensure that the requirements above can be compiled with, information on the nature, timing and delivery of these should be included within the proposals.</p> <p>2) For all proposals generating significant levels of road traffic, a transport assessment and 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.</p>	<p>Highways England previously stated that in relation to the transportation of minerals and waste and the associated traffic that is generated, that its preference was for a combination of Option 1 and Option 3 which were considered to provide the strongest policy direction for prioritising more sustainable non-road transport of minerals and waste. We considered that the addition of the criteria set out in Option 3 would ensure that where proposals would give rise to significant movements on the road network, including the SRN, that appropriate consideration would be given to its potential impact on the network, the ability of the network to support additional capacity and where adverse impacts arise, mitigation of such impacts would be delivered. We also stated that we would welcome the inclusion of the requirement for a transport assessment to be provided in support of proposals. We therefore welcome the inclusion of all these provisions within the policy.</p> <p>We note that the policy includes the requirement that, 'Where access infrastructure improvements are needed to ensure that the requirements above can be compiled with, information on the nature, timing and delivery of these should be included within the proposals'. In line with Circular 02/13: Planning and the Strategic Road Network, Highways England usually considers that any capacity-enhancements, including new or improved infrastructure required to facilitate the delivery of the Plan's development, should be identified upfront during the preparation of the Plan. This provides the best opportunity to consider the Plan's overall development aspirations and potential cumulative impacts that could result from specific sites, and negates the need to consider new proposals for infrastructure improvements at the planning application stage, which doesn't allow for the forward planning of infrastructure, particularly where timing, delivery and funding could affect development viability. However, based on the findings of our accompanying assessment and that there is no identified requirement for any physical works affecting the SRN that the policy approach is sufficiently appropriate.</p>
<p>Policy D04: Development affecting the North York Moors National Park and the AONBs</p> <p><i>Policy not of relevance to Highways England – policy wording not repeated verbatim here.</i></p>	<p>No Comment</p>

Policy D05: Minerals and waste development in the Green Belt	
Policy not of relevance to Highways England – policy wording not repeated verbatim here.	No Comment
Policy D06: Landscape	
Policy not of relevance to Highways England – policy wording not repeated verbatim here.	No Comment
Policy D07: Biodiversity and geodiversity	
Policy not of relevance to Highways England – policy wording not repeated verbatim here.	No Comment
Policy D08: Historic environment	
Policy not of relevance to Highways England – policy wording not repeated verbatim here.	No Comment
Policy D09: Water environment	
Policy not of relevance to Highways England – policy wording not repeated verbatim here.	No Comment
Policy D10: Reclamation and afteruse	
Policy not of relevance to Highways England – policy wording not repeated verbatim here.	No Comment
Policy D11: Sustainable design, construction and operation of development	
Policy not of relevance to Highways England – policy wording not repeated verbatim here.	No Comment
Policy D12: Protection of agricultural land and soils	
Policy not of relevance to Highways England – policy wording not repeated verbatim here.	No Comment
Policy D13 - Consideration of applications in Development High Risk Areas	
Policy not of relevance to Highways England – policy wording not repeated verbatim here.	No Comment

York and North Yorkshire Minerals and Waste Joint Plan

PREPARED FOR: Highways England
PREPARED BY: Katie Dixon
DATE: 16 December 2016
PROJECT NUMBER: AF.16.21 KD01
APPROVED BY: Richard Edwards

1.0 Introduction and Background

This technical note has been prepared in order to provide comments on the suitability of specific site allocations within the '*Minerals and Waste Joint Plan, Publication Draft*' produced by York and North Yorkshire Councils and dated November 2016. The main purpose of the Minerals and Waste Joint Plan [MWJP] is to provide guidance to developers, local communities and other interested parties on where and when minerals and waste development may be expected over the next 15 years, as well as how it will be managed to reduce any adverse impacts and maximise any benefits. (Minerals development includes activities such as mining, quarrying and gas extraction. Waste development includes activities such as waste recycling and the treatment and disposal of waste.) The MWJP will cover the period to 31 December 2030 and the geographical scope of the Joint Plan is the three minerals and waste planning authority areas of North Yorkshire, the City of York and the North York Moors National Park.

Highways England have previously provided comments at consultation stages throughout the development of the MWJP, namely:

- Minerals and Waste Joint Plan Preferred Options (November 2015), including the Joint Plan Traffic Assessment (October 2015)
- Issues and Options Consultation (February 2014)
- Core Strategy First Consultation (May 2013)

Once completed, the MWJP will replace the existing minerals and waste policies held by the 3 authorities.

2.0 Type of Sites

The MWJP includes specific site allocations as well as a number of preferred areas. During preparation of the Minerals and Waste Joint Plan a call for sites was issued so interested parties could indicate land they wanted made available for minerals and waste development for the period to the end of 2030. This resulted in specific site allocations where the grant of planning permission may reasonably be expected subject to submission of an acceptable planning application. In a number of cases Preferred Areas have been identified. These are broader areas within a defined boundary in which it is considered that there is likely to be potential to develop a suitable site, for example in order to meet longer term requirements for a particular mineral, although more detailed environmental and other investigations are likely to be needed before any part of the area could be confirmed as being suitable for

development. They provide an indication of where development may be supported subject to necessary further testing.

Following consultation on the first full draft of the Plan, a number of sites and preferred areas put forward have either been withdrawn by the original submitter, or have not been considered suitable to take forward further. As a result and in order to provide flexibility to help ensure that an adequate supply of sand and gravel can be made available to meet potential requirements Areas of Search for sand and gravel have been identified. These are areas where evidence suggests that suitable resources are likely to be present. They are relatively large areas, whose boundaries are defined with a lesser degree of precision than for specific site allocations or preferred areas, within which developers should direct their more detailed site search activity in order to bring forward additional resources if necessary.

Although CH2M have reviewed proposed site allocations for Highways England previously, this version of the MWJP includes further sites that were submitted since the last consultation. The current version of the MWJP includes a large number of sites, many of which are small operations. For the purpose of this assessment we have considered the larger sites which are more likely to have a traffic impact upon the SRN. In order to discount smaller sites we have made the following assumptions.

- Minerals sites generating under 50 2 way HGV movements per day are unlikely to represent a significant traffic impact for the SRN.
- Assuming a 10 hour working day this represents 5 2 way HGV movements per hour.
- 50% of HGVs arrive empty and 50% leave fully loaded.
- 20 tonne HGV used for transporting minerals.
- Each HGV is associated with an arrival and departure (25 loaded HGVs per day)
- Even distribution of trips throughout each hour of the working day.
- 300 working days per annum results in output of 150,000 tonnes per annum.

As a result of these assumptions we have not assessed any site with a predicted annual output of under 150,000 tonnes. The remaining sites are considered below by type.

3.0 Sand and Gravel Sites

There are 10 allocated sand and gravel sites within the MWJP and an estimate of the annual output is made along with an estimate of daily light and heavy vehicle movements. Four sites have an estimated annual output of under 150,000 tonnes therefore have not been assessed any further. The remaining 6 sites are summarised in Table 3.1 below along with the 2 proposed areas of search.

TECHNICAL MEMORANDUM

Table 3.1: Sand and Gravel Sites (output over 150,000 tonnes per annum)

Site Ref	MJP06	MJP07	MJP33	MJP21	MJP17	MJP14	Area A	Area C
Site Type	Allocated	Allocated	Allocated	Allocated	Allocated	Allocated	Area of Search	Area of Search
Site Location	Langwith Hall Farm, east of Well	Oaklands, near Well	Home Farm, Kirkby Fleetham	Land at Killerby	Land to South of Catterick	Ripon Quarry	Dishforth Area	Brearton
Site Area	43.1ha	44.6ha	114.7ha	213ha	81.52ha	30.22ha	Unknown	Unknown
Tonnes per Annum	500,000	500,000	300,000	650,000	250,000	250,000	N/A	N/A
SRN	A1(M)	A1(M)	A1(M)	A1(M)	A1(M)	A1(M)	A1(M)/A168	A1(M)
First Point of Contact	Leeming Bar	Leeming Bar	Mid Catterick	Mid Catterick	Mid Catterick	A61 J50	Unknown	Unknown
Distance from SRN	10km	10km	3km	3km	2km	12km	Adjacent	12km
2 Way Lorries per day	200	200	128	336	121	150	Unknown	Unknown
2 Way Light Vehicles per day	34	34	21	42	18	16	Unknown	Unknown
Previous Comments	Assumed no Net change in vehicle movements from existing operation.	Assumed no Net change in vehicle movements from existing operation.	Traffic levels assessed appear reasonable and if traffic is distributed evenly it would not be a concern.	Traffic levels are a concern in the peak period. Mitigate through the planning process.	Not raised as a concern. Assumed no traffic impact in TA. Likely to be a replacement for Killerby once reserves are exhausted.	Assumed no Net change in vehicle movements from existing operation.	Consideration of the SRN required when selecting sites.	Consideration of the SRN required when selecting sites.
Concern	No	No	No	Yes	No	No	Potential, large area.	Potential, large area.

3.1 MJP06 Langwith Hall Farm, east of Well

This site is not of concern to Highways England given there are already existing operations which are to be extended, an average of 20 two way HGV trips per hour and the distance from the SRN.

3.2 MJP07 Oaklands, near Well

This site is not of concern to Highways England given there are already existing operations which are to be extended, it is estimated there will be an average of 20 two way HGV trips per hour and the overall distance from the SRN.

3.3 MJP33 Home Farm, Kirkby Fleetham

CH2M have previously assessed this site in January 2016 and found that approximately 12 heavy vehicles per hour would utilise the Mid Catterick junction on the A1(M). It was concluded that the level of traffic appeared reasonable and would not be a concern to Highways England.

3.4 MJP21 Land at Killerby

CH2M have previously assessed this site in January 2016. The review found that the existing junction with the A1 was unsuitable for increased HGV use but that there was a proposal to use the upgraded local access road adjacent to the upgraded A1 and joining the SRN at Mid-Catterick. The traffic information assessed found that 87% of HGVs would travel north along the Local Access Road to the A1 Mid Catterick junction equating to circa 36 vehicles per hour. Although CH2M did not undertake a detailed assessment the estimates appeared reasonable with the traffic levels not of concern to Highways England during the off peak period. Consideration of the impact at peak periods would however be required through the planning process, with HGV movements during peak hours controlled by a condition.

3.5 MJP17 Land to South of Catterick

This site has not previously been raised as a cause for concern by Highways England. It is likely to be a replacement for Killerby once reserves at that site are exhausted and the anticipated traffic levels are not of a level to cause concern on the SRN.

3.6 MJP14 Ripon Quarry

This site is not of concern to Highways England given there are already existing operations which are to be extended, an average of 15 two way HGV trips per hour and the distance from the SRN.

3.7 Area of Search A Dishforth

This Area of Search crosses the A168 near Dishforth. Any sites brought forward in this area would need to consider the impact upon the SRN including the potential for subsidence to ensure the stability of the SRN.

3.8 Area of Search C Brearton

This area of search is further from the SRN to the north of Harrogate so less of a concern to Highways England. However any site brought forward in this area must consider the impact on the SRN as it is brought forward.

4.0 Clay Sites

Three sites have been nominated for consideration for extraction of clay with two sites having an estimated annual output of over 150,000 tonnes. These sites can be seen in **Table 4.1**.

Table 4.1: Clay Sites (output over 150,000 tonnes per annum)

Site Ref	MJP45	MJP55
Site Type	Allocated	Allocated
Site Location	Land to north of Hemingbrough	Land adjacent to former Escrick Brickworks
Site Area	14.31ha	112ha
Tonnes per Annum	200,000	200,000
SRN	M62	A64
First Point of Contact	J37	A64/A19
Distance from SRN	10km	8km
2 Way Lorries	100	100
2 Way Light Vehicles	16	10
Previous Comments	Assumed no Net change in vehicle movements from existing operation.	No traffic expected. The level of traffic is unlikely to be a concern for the SRN
Concern	No	No

4.1 MJP45 Land to the north of Hemingbrough

The site is an existing operation with existing vehicle movements. It is expected there will be no net change in movements and that given the low number of trips and the distance from the network there is no concern to Highways England.

4.2 MJP55 Land adjacent to former Escrick Brickworks

This site involves reopening a closed clay quarry and using the clay at the adjacent brickworks. As such there is not expected to be a traffic impact and the site is of no concern to Highways England.

5.0 Magnesium Limestone, Limestone and Stone Sites

Seven sites have been allocated for the extraction of limestone, magnesium limestone and building stone. Of these three sites have an estimated annual output of under 150,000 tonnes and are therefore do not require further consideration. The sites considered by CH2M are shown in **Table 5.1**.

Table 5.1: Magnesium Limestone Sites (output over 150,000 tonnes per annum)

Site Ref	MJP11	MJP10	MJP29	MJP23
Site Type	Allocated	Allocated	Allocated	Allocated
Site Location	Gebdykes Quarry, near Masham	Potgate Quarry, North Stainley	Went Edge Quarry, Kirk Smeaton	Jackdaw Crag, Shutton
Site Area	27.1ha	19.4ha	3.9ha	6ha

Tonnes per Annum	235,000	235,000	600,000	300,000
SRN	A1(M)	A1(M)	A1	A64
First Point of Contact	J50	J50	A1/Wentedge Road	A64/A659 Tadcaster S
Distance from SRN	18km	12km	2km	Adjacent
2 Way Lorries	64	162	100	334
2 Way Light Vehicles	7	32	6	6
Previous Comments	Assumed a net change in HGV movements of just 16 HGVs over existing uses and additional traffic not a concern for the SRN.	N/A	Assumed no Net change in vehicle movements from existing operation.	Assumed no Net change in vehicle movements from existing operation. (Review of 2015 TA in Jan 2016)
Concern	No	No	No	No

5.1 MJP11 Gebdykes Quarry, near Masham

The site is an existing operation with existing vehicle movements. It is expected there will be a small increase in HGV movements but that overall the number of movements will be low. Given the low number of trips and the distance from the network there is no concern to Highways England.

5.2 MJP10 Potgate Quarry, North Stainley

This site is a proposed extension to an existing operation. Given the relatively low HGV movements expected and the distance from the SRN this location is not of concern to Highways England.

5.3 MJP29 Went Edge Quarry, Kirk Smeaton

The site is an existing operation with existing vehicle movements. It is expected there will be no net change in movements and that given the low number of trips and the distance there is no concern to Highways England.

5.4 MJP23 Jackdaw Crag, Shutton

This is an existing quarry with an extension proposed to extend operations at the site. In January 2016 a review of the supporting TA found that there was unlikely to be an increase in traffic movements above current levels. A planning application for the area (NY/2009/0523/ENV) is currently awaiting determination and traffic on the A64 has been highlighted as a consideration. Highways England would seek to limit any increase in operations above current levels as while there is unlikely to be a significant impact off peak, there could potentially be a peak hour issue at the junction which should be addressed through the planning process.

6.0 Minerals handling and processing sites

Two processing sites are identified within the MWJP and these are summarized in Table 6.1 below.

Table 6.1: Minerals Processing Sites (output over 150,000 tonnes per annum)

Site Ref	MJP09	MJP24
Site Type	Allocated	Allocated
Site Location	Barlby Road, Selby	Darrington Quarry
Site Area	25ha	10.4ha
Tonnes per Annum	170,000	500,000
SRN	M62	A1
First Point of Contact	A19	A1 Darrington
Distance from SRN	15km	2km
2 Way Lorries	120	146
2 Way Light Vehicles	25	100
Previous Comments	Site already operational, assumed no Net change in vehicle movements from existing operation.	Site already operational, assumed no Net change in vehicle movements from existing operation.
Concern	No	No

6.1 MJP09 Barlby Road, Selby

The site is an existing rail and road freight distribution facility including handling facility for aggregates. It is a current operation with existing vehicle movements. Given the distance from the SRN and the low number of HGV movements this is not a concern for Highways England.

6.2 MJP24 Darrington Quarry

The site is a processing plant site and haul road for processing of Magnesian limestone extracted from part of Darrington Quarry. It is an existing operation with existing vehicle movements and does not cause concern to Highways England.

7.0 'Other' Minerals Sites

There are a number of other types of mineral excavation that are identified within the MWJP. These are:

- Recycled and secondary aggregates
- Marine aggregates
- Silica sand
- Hydrocarbons - oil and gas
- Carbon and gas storage
- Coal
- Potash, Polyhalite and Salt
- Gypsum
- Vein minerals
- Borrow pits

While locations these minerals are present are highlighted no specific sites have been identified for any of these categories. It would be the preference of Highways England that sites are identified and allocated at an early stage to ensure feasibility in terms of the SRN and the ability to accommodate the development traffic. However, in the absence of this all planning applications should be supported by

both a Transport Statement / Transport Assessment and a Traffic Management Plan and Highways England will provide comment accordingly.

8.0 Waste Sites

Where waste sites both import and export materials it has been assumed that the same HGVs can both import and export and therefore no vehicles will travel to or from the site empty. Nineteen waste sites are identified within the MWJP and of these thirteen sites have imports (or imports/exports) of under 150,000 tonnes per annum. The remaining six sites are summarized in Table 8.1.

8.1 WJP08 Allerton Park, near Knaresborough

This is an existing site and it is proposed to retain the landfill and associated landfill gas utilisation plant and use of site for growth of energy/biomass crops beyond 2018. The number of HGV movements estimated are low with an average of 7 2way HGV movements an hour. Traffic at this level is unlikely to cause any concern to Highways England.

8.2 WJP06 Land adjacent to former Escrick brickworks, Escrick

It is proposed to import inert waste to this location for use in restoration of the proposed clay extraction under MJP55. The site is not currently operational and thus the 10 light vehicle trips and 100 HGV trips per day would be additional to the network. It should be noted that site MJP55 would generate the same level of traffic as well. The location of the imported inert waste is unknown. Given the sites location it is likely to import waste from Selby and York and therefore there will be limited impact on the SRN and therefore is unlikely to be of concern to Highways England.

8.3 WJP21 Brotherton Quarry, Burton Salmon

This site has permission for import of material to restore the site until 2020. This allocation is for the continuation of the import of inert waste for restoration purposes. This would allow the western part of the quarry to be restored with a potential need for about 400,000 tonnes of inert material to restore the site. The site is already undergoing restoration and given the existing HGV movements it is not expected continuation of restoration will have a significant impact on the SRN.

8.4 WJP03 Southmoor Energy Centre, Former Kellingley Colliery

Planning permission for this facility was granted in February 2015 which considered the proposed level of traffic associated with the site. As such the site was found acceptable.

8.5 WJP25 Former ARBRE Power Station, Eggborough

Planning permission for this Energy Recovery facility with Advanced Thermal Treatment facility was granted in May 2015 which considered the proposed level of traffic associated with the site. As such the site was found acceptable.

8.6 WJP11 Harewood Whin, Rufforth

It is proposed to retain the landfill site beyond 2017 and construct a new waste transfer station. An application for the construction of a Waste Transfer Station (16/00357/FULM) is currently awaiting determination as is an application for the continuation of the landfill site beyond 2017 (16/00534/FULM). The traffic impact of the proposals will be assessed through these applications. However given the proposed traffic movements and the distance from the SRN Highways England do not have any concerns with the site.

Table 8.1: Waste Sites (output over 150,000 tonnes per annum)

Site Ref	WJP08	WJP06	WJP21	WJP03	WJP25	WJP11
Site Type	Allocated	Allocated	Allocated	Allocated	Allocated	Allocated
Site Location	Allerton Park, near Knaresborough	Land adjacent to former brickworks, Escrik	Brotherton Quarry Burton Salmon	Southmoor Energy Centre, Kellingly Colliery	Former ARBRE Power Station, Eggborough	Harewood Whin, Rufforth
Site Function	Waste	Waste Restoration of site	Waste Restoration of site	Energy production from waste	Energy recovery	Waste recycling
Site Area	29ha	112ha	25ha	12.9ha	4.2ha	81.73ha
Tonnes per Annum	237,000	200,000	250,000	280,000	200,000	345,000
SRN	A1(M)	A64	A1(M)	M62	M62	A1(M)
First Point of Contact	J47 A59	A64/A19	A63	J33	J34	J46 / J47
Distance from SRN	3km	8km	5km	6km	3km	15km
2 Way Lorries per day	72	100	112	132	88	160
2 Way Light Vehicles per day	8	10	12	32	84	30
Previous Comments	Site already operational, assumed no net change in vehicle movements from existing operation.	Given the location it is likely to import waste from Selby and York and therefore there will be limited impact on the SRN.	Site already operational, assumed no net change in vehicle movements from existing operation.	Site already granted planning permission and not yet operational.	Site already granted planning permission.	Site already operational, assumed no net change in vehicle movements from existing operation.
Concern	No	No	No	No	No	No

9.0 All Sites

Each allocated and un-allocated site that comes forward for planning permission will be assessed on an individual basis by Highways England. As such, a Transport Statement / Transport Assessment will be required. For the sites where there is potential for a cumulative impact this should be taken into consideration.

A Traffic Management Plan will be required which is likely to require the minimisation of transportation of minerals on the SRN through inclusion of non-road based modes of transportation and potential restrictions upon HGV movements within the network peak hours.

10.0 Summary

This technical note has been prepared in order to provide comments on the suitability of specific site allocations within the *'Minerals and Waste Joint Plan, Publication Draft'* produced by York and North Yorkshire Councils and dated November 2016.

Specific mineral site allocations are proposed for sand & gravel, magnesium limestone, limestone, building rock, clay, minerals processing sites. Specific waste site allocations are also proposed including a number of recycling sites.

The MWJP document has estimated the likely tonnes per annum as an output from each site along with an estimate of heavy and light vehicle movements. The proposed daily traffic levels at each of the sites are unlikely to cause concern to Highways England in terms of capacity. However a small number of sites may present an issue particularly at peak times due to the proposed number of HGV movements expected. It is considered that these could be resolved as and when the sites come forward through the planning process via the attaching conditions to any permission limiting HGV movements during the peak periods.

It is unlikely that the cumulative impact of these sites will present an issue at any particular SRN junction as the sites are utilizing a number of different junctions on various parts of the SRN. There are several sand and gravel sites where HGVs are likely to access the A1M at Mid Catterick and Leeming Bar but most are some distance from the SRN. Of particular concern is site MJP21 Killerby where 34 HGV movements may use the Mid Catterick junction each hour. Combined with site MJP33 there could be a combined impact of 47 HGV movements per hour at this location in addition to a number of light vehicle movements. Any concerns should be considered through the planning process when detailed trip generations and distributions can be considered.

Joan Jackson

From: Jones, Simon <Simon.Jones@highwaysengland.co.uk>
Sent: 16 December 2016 14:11
To: mwjointplan; Rachel Pillar; mwjointplan; Paul N Roberts
Subject: Minerals and Waste Joint Plan - Publication Stage
Attachments: Cover Letter.docx; Joint Plan Publication Review Schedule (Final).docx; Tech Note AF 16 21 KD01 PC Final.docx

Afternoon all

Please find attached the response of Highways England regarding the York, NY and NY National Park Minerals and Waste Joint Plan (consisting of a cover letter, policy review schedule, and site assessment technical note).

Given that we have not identified any serious concerns with the plan, at this stage, there is no objection in principle to raise.

Kindest regards

Simon Jones, Asset Development Manager

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Web: <http://www.highways.gov.uk>

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From: mwjointplan [<mailto:mwjointplan@northyorks.gov.uk>]

Sent: 09 November 2016 13:38

To: mwjointplan

Subject: Minerals and Waste Joint Plan - Publication Stage

Dear Sir/Madam,

Minerals and Waste Joint Plan – Publication

North Yorkshire County Council, City of York Council and the North York Moors National Park Authority are working together to produce a Minerals and Waste Joint Plan covering all three planning authority areas. When finalised the new Joint Plan will help the three authorities take decisions on planning applications for minerals and waste development up to 31 December 2030. A number of public consultations have already taken place to help develop the new Plan, including an 'Issues and Options' consultation in 2014 and a 'Preferred Options' consultation in 2015.

A final draft of the Joint Plan has now been prepared and is being published for a six week period to allow for representations to be made, before it is submitted for examination in public by an independent planning inspector. At this stage only representations relating to the legal compliance and soundness of the Joint Plan are required. More information about this is contained in the guidance notes attached with this email.

The formal publication period commences on **Wednesday 9th November 2016** and will close on **Wednesday 21st December 2016**. All responses must be received by **5pm** on that day. Please note we will be unable to accept responses after this deadline.

The Joint Plan and supporting documents are available to view on the Joint Plan Website: www.northyorks.gov.uk/mwconsult. Paper copies of the Joint Plan and main supporting documents, including a response form and guidance notes, are available to view during normal opening hours at all public libraries in the area covered by the Joint Plan, including mobile libraries and at all main offices of the three Authorities, as well as at District and Borough Council main offices and the National Park Centres.

mwjointplan

From: Paul Jackson
Sent: 20 December 2016 09:44
To: mwjointplan
Cc: Liz Small
Subject: Minerals and Waste Joint Plan - Publication (November 2016 - December 2016)

I have the following comments to make on the published version of the Plan:

1. In para 5.122 (and referenced in subsequent paragraphs) the MWJP refers to the “proposed” Surface Development Restriction regulation pertaining to fracking in wells drilled from the surface within Protected Areas. I’ve double-checked the Government response of July 2016 and it seems to confirm my previous understanding that the Surface Development Restriction provisions, including the Ministerial Policy Statement covering existing PEDL Licences, are now in place. Some updating of the text to reflect the current legislative and policy position would therefore seem to be required.
2. Between paras 9.21 and 9.22 it would aid consistency and support the policy provisions if the Purposes of AONB designation were included as a new paragraph, as the Purposes of National Park designation are detailed in Para 9.19. The full Purposes of AONB designation, as laid out in ‘*Areas of Outstanding Natural Beauty: A Policy Statement, Countryside Commission, CCP 352, 1992*’ are as follows:
 - The primary purpose of designation is to conserve and enhance natural beauty.
 - In pursuing the primary purpose of designation, account should be taken of the needs of agriculture, forestry and other rural industries and of the economic and social needs of communities. Particular regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment.
 - Recreation is not an objective of designation, but the demand for recreation should be met so far as this is consistent with the conservation of natural beauty and the needs of agriculture, forestry and other uses.

So as not to unwittingly undermine either the designation or the evidence for the policy provision, the Purposes should be included in full and not paraphrased or summarised.

Paul Jackson
AONB Manager
Howardian Hills AONB
The Old Vicarage
Bondgate
Helmsley
York
YO62 5BP

T: 0845 034 9495 (01609 536778) / NYCC ext 6775
Mob: 07715 009426
W: www.howardianhills.org.uk
T: @Howardian_Hills



mwjointplan

From: DIO SEE-EPS SG1a1 (Dale, Louise Miss) <DIOSEE-EPSSG1a1@mod.uk>
Sent: 22 November 2016 08:42
To: mwjointplan
Subject: 20161122 Minerals and Waste Joint Plan Formal Publication
Attachments: 20151117 NYCC MW JP Preferred Options.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Sir/Madam

DIO Safeguarding has been consulted throughout the process regarding site allocation etc This office last responded on the 17/11/15 in regards to Additional Sites and Preferred allocations. On reviewing the formal publication, I can confirm our comments remain with regards to the sites identified (please see attached for reference).

Kind Regards

Louise Dale| Assistant Safeguarding Officer - Statutory & Offshore-Environment & Planning Support-Safeguarding|
DIO Safety Environment & Engineering

DIO|
Building 49 | Kingston Road| Sutton Coldfield B75 7RL
Civ: 0121 311 3656 | Mil: 94421 3656 | Fax: 0121 311 2218
Email: DIOSEE-EPSSG1a1@mod.uk

Website: www.mod.uk/dio/
MOD Safeguarding

<https://www.gov.uk/government/publications/wind-farms-ministry-of-defence-safeguarding>

NB: I work Monday - Wednesday8-4.



Ministry of Defence

Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

Defence Infrastructure Organisation

Safeguarding Department
Statutory & Offshore

Defence Infrastructure Organisation
Kingston Road
Sutton Coldfield
West Midlands
B75 7RL

Tel: +44 (0)121 311 3656 Tel (MOD): 94421 3656

Fax: +44 (0)121 311 2218

E-mail: DIO-safeguarding-statutory@mod.uk

www.mod.uk/DIO

14 December 2015

Dear Sir/Madam

North Yorkshire Minerals and Waste Joint Plan Preferred Options

Thank you for consulting the Ministry of Defence in relation to the above referenced consultation.

The MOD originally responded in February 2015 and our original comments remain relevant to these sites.

However, on reviewing appendix one the MOD recognises there are a large number of additional sites included for review. Therefore, I would like to register the following comments:

Sites MJP06,07 and 14 all fall within the statutory safeguarding consultation zone for RAF Leeming and RAF Topcliffe. Therefore, any development exceeding 91.4m above ground level (agl) should be referred to this office for review. The proposed sites also fall within the statutory birdstrike safeguarding zone, therefore any restoration schemes which include wetland creation, or open water bodies should be referred to this office for review.

Sites MJP33,21,17,46 and WJP23 all fall within the statutory safeguarding consultation zone for RAF Leeming. Therefore any development exceeding 91.4m agl should be referred to this office for review. Site MJP 11 also falls within the statutory safeguarding zone for RAF Leeming, therefore any development exceeding 15.2m agl should be referred to this office for review. The sites also fall within the statutory birdstrike safeguarding zone, therefore any restoration schemes which include wetland creation or open water bodies should be referred to this office for review.

Sites MJP04 and MJP 51 both fall within the statutory 45.7m height consultation zone surrounding RAF Topcliffe and Dishforth airfield. Therefore any development exceeding this height criterion should be referred to this office for review. The sites also fall within the statutory birdstrike safeguarding zone, therefore any restoration schemes which include wetland creation or open water bodies should be referred to this office for review

Site MJP35 falls within the statutory 91.4m height consultation zone surrounding RAF Linton on Ouse. Therefore any development exceeding this height criteria should be referred to this office for review. This site also falls within the statutory birdstrike safeguarding zone, therefore any restoration schemes which include wetland creation or open water bodies should be referred to this office for review

The remaining sites all fall outside of the statutory safeguarding areas; therefore we have no safeguarding concerns for those sites.

I trust this adequately explains our position on this matter.

Yours sincerely

A black rectangular redaction box covering the signature of Louise Dale.

Louise Dale
Assistant Safeguarding Officer (Statutory & Offshore)
DIO Safeguarding



0115

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title: MR.	Initial(s): M. E.
Surname: NORTH.		
Organisation (if applicable): MINERAL PRODUCTS ASSOCIATION		
Address:	GILLINGHAM HOUSE	
	38-44 GILLINGHAM ST.	
	LONDON	
Post Code: SW1V 1HU		
Telephone: 07584 278272		
Email: mark.north@minineralproducts.org		

Agent contact details (if applicable)

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in separate guidance notes. You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.

A separate Part B form MUST be produced for each separate representation you wish to make. After this stage, further submissions will only be at the invitation of the inspector who will conduct an Examination in Public of the Joint Plan, based on the matters they identify during the Examination.

All responses should be returned by 5pm on Wednesday 21st December 2016. Please note that representations cannot be received after this deadline.

Responses can be returned by email to: mwjointplan@northyorks.gov.uk or by post using the address below:

Minerals and Waste Joint Plan Team
 Planning Services
 North Yorkshire County Council
 County Hall
 Northallerton
 DL7 8AH

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Mineral Products Association
------------------------	------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M04	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The wording of Policy M04 is not consistent with the wording of NPPF with respect to the provision on landbanks at para 145.NPPF requires the *maintenance of at least 7 years* and does not refer to a *minimum 7 year landbank* which is the wording in Policy M04.

It is noted that the Plan uses correct wording in the supporting text to the policy at paragraph 5.15 and 5.21 and it is important that the policy wording is consistent with this.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Policy M04 should be reworded as follows to make it consistent with NPPF and the supporting text of the Plan itself;

A ~~minimum 7-year~~ landbank of at least 7 years 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.

A separate ~~minimum 7-year~~ landbank of at least 7 years will be maintained throughout the Plan period for building sand.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

It is hoped that attendance at the hearing will allow an opportunity to explain why the suggested amendments/additions are considered necessary to accord with National Policy.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [Redacted]	Date: 19/12/2016
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Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	MINERAL PRODUCTS ASSOCIATION
------------------------	------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M05	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The second paragraph of Policy M05 is not consistent with NPPF on two counts and is consequently UNSOUND.

Firstly the policy refers to a *mid term review* of provision. This is assumed to be 7/8 years from the Plan being adopted as the Plan period is 15 years. In support of the NPPF the Planning Practice Guide (PPG) for local Plans at para 008 states that ;

Most Local Plans are likely to require updating in whole or part at least every five years [emphasis added].

The proposal to undertake a review halfway through a Plan of 15 years i.e.circa 7/8 years is clearly not consistent with National Policy and is UNSOUND.

Secondly the wording of Policy M05 is not consistent with the wording of NPPF with respect to the provision on landbanks for crushed rock at para 145.NPPF requires the *maintenance of at least 10 years* and does not refer to a *minimum 10 year landbank* which is the wording in Policy M05.

It is necessary to maintain at least a 10 year landbank whether or not a review is undertaken.

The proposal to maintain a separate landbank for Magnesian Limestone is supported as is the recognition that the required landbank under NPPF should be in place at the end of the Plan period.

Paragraph 5.30 will also need rewording to reflect the above points.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Mineral Products Association
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No. Policy No. Policies Map

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No
2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No
Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy M06 is not consistent with NPPF on two counts and is consequently UNSOUND.

Firstly the use of the wording of Policy M06 is not consistent with the wording of NPPF with respect to the maintenance of landbanks for crushed rock. At para 145 NPPF requires the *maintenance of at least 10 years* and does not refer to a *minimum 10 year landbank* which is the wording in Policy M06.

Secondly the requirement of the policy to source new reserves from outside the National Park and ANOBs is also not consistent with National Policy. NPPF (para144) states that;

-as far as is practical [emphasis added] ,provide for the maintenance of landbanks of non-energyminerals from outside National Parks,the Broads,Areas of Outstanding Natural Beauty,World Heritage sites,Scheduled Monuments and Conservation Areas;

As currently drafted this Policy could be construed as no future development in the National Park regardless of circumstances.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

It is suggested that Policy M06 is reworded to read as follows to make it consistent with National Policy;

A ~~minimum overall~~ landbank of at least 10 years will be maintained for crushed rock throughout the Plan period. A separate ~~minimum 10 year~~ landbank of at least 10 years will be identified and maintained for Magnesian Limestone crushed rock throughout the Plan period.

Where new reserves of crushed rock are required in order to maintain a landbank of at least 10 years ~~the overall landbank above the 10 year minimum period~~ these will be sourced from outside the National Park and Areas of Outstanding Natural Beauty as far as is practical.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

It is hoped that attendance at the hearing will allow an opportunity to explain why the suggested amendments/additions are considered necessary to accord with National Policy.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [REDACTED] Date: 19/12/2016

Official Use Only Reference Number [REDACTED]

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Mineral Products Association
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	SO1	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy SO1 is SUPPORTED.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

N/A.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.
After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

The Mineral Products Association would be happy to attend the examination to support the Local Authority if it is considered to be of help.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: 	Date: 19/12/2016
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Official Use Only Reference Number

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Mineral Products Association
------------------------	------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	SO2	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Justified	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Effective	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Consistent with National Policy	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Part 1 of Policy SO2 is SUPPORTED.

We have no comment on part 2 and 3 of the Policy.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

N/A

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

The Mineral Products Association are happy to attend the examination to support the Local Authority if it is felt that this would be of assistance.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: 	Date: 19/12/2016.
------------------------------------------------------------------------------------------------	-------------------

Official Use Only Reference Number

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Mineral Products Association
------------------------	------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	SO4	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	x	<input type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	---	--------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy SO4 is SUPPORTED.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

N/A.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

The Mineral Products Association are happy to attend the the examination in support of the Local Authority if it is felt to be of assistance.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [REDACTED]	Date: 19/12/2016
-----------------------	------------------

Official Use Only Reference Number
[REDACTED]

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	MINERAL PRODUCTS ASSOCIATION
------------------------	------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	Para. 2.26	Policy No.		Policies Map	
----------------------------------------------	------------	------------	--	--------------	--

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Para 2.26 (page18), first sentence,states that ;

The NPPF also places emphasis upon conserving important landscapes and heritage assets by requiring that land banks for non-energy minerals are provided outside National Parks, AONBs,Scheduled Monuments and World Heritage Sites.

NPPF para 144 , second bullet states;

- *as far as is practical (emphasis added),provide for the maintenance of landbanks of non-energy minerals from outside National Parks,the Broads,Areas of Outstanding Natural Beauty and World Heritage sites,Scheduled Monuments and Conservation areas;*

As currently drafted para. 2.26 does not properly reflect the NPPF and is therefore UNSOUND .

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [REDACTED]	Date: 19/12/2016
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Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Mineral Products Association
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="2.68"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	-----------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Justified	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Effective	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Consistent with National Policy	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Paragraph 2.68 says "Silica sand is also imported in to the Plan area as a raw material for a glass manufacturing plant near Selby, as well as to other locations in the Yorkshire and Humber area. These imports are thought to relate mainly to minerals which meet specifications which cannot be provided from within the Plan area ...".

This is not correct in respect of silica sand. Blubberhouses Quarry is one of very few sites nationally with the ability to produce silica sand of a suitable quality for clear glass manufacture.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Mineral Products Association
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="2.88"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	-----------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The second bullet point of paragraph 2.88 states ;

Cross boundary supply issues relating to silica sand, which is a mineral of national significance[emphasis added].

The terminology used in relation to this matter in NPPF is "Nationally Important" .As such the statement does not accord with National Policy and is UNSOUND.

It is hoped that attendance at the hearing will allow an opportunity to explain why the suggested amendments/additions are considered necessary to accord with National Policy.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature:

[Redacted Signature]

Date: 19/12/16

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Mineral Products Association
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	Para.5.15	Policy No.		Policies Map	
----------------------------------------------	-----------	------------	--	--------------	--

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

This is the same point raised in respect of Policy M02. The text of para.5.15 refers to a *mid term review* of the Joint Plan which is not consistent with National Policy in that PPG (Local Plans) para 008 identifies that Local Plans will require reviewing in whole or part at least every five years. On this basis para. 5.15 is UNSOUND.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Mineral Products Association
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.66"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Paragraph 5.66 says:

"The national policy requirement for available reserves at the Blubberhouses site would be met in the event that the current planning application for an extension of time is granted".

This is not consistent with national policy for silica sand. This needs to be viewed against the requirements of Policy D04 and the fact that the Blubberhouses site is not proposed to be allocated by the Mineral Planning Authority. The justification for non allocation given is that the Blubberhouses site lies within the Nidderdale AONB (see Duty to Cooperate Statement (November 2016) paragraph 7.99). A location within the AONB is not in itself a reason for not allocating a site especially for a mineral of national importance. A permitted silica sand site is located within AONB in Surrey. The Nidderdale AONB was established in 1994 and therefore with full knowledge and account of the presence of Blubberhouses Quarry which was established in the late-1980's.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Mineral Products Association
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.68"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Justified	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Effective	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Consistent with National Policy	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Para 5.68 is incorrect. Silica sand is not based upon a mineral planning authority having a 10 year landbank, it is about sites individually having at least a 10 year stock of permitted reserves within those counties(para 146 NPPF).As such this paragraph is UNSOUND.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Redraft the paragraph to properly reflect the NPPF.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To assist the examination in understanding why the text considered is unsound.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature:

[Redacted Signature]

Date: 19/12/16

Official Use Only Reference Number

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Mineral Products Association
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="Para.5.58"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Justified	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Effective	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Consistent with National Policy	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Paragraph 5.84 says in part that;

The NPPF requires planning authorities to include policies for the extraction of building stone and to meet demand for small scale extraction of building stone....

The NPPF (para 144) actually refers to 'demand for small scale extraction of building stone' in terms of determining applications, rather than setting policy. In doing so it requires that the 'small scale nature and impact' of such quarries is taken into account. 'Small-scale' is not defined, and so should reflect local circumstances, including the market for the material which may be wider than 'local' and should not be restricted to a planning authority area which would make no sense in terms of commercial or planning considerations.

The concern is that paragraph 5.28 read in conjunction with Policy M15 (Continuity of supply of building Stone) could lead to an incorrect interpretation on National Policy as it relates to building stone. As such paragraph 5.28 is not compliant with National Policy and is UNSOUND .

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Paragraph 5.28 should be rewritten to properly reflect the NPPF.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

It is hoped that attendance at the hearing will allow an opportunity to explain why the suggested amendments/additions are considered necessary to accord with National Policy.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: 	Date: 19/12/2016
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Official Use Only Reference Number

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Mineral Products Association
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.		Policy No.	D04	Policies Map	
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	x	No	
2.(2) Sound	Yes		No	x

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes		No		<i>Justified</i>	Yes		No	
<i>Effective</i>	Yes		No		<i>Consistent with National Policy</i>	Yes		No	x

2 (3) Complies with the Duty to co-operate

Yes	x		No	
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3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Part 1) of the policy starts with the following paragraph;

Proposals for major development in the National Park, Howardian Hills, Nidderdale, North Pennines and Forest of Bowland Areas of Outstanding Natural Beauty will [emphasis added] 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:

This goes further than the NPPF which at paragraph 116 says "*Planning permission should [emphasis added] be refused for major developments in these designated areas ...*". The use of the word "*should*" in the NPPF signifies a suggestion and not a directive as alluded to by the use of the word "*will*" in Policy D04.

The bullet points in Policy D04 reasonably reflect NPPF paragraph 116, although there is no explicit reference in Policy D04 to the cost of developing elsewhere outside designated areas. This aspect (economic) is an important element of the three pillars of sustainability.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	MINERAL PRODUCTS ASSOCIATION
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	D04	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Justified	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Effective	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Consistent with National Policy	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

There appears to have been an error in drafting/printing this policy which has been confirmed to us by the Policy team as being the case. This relates to the last sentence in the final paragraph of part 1 of the policy which states;

Appropriate and practicable compensation will be required for any avoidable [emphasis added] effects which cannot be mitigated.

As currently drafted this sentence makes no sense as as such makes the policy ineffective and UNSOUND.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Mineral Products Association
------------------------	------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No. Policy No. Policies Map

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Part 1),a) states;

The need for the development, which will usually include a national need for the mineral or the waste facility and the contribution of the development to the national economy;

This exceeds the requirement of NPPF para 116, first bullet, which requires an assessment of;

...the need for the development, including in terms of national considerations.....

There is no definition of *national need* or *national economy* in the glossary of the draft plan.

It is considered that this part of the policy is not consistent with national policy and as such is UNSOUND.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Reword the releant part of the Policy to read as follows;

The need for the development, which will usually include a national need for the mineral or the waste facility and the contribution of the development to the national economy including in terms of any national considerations;

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To assist the examination as to why this policy is UNSOUND.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature:



Date:19/12/16

Official Use Only Reference Number



Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Mineral Products Association
------------------------	------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	D07	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Justified	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Effective	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Consistent with National Policy	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	X	<input type="checkbox"/>	No	<input type="checkbox"/>
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3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy D07 (1) as worded appears to afford the same level of protection to all designations.NPPF at para 113 is clear that there should be distinctions between sites of different levels of importance and protection should be commensurate with this.The relevant part of para 113 states;

Distinctions should be made between the hierarchy of international,national and locally designated sites,so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution tht they make to wider ecological networks.

This means that internationally important sites (covered by Habitats and Birds Directives) receive highest level of protection (still set out in Circular 06/05), followed by SSSIs/NNRs, then County Wildlife Sites. Clause 1 seems to apply same level of protection to everything.As such the policy is not compliant with National Policy and is UNSOUND.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Mineral Products Association
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	<input type="text" value="D07"/>	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	----------------------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Justified	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Effective	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Consistent with National Policy	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The reference to offsetting in Clause (6) of the policy seems to take a disproportionate role in the policy to its expected role in mineral development. The MPA's position is that mineral workings already demonstrate a more than acceptable level of offsetting in that in the vast majority of cases restoration leaves a site more biodiverse than before mineral working took place.

Mineral extraction, unlike other forms of development can only take place where the minerals exist in economic quantities and it is often not possible to choose an alternative site to avoid areas of ecological interest. Offsetting of any impacts caused as a result of mineral development is often achieved within the development scheme itself i.e. as a result of approved restoration schemes. 'Losses' may be temporary as sites are worked, but net gain can generally be delivered through restoration as recognised in Clause (5) of the Policy.

If mineral developments were required to offset their permanent impacts then this would increase the regulatory burden. Mineral extraction is also a temporary activity in a given location and normally results in a net gain in biodiversity through site and estate management before and during working, and restoration and aftercare following extraction.

In any event the requirement to provide compensation gains elsewhere may well require third party involvement/land not in control of the developer.

Finally biodiversity does not respect local authority boundaries so it is not appropriate to restrict any compensatory gains to within the mineral or waste planning authority area in which the loss occurred as required by Clause (6) (iv) of the Policy.

It is considered therefore that the Policy is INEFFECTIVE as it not likely to be implementable for the reasons above.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Mineral Products Association
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	D10	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy D10 is UNSOUND on two counts.

Firstly Part One (i) of the Policy states;

i) *Been brought forward following discussion with local communities and other relevant stakeholders and, where practicable, the proposals reflect the outcome of those discussions;*

Although the industry supports the principle of pre application discussions and stakeholder engagement the compulsory engagement required by this policy goes against the NPPF where at para 189 it is clear that developers cannot be compelled to engage in this way although it is desirable and is to be encouraged. As such this part of the policy does not comply with National Policy and is UNSOUND.

Secondly in Part Two (viii) of the Policy the *landscape scale benefits* can only be delivered with large areas of land which may not be under the control of the developer. As such expectations may be created that cannot be delivered. As such the Policy is UNSOUND.

0115

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Mineral Products Association
------------------------	------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	D12	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

It is noted that Policy D10 has substantially changed from the Preferred Options stage.

The first paragraph of the policy is SUPPORTED.

It is the second sentence of the second paragraph of the policy that is of concern which states;

Development which would disturb or damage soils of high environmental value such as peat or other soil contributing to ecological connectivity or carbon storage will not be permitted.

This sentence effectively acts as a catch all and could be used to frustrate -development as it could be argued that all soils contribute to ecological connectivity and carbon stage. As such the policy as currently drafted would not enable the plan to deliver sustainable development in accordance with the policies in the NPPF. Local planning authorities are required to plan positively by NPPF and this is not reflected in wording identified above.

0115

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Mineral Products Association
------------------------	------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No. Policy No. Policies Map

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No
2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The second paragraph of Policy M02 states;

Additional provision shall be made, through a mid-term review of provision in the Plan, if necessary 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.

In support of the NPPF the Planning Practice Guide (PPG) for local Plans at para 008 states that ;

Most Local Plans are likely to require updating in whole or part at least every five years [emphasis added].

The proposal to undertake a review half at through a Plan of 15 years i.e.circa 7/8 years is clearly not consistent with National Policy and is UNSOUND.

It is necessary to maintain at least a 7 year landbank whether or not a review is undertaken.

Furthermore the annual rate of provision should be based on planning policy and guidance.The wording of the last part of this sentence could be interpreted as the planning authority determining provision outwith planning policy which is also UNSOUND.

Joan Jackson

From: Mark North <mark.north@mineralproducts.org>
Sent: 20 December 2016 11:11
To: mwjointplan
Subject: MPA Representations; Minaeral and Waste Joint Plan,publiation draft Nov 2016
Attachments: Part A Mineral Products Assoc.MWJP Publication - Response Form Part A.pdf; Policy M04 MWJP Publication - Response Form Part B.pdf; Policy M05 MWJP Publication - Response Form Part B.pdf; Policy M06 MWJP Publication - Response Form Part B.pdf; Policy SO1 MWJP Publication - Response Form Part B.pdf; Policy SO2 MWJP Publication - Response Form Part B.pdf; Policy SO4 MWJP Publication - Response Form Part B.pdf; Para 2.26 MWJP Publication - Response Form Part B.pdf; Para 2.68 MWJP Publication.pdf; Para 2.88 MWJP Publication - Response Form Part B.pdf; Para 5.15 MWJP Publication - Response Form Part B.pdf; Para 5.66 MWJP Publication.pdf; Para 5.68 MWJP Publication - Response Form Part B.pdf; Para 5.84 MWJP Publication - Response Form Part B.pdf; Policy D04(A) MWJP Publication - Response Form Part B.pdf; Policy D04(B) MWJP Publication.pdf; Policy D04(C) MWJP Publication - Response Form Part B.pdf; Policy D07(A) MWJP Publication - Response Form Part B.pdf; Policy D07(B) MWJP Publication - Response Form Part B.pdf; Policy D10 MWJP Publication - Response Form Part B.pdf; Policy D12 MWJP Publication - Response Form Part B.pdf; Policy M02 MWJP Publication - Response Form Part B.pdf

Dear Sir/Madam

Please find attached 21 representations on behalf of the Mineral Products Association in respect of the above plan. Form Part A is also attached.

Please note that there may be a further representation submitted later today or tomorrow.

Please could you acknowledge safe receipt of this email and the attached.

Yours faithfully

Mark E North

Director of Planning-Aggregates and Production
 Mineral Products Association

Registered Office: 38-44 Gillingham Street, London, SW1V 1HU

T 0207 963 8011 M 07568 427719 W www.mineralproducts.org F 0207 963 8001



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<https://twitter.com/MineralProduct>



make the link
 to mineral products

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you contact us by email, we will store your name and address to facilitate communications. Any statements contained herein are those of the individual and not the organisation. Registered in England as Mineral Products Association Limited: 1634996, Gillingham House, 38-44 Gillingham Street, London, SW1V 1HU

mwjointplan

From: Mark North <mark.north@mineralproducts.org>
Sent: 21 December 2016 09:49
To: mwjointplan
Subject: RE: MPA Representations; Mineral and Waste Joint Plan, publication draft Nov 2016...additional representation
Attachments: Policy M05(A) MWJP Publication - Response Form Part B.pdf; Part A Mineral Products Assoc.MWJP Publication - Response Form Part A.pdf

Dear Sir /Madam

Further to the representations sent in yesterday on behalf of the **Mineral Products Association** (acknowledged and give respondent number 0115) please find attached one further representation in relation to Policy M05.

Please note that the attached representation builds on, and incorporates, the representation made yesterday on the same policy .For ease of reference the attached representation is referenced **Policy M05(A)** and dated 20 December 2016.

Any queries please feel free to call on my mobile below.

I would be grateful for acknowledgement of safe receipt .

Yours faithfully

Mark E North
Director of Planning-Aggregates and Production
Mineral Products Association

Registered Office: 38-44 Gillingham Street, London, SW1V 1HU

T 0207 963 8011 M 07568 427719 W www.mineralproducts.org F 0207 963 8001



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make the link
to mineral products

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Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Mineral Products Association
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M05	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Justified	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Effective	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Consistent with National Policy	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The policy is UNSOUND because it is not positively prepared, not justified and not consistent with national policy. We object to the statements in the supporting text that Jurassic Limestone is not a priority for provision and the implication that it performs no strategic role in the North Yorkshire aggregates supply, and to the lack of provision proposed in this policy. We believe this has led to underprovision of mineral contrary to national policy (NPPF para 145) which makes the plan unsound because it has not assessed mineral requirements in sufficient depth, and therefore the strategy presented is not shown to be the most appropriate because the alternatives have not been examined.

Since there are no official records of sales and reserves of Jurassic limestone it is difficult to know with certainty what is the exact contribution of this material to North Yorkshire's aggregate needs. However, our members inform us that the total market from the three operational quarries is probably of the order of 400,000 tonnes per year in an area which is likely to see significant economic growth covering the coastal area and east of York as the Minerals Key Diagram indicates. We also understand that a proportion of this production is also exported to the East Riding which lacks resources of this kind. We have no knowledge of what the reserves level is so we do not know the exact state of the landbank, but we are informed that all three operating sites have limited reserves remaining. We understand that there are two other mothballed sites which are located in the Howardian Hills AONB in which there are still some reserves.

If true, a combined extraction rate of 400,000 tonnes per year is not insignificant despite the fact that this is a relatively soft rock with a limited range of uses. We are therefore surprised that the County Council does not see this as a strategic supply issue and have only allocated one small extension to an operating site potentially adversely affecting long term security of supply and the productive capacity of permitted sites to supply the market.

We have considered the alternatives and it seems that there are insufficient recycled and secondary materials available locally to substitute for primary materials, and arguably if there were they would have already displaced primary production to some extent as they have in other areas. This means that the existence of a significant local market for this material is an indicator that there are few alternatives.

The only other alternative seems to be increasing imports of higher quality stone from outside the area. To some extent, this already takes place to meet the more demanding applications such as roadstone, but the lack of recognition for this material means that there is a real possibility that further imports will have to be drawn into the area to meet demand in significant quantities if local sites have to close because they cannot obtain the necessary allocations to continue operations.

An examination of the locations of rock sites in the plan area is most enlightening. Although the Minerals Key Diagram shows an apparently healthy number of mineral sites east of York a comparison with Figure 9 of the Minerals Specific Evidence Paper shows that the Jurassic rock sites lie as a fairly remote outlier in the east of the county at some distance from the magnesian limestone sites running along the spine of the A1 corridor, which would be the nearest alternative suppliers. If it is assumed that lack of local capacity meant that imports would have to come from the next nearest sources, then we estimate the distance between Ripon and Malton which could be taken as representative of the extra haulage distance involved is 40 miles, which would place it outside the average haulage distance for aggregate.

We believe this is an unsatisfactory outcome even for the modest quantities involved in terms of sustainability and carbon use. The axiom that a local aggregates supply is the most sustainable appears to hold true in this situation, and we ask the joint authorities to reconsider their decision not to treat Jurassic limestone as a strategic issue.

The MPA has supported the joint authorities in recognising the special circumstances of the geography of North Yorkshire (i.e. its very large area) and the market situation for sand and gravel by defining two distribution areas. We have also supported a similar approach to special circumstances for magnesian limestone in the context of large overall, but unevenly distributed limestone reserves. We also believe there is now a special case for Jurassic limestone based on its distinctive market area, its significant presence in the local market and its relative isolation from alternative sources.

In addition the policy refers to a *mid term review* of provision. This is assumed to be 7/8 years from the Plan being adopted as the Plan period is 15 years. In support of the NPPF the Planning Practice Guide (PPG) for local Plans at para 008 states that ;

Most Local Plans are likely to require updating in whole or part at least every five years [emphasis added].

The proposal to undertake a review halfway through a Plan of 15 years i.e.circa 7/8 years is clearly not consistent with National Policy and is UNSOUND.

Secondly the wording of Policy M05 is not consistent with the wording of NPPF with respect to the provision on landbanks for crushed rock at paragraph 145 NPPF requires the *maintenance of at least 10 years* and does not refer to a *minimum 10 year landbank* which is the wording in Policy M05.

It is necessary to maintain at least a 10 year landbank whether or not a review is undertaken.

The proposal to maintain a separate landbank for Magnesian Limestone is supported as is the recognition that the required landbank under NPPF should be in place at the end of the Plan period.

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(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The proposed changes to Policy M05 and supporting text are as follows (deletions in ~~strike through~~; additions in **bold**)

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 Magnesian Limestone, **and 6.00 Million tonnes at an equivalent annual rate of 0.4 million tonnes per annum shall be for Jurassic Limestone.** Additional provision shall be made through at a least a **five year** ~~a mid-term~~ review of provision in the Plan, ~~if necessary,~~ in order to maintain ~~at least a minimum~~ 10 year landbank of crushed rock, including a separate ~~minimum 10-year~~ landbanks of **at least 10 years** for Magnesian Limestone and Jurassic Limestone, at 31 December 2030 based on an annual rate of provision to be determined through the review.

New paragraph after 5.29

Jurassic limestone deposits form a ring around the Vale of Pickering on high ground much of which is in protected landscapes. Mineral working has taken place from sites within the deposits for many years and although the mineral is soft and therefore has a restricted range of uses, it nevertheless performs a significant role locally in aggregates supply. It is considered that specific policy support in the Joint Plan is necessary because of this role and also because alternative supplies could only be made available at greater haulage distances from the centre of the county which would be a less sustainable outcome than maintaining adequate supplies locally. The local market is recognised as an economic growth area, and an assured local supply of mineral would assist in the development needs of this part of the plan area. Locations for further working are addressed through specific site allocations in the Joint Plan, which have been subject to assessment, including in relation to their potential for impact on landscapes and amenity interests. Policy support for the continued availability of Jurassic Limestone, which is a well-established element of the supply of crushed rock in the locality, is important in that it could help to



0116
North Yorkshire
County Council

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title: Miss	Initial(s): P
Surname: Craddock		
Organisation (if applicable): Ryedale District Council		
Address:	Ryedale House	
	Old Malton Road	
	Malton	
Post Code: YO17 7HH		
Telephone: 01653-600666		
Email: paula.craddock@ryedale.gov.uk		

Agent contact details (if applicable)

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in separate guidance notes. You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.

A separate Part B form MUST be produced for each separate representation you wish to make. After this stage, further submissions will only be at the invitation of the inspector who will conduct an Examination in Public of the Joint Plan, based on the matters they identify during the Examination.

All responses should be returned by 5pm on Wednesday 21st December 2016. Please note that representations cannot be received after this deadline.

Responses can be returned by email to: mwjointplan@northyorks.gov.uk or by post using the address below:

Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
------------------------	--------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	<input type="text" value="D01-D13"/>	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	--------------------------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="text"/>	No	<input type="text"/>
2.(2) Sound	Yes	<input type="text" value="x"/>	No	<input type="text"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Justified</i>	Yes	<input type="text"/>	No	<input type="text"/>
<i>Effective</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Consistent with National Policy</i>	Yes	<input type="text"/>	No	<input type="text"/>
2 (3) Complies with the Duty to co-operate	Yes	<input type="text"/>	No	<input type="text"/>					

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

It is considered that the suite of development management policies broadly reflect national policy and are considered to be sound. This Council had previously suggested that the Development management policies relating to landscape and heritage should make more specific references to locally designated landscapes and wider types of heritage assets. However, given that the landscape policy aims to protect all landscapes from the harmful effects of development and the heritage policy aims to conserve the significance of all heritage assets, it is considered that the policies are not considered to be unsound.

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

--

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

--

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [REDACTED]	Date: 21 December 2016
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Official Use Only Reference Number

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
------------------------	--------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	W11	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

It is considered that the policy that establishes waste site identification principles (W11) is sound.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [REDACTED]	Date: 21 December 2016
-----------------------------------------------------------------------------------	------------------------

Official Use Only Reference Number

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
------------------------	--------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	W10	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

It is considered that the policy that establishes locational principles for the provision of waste capacity (W10) is sound.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	w05	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

It is considered that the policy WO5 covering the allocation of sites for waste are sound. The Council support the fact that Whitewall Quarry is not allocated as a waste site in the Plan.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	W04	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

It is considered that the policy WO4 covering the allocation of sites for waste are sound. The Council support the fact that Whitewall Quarry is not allocated as a waste site in the Plan.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [REDACTED]	Date: 21 December 2016
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Official Use Only	Reference Number

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	W03	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

It is considered that the policy W03 covering the allocation of sites for waste is sound. The Council support the fact that Whitewall Quarry is not allocated as a waste site in the Plan.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.
After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [REDACTED]	Date: 21 December 2016
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Official Use Only Reference Number
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Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	S03	Policies Map	<input checked="" type="checkbox"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The District Council strongly supports the provision of a transfer facility at Tofts Road, KirbyMisperton. Although the site is safeguarded for this purpose in the Plan, the District Council is concerned that there is current uncertainty over whether the facility will actually be provided in this location. This has significant implications for this Authority in terms of costs, service planning and service delivery. There would be little point in identifying the site as a safeguarded site if it is no longer the intention to deliver the facility. The District Council is of the view that unless it is confirmed that the facility is deliverable, the policy is unsound as currently drafted. Moreover, if a decision has been made to not provide the facility or that there is doubt over its deliverability, the plan would need to safeguard or allocate a further site within Ryedale. This would ensure that the plan is sufficiently flexible if the proposed safeguarded site is not delivered and again, without this flexibility the Plan is considered to be unsound in respect of this matter.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	S03	Policies Map	<input checked="" type="checkbox"/>
----------------------------------------------	----------------------	------------	-----	--------------	-------------------------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The RDC transfer site at Showfield Lane (for recyclable materials only) is not recognised in the plan. It is considered that the facility needs to be identified in the plan/on the Policies Map for safeguarding in advance of the Tofts Road facility becoming operational and that Policy S03 (Waste Management Facility Safeguarding) is unsound (not effective) if the site is not included.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	S03	Policies Map	<input checked="" type="checkbox"/>
----------------------------------------------	----------------------	------------	-----	--------------	-------------------------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The Plan omits to safeguard Knapton Quarry as a transfer station. The site currently operates as a waste transfer facility as well as a composting facility. Policy SO3 is considered to be unsound if the sites use as a transfer station is not safeguarded and the extent of the facility defined on the Policies Map.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [REDACTED]	Date: 21 December 2016
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Official Use Only Reference Number

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
------------------------	--------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	W11	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

It is considered that the policy that establishes waste site identification principles (W11) is sound.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [REDACTED]	Date: 21 December 2016
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Official Use Only Reference Number

Publication stage Response form - Part B
Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	W05	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

It is considered that the policy W05 covering the allocation of sites for waste are sound. The Council support the fact that Whitewall Quarry is not allocated as a waste site in the Plan.

(continue on a separate sheet/expand box if necessary)

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	W03	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

It is considered that the policy W03 covering the allocation of sites for waste is sound. The Council support the fact that Whitewall Quarry is not allocated as a waste site in the Plan.

(continue on a separate sheet/expand box if necessary)

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	S03	Policies Map	<input checked="" type="checkbox"/>
----------------------------------------------	----------------------	------------	-----	--------------	-------------------------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	--------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The RDC transfer site at Showfield Lane (for recyclable materials only) is not recognised in the plan. It is considered that the facility needs to be identified in the plan/on the Policies Map for safeguarding in advance of the Tofts Road facility becoming operational and that Policy S03 (Waste Management Facility Safeguarding) is unsound (not effective) if the site is not included.

(continue on a separate sheet/expand box if necessary)

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M15	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

<p>It is considered that the proposed site specific policy M15 is appropriate and meets each of the soundness tests.</p>

(continue on a separate sheet/expand box if necessary)

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
------------------------	--------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M01	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="text"/>	No	<input type="text"/>
2.(2) Sound	Yes	<input checked="" type="text"/>	No	<input type="text"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Justified</i>	Yes	<input type="text"/>	No	<input type="text"/>
<i>Effective</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Consistent with National Policy</i>	Yes	<input type="text"/>	No	<input type="text"/>

2 (3) Complies with the Duty to co-operate	Yes	<input type="text"/>	No	<input type="text"/>
--------------------------------------------	-----	----------------------	----	----------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

It is considered that Policy MO1 is appropriate and meets each of the soundness tests.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M08	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

It is considered that the proposed site specific policy MO8 is appropriate and meets each of the soundness tests.

(continue on a separate sheet/expand box if necessary)

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M09	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

It is considered that the proposed site specific policy MO9 is appropriate and meets each of the soundness tests. The Council supports the fact that the proposed allocation of Whitewall Quarry has not been taken forward into the plan, following recognition in the completed assessment process of the high potential adverse impact associated with traffic generation on Malton and Norton.

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [REDACTED]	Date: 21 December 2016
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Official Use Only Reference Number
[REDACTED]

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M16	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	--------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The two areas of local landscape value identified by the Ryedale Local Plan - the Yorkshire Wolds and the Vale of Pickering should be included in the policy at the end of the section b) i). It is considered that unless these areas are provided with the protection that the policy affords to the other landscapes, historic and biodiversity assets, the Plan will not be effective in providing appropriate protection to these landscapes, particularly given the potential density of development activity. The landscape qualities and character of the Wolds and the Vale of Pickering will be eroded. This will undermine the objectives and policies in the Ryedale Plan and undermines the alignment of policies for this area of North Yorkshire.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M16	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The District Council is not aware of the evidence that has supported the proposed 3.5km buffer zone around the National Park and Howardian Hills AONB. The policy will not be effective and cannot be justified if this is an arbitrary figure. Much of the Vale of Pickering is low lying and affords distance views to these nationally protected landscapes (in a similar way in which the topography of the Vale of York affords views to the Minster from some locations). At a landscape scale the Vale of Pickering and the Wolds form part of the setting of the nationally protected landscapes and on that basis it is considered that any proposal for surface hydrocarbon development in these locations needs to undertake a detailed assessment of the impact (including cumulative impact) on the nationally designated areas.

As written, it is considered that M16 is inconsistent. It is entirely appropriate that the views/ character of the historic city are protected. However, in policy terms development in the setting of the historic City of York (and affecting the views of the historic city) should be treated no differently to that proposed in the setting of the nationally protected landscapes and the implications of development within their setting. The areas around the City to be protected by the policy do not appear to be identified in the Plan and a buffer zone is not identified for that particular sensitivity. The District Council has no objection to the need to provide policy protection for the historic City but as currently written it would appear that the policy affords more weight to the protection of the City from development within its setting than it does for development within the setting of the nationally protected landscapes.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.146"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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The District Council is not clear on how the figure of 500m is justified. It is considered that the evidence supporting the choice of this figure needs to be better understood before the approach can be considered to be effective. Whilst it is appreciated that this figure is not carried forward into the policy, there is a danger that it is interpreted and becomes established as an acceptable separation distance.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Explanation of the evidence used to support the figure or indeed an alternative figure. Additional emphasis give to the fact that it is a minimum figure, included as a 'yardstick' and that greater distances may be required depending on the circumstances of each case.

(continue on a separate sheet/expand box if necessary)

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After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

For the District Council and Local Planning Authority to participate in the proceedings.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [REDACTED]	Date: 21 December 2016
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Official Use Only Reference Number

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.145"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The District Council is concerned that the proposed monitoring framework focuses entirely on quantitative data relating to planning applications. As an example, this paragraph in the plan acknowledges the potential significant impact that unconventional hydrocarbon activity may have on the local economy. It is not clear how the economic effects of the activity will be effectively monitored over time or indeed the social or environmental effects will be monitored.

(continue on a separate sheet/expand box if necessary)

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	<input type="text" value="M17"/>	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	----------------------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="text"/>	No	<input type="text"/>
2.(2) Sound	Yes	<input type="text"/>	No	<input checked="" type="text" value="x"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Justified</i>	Yes	<input type="text"/>	No	<input type="text"/>
<i>Effective</i>	Yes	<input type="text"/>	No	<input checked="" type="text" value="x"/>	<i>Consistent with National Policy</i>	Yes	<input type="text"/>	No	<input type="text"/>

2 (3) Complies with the Duty to co-operate	Yes	<input type="text"/>	No	<input type="text"/>
--------------------------------------------	-----	----------------------	----	----------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The policy should require a noise assessment in addition to the Air Quality Monitoring Plan and Health Impact Assessment. As a point of clarification, the Council believe that the reference to the Air Quality Monitoring Plan requirement should be for an Air Quality Assessment and that any monitoring plan should follow from the assessment.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.145"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The District Council is concerned over the use of unqualified /loose words and phrases and permissive comments in the justification sections of the hydrocarbons policies. The reference to 'short term' in paragraph 5.145 is an example and is not representative of the impact that could be associated with unconventional hydrocarbon activity over such a large area into the future.

(continue on a separate sheet/expand box if necessary)

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M16,M17, M18	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	--------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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The District Council recognises that the Joint Plan does need to include a policy framework for hydrocarbon development in order for proposals to be considered on their merits that is consistent with national policy and advice available. However, the Council does not support the development of unconventional hydrocarbon development in Ryedale until the full implications of the effects of the processes involved are more readily understood and that there would be no unacceptable impacts, cumulative or otherwise.

The District Council recognises that the Policies (M16, M17 and M18) are consistent with national policy, justified and have been positively prepared and that in relation to onshore hydrocarbon development, the policies may need to be reviewed and updated in the future.

The District Council particularly welcomes the recognition that there are still substantial uncertainties remaining regarding the scale and distribution of future proposals that could come forward, as well as there still being a high degree of uncertainty about the commercial viability of any resources in the area, or indeed in the UK in general.

The District Council welcomes the use of transport assessments and the recognition of other landscape designations for protection assessed through a Landscape Assessment as well as air quality monitoring and a Health Impact Assessment, and the use of the precautionary principle with respect to reinjection of flowback fluid. The Council supports the Plan being clear that cumulative impacts would outweigh any density considerations and the use of criteria to assess proposals leading to cumulative impacts together with the requirement of developers to present how their proposals fit into an overall production plan for the whole of the PEDL area.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M16,M17, M18	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	--------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	--------------------------	----	--------------------------

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Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
------------------------	--------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	5.145	Policy No.		Policies Map	
----------------------------------------------	-------	------------	--	--------------	--

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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The District Council is concerned over the use of unqualified /loose words and phrases and permissive comments in the justification sections of the hydrocarbons policies. The reference to 'short term' in paragraph 5.145 is an example and is not representative of the impact that could be associated with unconventional hydrocarbon activity over such a large area into the future.

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Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
------------------------	--------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="checkbox"/>	Policy No.	<input type="checkbox"/> M17	Policies Map	<input type="checkbox"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

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Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

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Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.145"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

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The District Council is concerned that the proposed monitoring framework focuses entirely on quantitative data relating to planning applications. As an example, this paragraph in the plan acknowledges the potential significant impact that unconventional hydrocarbon activity may have on the local economy. It is not clear how the economic effects of the activity will be effectively monitored over time or indeed the social or environmental effects will be monitored.

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Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.146"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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The District Council is not clear on how the figure of 500m is justified. It is considered that the evidence supporting the choice of this figure needs to be better understood before the approach can be considered to be effective. Whilst it is appreciated that this figure is not carried forward into the policy, there is a danger that it is interpreted and becomes established as an acceptable separation distance.

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Expansion of the evidence used to support the figure or indeed an alternative figure. Additional emphasis give to the fact that it is a minimum figure, included as a 'yardstick' and that greater distances may be required depending on the circumstances of each case.

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5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

For the District Council and Local Planning Authority to participate in the proceedings.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [REDACTED]	Date: 21 December 2016
-----------------------------------------------------------------------------------	------------------------

Official Use Only Reference Number

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
------------------------	--------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M16	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The District Council is not aware of the evidence that has supported the proposed 3.5km buffer zone around the National Park and Howardian Hills AONB. The policy will not be effective and cannot be justified if this is an arbitrary figure. Much of the Vale of Pickering is low lying and affords distance views to these nationally protected landscapes (in a similar way in which the topography of the Vale of York affords views to the Minster from some locations). At a landscape scale the Vale of Pickering and the Wolds form part of the setting of the nationally protected landscapes and on that basis it is considered that any proposal for surface hydrocarbon development in these locations needs to undertake a detailed assessment of the impact (including cumulative impact) on the nationally designated areas.

As written, it is considered that M16 is inconsistent. It is entirely appropriate that the views/ character of the historic city are protected. However, in policy terms development in the setting of the historic City of York (and affecting the views of the historic city) should be treated no differently to that proposed in the setting of the nationally protected landscapes and the implications of development within their setting. The areas around the City to be protected by the policy do not appear to be identified in the Plan and a buffer zone is not identified for that particular sensitivity. The District Council has no objection to the need to provide policy protection for the historic City but as currently written it would appear that the policy affords more weight to the protection of the City from development within its setting than it does for development within the setting of the nationally protected landscapes.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
------------------------	--------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	<input type="text" value="M16"/>	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	----------------------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="text" value="x"/>	No	<input type="text"/>
2.(2) Sound	Yes	<input type="text"/>	No	<input type="text" value="x"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Justified</i>	Yes	<input type="text"/>	No	<input type="text" value="x"/>
<i>Effective</i>	Yes	<input type="text"/>	No	<input type="text" value="x"/>	<i>Consistent with National Policy</i>	Yes	<input type="text"/>	No	<input type="text"/>

2 (3) Complies with the Duty to co-operate	Yes	<input type="text"/>	No	<input type="text"/>
--------------------------------------------	-----	----------------------	----	----------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The two areas of local landscape value identified by the Ryedale Local Plan - the Yorkshire Wolds and the Vale of Pickering should be included in the policy at the end of the section b) i). It is considered that unless these areas are provided with the protection that the policy affords to the other landscapes, historic and biodiversity assets, the Plan will not be effective in providing appropriate protection to these landscapes, particularly given the potential density of development activity. The landscape qualities and character of the Wolds and the Vale of Pickering will be eroded. This will undermine the objectives and policies in the Ryedale Plan and undermines the alignment of policies for this area of North Yorkshire.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Addition of 'the Yorkshire Wolds and the Vale of Pickering' to the end of sub section b i)

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

The District Council is the Local Authority and Local Planning Authority covering a part of the Plan area which would be directly affected by hydrocarbon development and where the spatial principles of the plan steer hydrocarbon development towards.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: 	Date: 21 December 2016
------------------------------------------------------------------------------------------------	------------------------

Official Use Only Reference Number

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
------------------------	--------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M09	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="text"/>	No	<input type="text"/>
2.(2) Sound	Yes	<input checked="" type="text"/>	No	<input type="text"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Justified</i>	Yes	<input type="text"/>	No	<input type="text"/>
<i>Effective</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Consistent with National Policy</i>	Yes	<input type="text"/>	No	<input type="text"/>

2 (3) Complies with the Duty to co-operate	Yes	<input type="text"/>	No	<input type="text"/>
--------------------------------------------	-----	----------------------	----	----------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

It is considered that the proposed site specific policy MO9 is appropriate and meets each of the soundness tests. The Council supports the fact that the proposed allocation of Whitewall Quarry has not been taken forward into the plan, following recognition in the completed assessment process of the high potential adverse impact associated with traffic generation on Malton and Norton.

(continue on a separate sheet/expand box if necessary)

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
------------------------	--------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	<input type="text" value="M01"/>	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	----------------------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="text"/>	No	<input type="text"/>
2.(2) Sound	Yes	<input checked="" type="text" value="x"/>	No	<input type="text"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Justified</i>	Yes	<input type="text"/>	No	<input type="text"/>
<i>Effective</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Consistent with National Policy</i>	Yes	<input type="text"/>	No	<input type="text"/>

2 (3) Complies with the Duty to co-operate	Yes	<input type="text"/>	No	<input type="text"/>
--------------------------------------------	-----	----------------------	----	----------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

It is considered that Policy MO1 is appropriate and meets each of the soundness tests.

0119

Date: 20 December 2016
Our ref: 201149



Minerals and Waste Planning Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH
mwjointplan@northyorks.gov.uk

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Minerals and Waste Planning Team

Planning consultation: Minerals and Waste Joint Plan - Publication (November 2016 - December 2016) Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012

Thank you for your consultation on the above dated 09 November 2016 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England has had very limited capacity to review the Kirklees Publication Draft Local Plan consultations and have therefore concentrated on areas of greatest concern with regards to our interests. If there are any additional specific issues or elements of the consultation documents you would like us to provide comments on then please contact Merlin Ash at merlin.ash@naturalengland.org.uk or on 02080 266382.

We recognise that comments at this stage of the plan making process should be based on the Tests of Soundness as set out in paragraph 182 of the National Planning Policy Framework (NPPF). Therefore we have set out comments below under section 1 'Legal compliance and soundness concerns', along with Section 2 'Additional advice' on improvements to the Plan, which should be considered before formal submission to the Secretary of State.

1. Legal compliance and soundness concerns

1.1 MJP14 Ripon Quarry

As advised in our previous response Natural England has an outstanding objection with regards to application NY/2011/0429/ENV and do not consider that sufficient information has been provided at this stage to determine that the minerals extraction at this site will not destroy or damage the interest features for which Ripon Parks Site of Special Scientific Interest (SSSI) and River Ure Bank Ripon Parks SSSI are designated.

Natural England has had further discussions with both the county council and the applicant since our last response which has resolved a number of issues, however we still have outstanding concerns regarding the impact of the proposal on hydrology and geomorphology. For more information please see our correspondence with the county council regarding this consultation.

We are expecting further information in the near future which may address our concerns however at

this stage we are unable to withdraw our objection. As a result Natural England considers that there is insufficient evidence on which to base the assessment of this site in the Sustainability Appraisal and that therefore we consider it not to be legally compliant.

Natural England advises that, unless sufficient evidence can be provided to rule out damage to Ripon Parks SSSI and River Ure Bank Ripon Parks SSSI this allocation should be removed from the plan. Should this further evidence determine that the proposal cannot go ahead without damage to the SSSI's it will be for the county council to determine whether there are other sustainability considerations which outweigh the damage to the SSSI. However we advise that as nationally designated sites the SSSIs should be given great weight in decision making.

2. Additional advice

2.1 We previously raised concerns regarding the assessment of MJP35 Ruddings Farm Walshford in the Habitats Regulations Assessment report but note that this allocation has been removed from the plan at this stage.

2.2 We also note that MJP15 Blubberhouses Quarry has been discounted at this stage.

2.3 Natural England welcomes the reference to Landscape Character Assessment in the supporting text for policy D06 Landscape.

2.4 We welcome the specific references to designated sites in proximity to allocations in the site briefs in Appendix 1.

3. Sustainability Appraisal

3.1 Notwithstanding the comments regarding MJP14 Ripon Quarry Natural England is otherwise broadly satisfied with the Sustainability Appraisal and has no further comments to make.

4. Habitats Regulations Assessment

4.1 Natural England welcomes the assessment and has no further comments to make.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter please contact Merlin Ash at merlin.ash@naturalengland.org.uk or on 02080 266382. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours faithfully

Merlin Ash
Yorkshire and Northern Lincolnshire Team
Natural England

j) <i>The timeliness of us negotiating revised deadlines (where applicable)</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
k) <i>Our response within agreed deadlines</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
l) <i>The extent to which you felt you had been treated fairly and with respect</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
m) <i>The ease of completion of application/renewal</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
n) <i>The clarity of published guidance for completing an application</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
o) <i>The helpfulness of advice from staff on site visit?</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Improving the overall quality of our service

3) Please add any suggestions or feedback you may have to improving our service for you, and include the name of anyone who had been particularly helpful to you. If you have responded 'dissatisfied' or 'very dissatisfied' for any question we would appreciate further details so we can investigate and improve our service in the future

We would like to update you on any action we have taken following your comments and suggestions. If you would like an update, please add your name and email or telephone number

Thank you for taking the time to let us have your views.

Ian Fugler, Director for Sustainable Development.

Using and sharing your information

The data controller is Natural England, 4th Floor, Foss House, Kings Pool, 1-2 Peasholme Green, York, YO1 7PX. Your information will be stored and processed in accordance with the Data Protection Act 1998. This Act gives you, as an individual, the right to know what data we hold on you, how we use it, with whom we share it and for it to be accurate.

Any information you provide will only be used by Natural England for the purposes of service standard monitoring.

Submit by Email

Joan Jackson

From: Ash, Merlin (NE) <Merlin.Ash@naturalengland.org.uk>
Sent: 20 December 2016 13:18
To: mwjointplan
Cc: Hall, Richard (NE); O'Reilly, Liam (NE); Reaney Ruth (NE); Newton, Joanne L (NE)
Subject: RE: Minerals and Waste Joint Plan - Publication Stage
Attachments: 201149 Natural England Response.pdf; NE Feedback Form 2016.pdf

Dear Minerals and Waste Planning Team,

Thank you for consulting Natural England on the Publication Draft of the North Yorkshire Minerals and Waste Joint Plan.

Unfortunately Natural England has had very limited capacity to review the Publication Draft of the North Yorkshire Minerals and Waste Joint Plan consultation and have therefore concentrated on areas of greatest concern with regards to our interests. If there are any additional specific issues or elements of the consultation documents you would like us to provide comments on then please contact Merlin Ash at merlin.ash@naturalengland.org.uk or on 02080 266382.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours faithfully,

Merlin Ash
Lead Adviser
Sustainable Development and Marine
Yorkshire and Northern Lincolnshire
Natural England
Foss House, 1-2 Peasholme Green, York, YO1 7PX
Tel: 02080 266382

www.naturalengland.org.uk

We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

Natural England offers two chargeable services – The Discretionary Advice Service (**DAS**) provides pre-application, pre-determination and post-consent advice on proposals to developers and consultants as well as pre-licensing species advice and pre-assent and consent advice. The Pre-submission Screening Service (**PSS**) provides advice for protected species mitigation licence applications.

These services help applicants take appropriate account of environmental considerations at an early stage of project development, reduce uncertainty, reduce the risk of delay and added cost at a later stage, whilst securing good results for the natural environment.

In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.

From: mwjointplan [<mailto:mwjointplan@northyorks.gov.uk>]
Sent: 09 November 2016 13:38
To: mwjointplan
Subject: Minerals and Waste Joint Plan - Publication Stage

Dear Sir/Madam,

Minerals and Waste Joint Plan – Publication

North Yorkshire County Council, City of York Council and the North York Moors National Park Authority are working together to produce a Minerals and Waste Joint Plan covering all three planning authority areas. When finalised the new Joint Plan will help the three authorities take decisions on planning applications for minerals and waste development up to 31 December 2030. A number of public consultations have already taken place to help develop the new Plan, including an 'Issues and Options' consultation in 2014 and a 'Preferred Options' consultation in 2015.

A final draft of the Joint Plan has now been prepared and is being published for a six week period to allow for representations to be made, before it is submitted for examination in public by an independent planning inspector. At this stage only representations relating to the legal compliance and soundness of the Joint Plan are required. More information about this is contained in the guidance notes attached with this email.

The formal publication period commences on **Wednesday 9th November 2016** and will close on **Wednesday 21st December 2016**. All responses must be received by **5pm** on that day. Please note we will be unable to accept responses after this deadline.

The Joint Plan and supporting documents are available to view on the Joint Plan Website: www.northyorks.gov.uk/mwconsult. Paper copies of the Joint Plan and main supporting documents, including a response form and guidance notes, are available to view during normal opening hours at all public libraries in the area covered by the Joint Plan, including mobile libraries and at all main offices of the three Authorities, as well as at District and Borough Council main offices and the National Park Centres.

Please see attached to this email:

- Formal Publication Letter,
- Statement of Representations Procedure,
- Response Form (Part A & Part B) and
- Guidance Notes

For further information about the Minerals and Waste Joint Plan please visit our website: www.northyorks.gov.uk/mwconsult

Yours faithfully

Minerals and Waste Joint Plan Team

On behalf of:

North Yorkshire County Council, City of York Council and North York Moors National Park Authority

This email has been sent on behalf of North Yorkshire County Council (NYCC), City of York Council (CYC) and North York Moors National Park Authority (NYMNPAA).

WARNING

Any opinions or statements expressed in this e-mail are those of the individual and not necessarily those of NYCC, CYC or NYMNPAA.

This e-mail and any files transmitted with it are confidential and solely for the use of the intended recipient. If you receive this in error, please do not disclose any information to anyone, notify the sender at the above address and then destroy all copies.

Minerals and Waste Joint Plan Team,
 Planning Services,
 North Yorkshire County Council,
 County Hall,
 NORTHALLERTON
 DL7 8AH

Our Ref: HD/P5069/22
 Your Ref:

Telephone: 01904 601977
 Mobile: 0797 4312960

30 November 2016

Dear Sirs,

Minerals and Waste Joint Plan – Publication Draft

Thank you for consulting Historic England about the Publication Draft of the Minerals and Waste Joint Plan. We have the following comments to make regarding its contents:-

Page	Section	Sound/ Unsound	Comments	Suggested Change
16	Paragraph 2.14	Sound	This makes it clear that the primary purpose of the Green Belt around York is to protect the character and setting of the historic City.	-
16	Paragraph 2.15	Sound	This provides a good summary of the heritage assets of the plan area and underlines why it is so important that mineral and waste developments are delivered in a manner consistent with safeguarding the significance of these assets.	-
35	Paragraph 3.4	Sound	We would endorse the following as being a key issue and challenges which the Local Plan needs to address:- <u>Minerals</u> <ul style="list-style-type: none"> • Continuing to provide a supply of building stone for repair of traditional buildings and for new build; • Ensuring there are sufficient safeguards in place to minimise the impacts of minerals extraction on communities, the environment and other important assets <u>Waste</u> <ul style="list-style-type: none"> • Ensuring there are sufficient safeguards 	-

Page	Section	Sound/ Unsound	Comments	Suggested Change
			<p>in place to minimise the local impacts of waste management on communities, the environment and other important assets</p> <p><u>General</u></p> <ul style="list-style-type: none"> • Establishing policies which are appropriate across the diverse characteristics of the Plan area; • Developing an appropriate approach to the protection and enhancement of the Plan areas' important landscapes, and natural and heritage assets including the North York Moors National Park, AONBs and World Heritage Site, the historic city of York, numerous Conservation Areas, Green Belt, and listed buildings; as well as the wide range of non-designated assets which are important for their own intrinsic value; 	
37	Paragraph 4.1, Vision	Sound	<p>We support that part of the proposed Vision which relates to maintaining a careful balance between meeting future needs whilst protecting and enhancing the Plan area's environment. Given the high environmental quality of the plan area (and the huge contribution which the environment of North Yorkshire and York makes to the quality of life of its communities and the economic well-being of the area) it is essential that the need for minerals and waste developments takes place in a manner which is consistent with safeguarding these assets.</p>	-
37	Priority ii	Sound	<p>We support the intention to make provision for local materials to help maintain and improve the quality of the area's built environment. North Yorkshire's rich architectural heritage owes much to the great variety of stones used in its buildings and other structures and the Joint Plan area has, historically, been a supplier of building</p>	-

Page	Section	Sound/ Unsound	Comments	Suggested Change
			stone not just for the local area but also elsewhere across the Country	
38	Priority iii	Sound	<p>We support the inclusion of environmental considerations in determining whether or not to allow developments which would deliver a good match between locations of mineral supply and demand.</p> <p>There is a large demand for aggregates from the area lying outside and to the north of the Plan area. However, the northern part of the Joint Plan area contains not only a National Park but also some very important archaeological landscapes. The inclusion of environmental considerations in this Priority will ensure that pressure is not put on some of the most important landscapes of the plan area to meet the needs of areas outside North Yorkshire.</p>	-
38	Priority vi	Sound	<p>We support the intention that, in identifying appropriate locations for the delivery of both minerals and waste developments, the distinguished natural, historic and cultural environment and unique and special landscapes of the Plan area will have been protected, with particular protection afforded to the North York Moors National Park, the Areas of Outstanding Natural Beauty, the historic City of York and the World Heritage Site at Fountains Abbey/Studley Royal.</p> <p>The County's environmental assets make an important contribution to the character of this part of Yorkshire, to the area's economic well-being, and to quality of life of its communities. The particular areas identified in this Priority are recognised as being of especially importance to the character of the plan area and it is wholly appropriate that the plan identifies these area as warranting particular attention in the consideration of</p>	-

Page	Section	Sound/ Unsound	Comments	Suggested Change
			minerals and waste developments.	
37	Priority vii	Sound	<p>We support the intention that minerals and waste developments will be expected to take place in accordance with the highest practicable standards of design, operation and mitigation in order to ensure that the high-quality environment of the Plan area is given robust protection.</p> <p>The County's environmental assets make an important contribution to the character of this part of Yorkshire, to the area's economic well-being, and to quality of life of its communities. It is wholly appropriate, therefore that mineral and waste developments take place in a manner which safeguards these assets.</p>	-
39	Objective 3	Sound	<p>We support the Objective of safeguarding important minerals resources for the future. As one of the important mineral resources of the Joint Plan area, there is a need ensure that potential sources of building and roofing stone (which are essential to the repair and maintenance of the heritage assets of the County and beyond) are not sterilized by other uses.</p>	
40	Objective 5	Sound	<p>We support that part of the Objective which relates to the ensuring an adequate supply of minerals to contribute to local distinctiveness. North Yorkshire's rich architectural heritage owes much to the great variety of stones used in buildings and other structures and the Joint Plan area has, historically, been a supplier of building stone not just for the local area but also elsewhere across the Country.</p>	
41	Objective 9	Sound	<p>We support the Objective of protecting and, where appropriate, enhancing the natural and historic environment, the landscapes and the tranquil areas of this part of North Yorkshire. This Objective will help to deliver that part of the Vision which seeks to ensure</p>	

Page	Section	Sound/ Unsound	Comments	Suggested Change
			that the demand for minerals takes place in a manner which protects the environmental assets of the County.	
48	Policy M01	Sound	<p>We support this Policy. Given the landscape sensitivity of the National Park and the AONBs, their generally poor connectivity to the primary road network, and the breadth of their environmental assets, we support the intention to meet the demand for aggregates from outside these areas</p> <p>We also endorse:-</p> <ul style="list-style-type: none"> • The requirement that any crushed rock aggregate which occurs as an incidental part of building stone extraction does not compromise the supply of the building stone from that quarry (Criterion 2), and • The requirement that any applications for small-scale extraction of sand and gravel around York need to be consistent with safeguarding the special historic character and setting of the City. 	
51	Policy M03	Sound	<p>Whilst the approach of Policy M03 would reduce the distances which aggregates would have to travel, this strategy (which seeks to establish new sources of supply as close as practicable to the main external markets) could put pressure for the development of new quarries in some of the most environmentally-sensitive parts of the Joint Plan area. This approach could, potentially, pose a greater threat to the environment of the County than a strategy which enables the assessed needs for sand and gravel to be met from across the whole of the Plan area (excluding the National Parks and AONBs). Therefore we welcome the intention that, should it not be possible to meet the overall provision through the grant of planning permission on allocated sites, that the requirements will be met</p>	-

Page	Section	Sound/ Unsound	Comments	Suggested Change
			across both areas in combination. This should assist in ensuring that there is not pressure for increased sand and gravel extraction in the more environmentally-sensitive areas purely to meet the demands from outside the county	
53	Policy M05	Unsound	<p>In the past, the Minerals Plan for the County has not sought to identify a separate provision for Magnesian Limestone. Indeed, it recognised that some of the demand for this type of crushed rock may be able to be met from other sources. We are concerned about the potential impact which the approach set out in this Policy (of identifying a separate provision for Magnesian Limestone and in seeking to ensure that there is a separate 10 year landbank of this resource) might have upon the County's heritage assets. There is a considerable concentration of designated and undesignated heritage assets along the Southern Magnesian Limestone Ridge. These include the Neolithic ritual landscape at Thornborough (which is considered to be internationally significant and ranks alongside the monuments of Wessex and Orkney in its potential contribution to our understanding of late Neolithic cosmology and the inter-relationship between architecture and the surrounding landscape).</p> <p>Whilst the scale of provision is relatively small in the context of the geographical extent of the ridge and the site-specific allocations within that area have taken account of the impact upon the historic environment and historic landscapes, nevertheless, the inclusion of a separate provision for Magnesian Limestone and the identification of a separate landbank for this type of crushed rock and an intention to</p>	Policy M05 delete reference to a specific figure for the amount of Magnesian Limestone to be provided in the Plan or for a 10-year landbank of this type of crushed rock

Page	Section	Sound/ Unsound	Comments	Suggested Change
			maintain a 10-year supply, could increase pressure for mineral extraction in an area of known archaeological importance and which has a significance number of other designated heritage assets..	
55	Policy M06, first Paragraph	Unsound	<p>In the past, the Minerals Plan for the County has not sought to identify a separate provision for Magnesian Limestone. Indeed, it recognised that some of the demand for this type of crushed rock may be able to be met from other sources. We are concerned about the potential impact which the approach set out in this Policy (of identifying a separate provision for Magnesian Limestone and in seeking to ensure that there is a separate 10 year landbank of this resource) might have upon the County's heritage assets. There is a considerable concentration of designated and undesignated heritage assets along the Southern Magnesian Limestone Ridge. These include the Neolithic ritual landscape at Thornborough (which is considered to be internationally significant and ranks alongside the monuments of Wessex and Orkney in its potential contribution to our understanding of late Neolithic cosmology and the inter-relationship between architecture and the surrounding landscape).</p> <p>Whilst the scale of provision is relatively small in the context of the geographical extent of the ridge and the site-specific allocations within that area have taken account of the impact upon the historic environment and historic landscapes, nevertheless, the inclusion of a separate provision for Magnesian Limestone and the identification of a separate landbank for this type of crushed rock and an intention to maintain a 10-year supply, could increase</p>	Policy M06, first Paragraph delete reference to a specific figure for the amount of Magnesian Limestone to be provided in the Plan or for a 10-year landbank of this type of crushed rock

Page	Section	Sound/ Unsound	Comments	Suggested Change
			pressure for mineral extraction in an area of known archaeological importance.	
55	Policy M06, second Paragraph	Sound	In view of the sensitivity of the landscapes of the AONB and the National Park, the advice given in national policy guidance, and the estimated reserves of crushed rock across the remainder of the Joint Plan, we support the intention that there should be a zero requirement for the reserves for crushed rock to be met from sites from within these areas.	-
56	Policy M07, Part (1)(i) and(1) (ii)	Unsound	<p>We have concerns about the impact which mineral development from the following sites might have upon the historic environment:-</p> <ul style="list-style-type: none"> • Land at Killerby (MJP21) • Land at Home Farm, Kirkby Fleetham (MJP33) • Land South of Catterick (MJP17) <p>In all these cases, the Sustainability Heritage Impact Assessment considers that minerals extraction would be likely to have a “moderately negative effect” on the significance of nearby Listed Buildings. This is the second-highest degree of harm in the scoring system used in that Assessment. In all these cases, it does not appear from the Appraisal that this harm is capable of mitigation in a manner which, itself, would not harm the significance of these designated heritage assets.</p> <p>When considering the impact of proposals upon the significance of a designated heritage asset, Paragraph 132 makes it clear that “great weight” should be given to the conservation of those assets. The more important the asset, the greater the weight should be.</p> <p>In addition, there is a requirement under S66 of the Planning (Listed Buildings and</p>	<p>Policy M07, Part (1)(i) and(1) (ii) for the following allocations:-</p> <ul style="list-style-type: none"> • Land at Killerby (MJP21) • Land at Home Farm, Kirkby Fleetham (MJP33) • Land South of Catterick (MJP17) <p>either:-</p> <p>(a) These allocations should be deleted, or</p> <p>(b) The extent of the allocations should be reduced to a size which would safeguard the setting of the nearby Listed Buildings, or</p> <p>(c) The Plan needs to explain what public benefits justify the Allocation of a site which is likely to result in harm to the</p>

Page	Section	Sound/ Unsound	Comments	Suggested Change
			<p>Conservation Areas) Act that “special regard” should be had to the desirability of preserving Listed Buildings or their setting or any features of special architectural or historic interest which they possess.</p> <p>Therefore, an allocation which would be likely to result in harm to an element which contributes to the significance of a number of Listed Buildings in its vicinity is contrary to both the provisions of the NPPF and to the statutory requirements set out in the 1990 Act.</p> <p>In view of the fact that the harm to these Listed Buildings seems incapable of effective mitigation, either:-</p> <p>(a) These allocations should be deleted, or</p> <p>(b) The extent of the allocations should be reduced to a size which would safeguard the setting of the nearby Listed Buildings, or</p> <p>(c) The Plan needs to explain what public benefits justify the Allocation of a site which is likely to result in harm to the significance of a designated heritage asset (as is required by NPPF, Paragraph 133 or 134).</p>	significance of a designated heritage asset (as is required by NPPF, Paragraph 133 or 134).
56	Policy M07, final Paragraph	Sound	Appendix 1 of sets out details of the key sensitivities of each site and the development requirements that need to be taken into account in order to ensure that mineral extraction takes place in a manner which will minimise harm to the environmental assets in the area. This Paragraph ensures that these development principles are effectively tied into the Local Plan and helps to provide certainty to both potential developers and local communities about precisely what will, and will not, be permitted on these sites..	-

Page	Section	Sound/ Unsound	Comments	Suggested Change
57	Paragraph 5.38	Sound	<p>The Preferred Area at Oaklands (MJP07) lies within the Swale/Ure river catchments. This larger area contains the most significant concentration of Neolithic and Bronze Age monuments and related archaeological deposits in the north of England. Within this area are seven henges, two cursus monuments, several barrows, enclosures, pit alignments and the Devil's Arrows standing stones. Many of the features within this landscape are scheduled as nationally important. The three henges on Thornborough Moor are unparalleled in their size, alignment and form, and the degree of preservation. The northern henge, currently under woodland, is probably the best-preserved such monument in the country; only the great bank and ditch at Avebury exceeds it in scale</p> <p>Archaeological evaluations within the site area have demonstrated the presence of archaeological features in the southern half of this site (identified in the Environmental Statement which accompanied Application No NY/2011/0242/ENV as Area D). These should be considered as having high archaeological value and are part of, and contribute to, our understanding of the significance of the Thornborough landscape.</p> <p>We fully support the statement in this Paragraph that the potential for mineral development may be for a significantly reduced area than that shown.</p>	-
59	Policy M08, final Paragraph	Sound	<p>Appendix 1 of sets out details of the key sensitivities of each site and the development requirements that need to be taken into account in order to ensure that mineral extraction takes place in a manner which will minimise harm to the environmental assets in the area. This</p>	-

Page	Section	Sound/ Unsound	Comments	Suggested Change
			Paragraph ensures that these development principles are effectively tied into the Local Plan and helps to provide certainty to both potential developers and local communities about precisely what will, and will not, be permitted on these sites.	
60	Policy M09, final Paragraph	Sound	Appendix 1 of sets out details of the key sensitivities of each site and the development requirements that need to be taken into account in order to ensure that mineral extraction takes place in a manner which will minimise harm to the environmental assets in the area. This Paragraph ensures that these development principles are effectively tied into the Local Plan and helps to provide certainty to both potential developers and local communities about precisely what will, and will not, be permitted on these sites.	-
65	Policy M11, Criterion (2)	Sound	The landscape character of a number of areas within North Yorkshire (including large areas within the North York Moors National Park) and the significance of some of its heritage assets is the result of previous extractive and industrial activities. In these areas, the waste from these processes now contributes to the distinctive character of the local area, it may be of archaeological importance, and can also, potentially, contribute to understanding of past industrial activity. It is important, therefore, that any proposals for reworking such areas are carefully examined against the potential harm they might have upon those elements which contribute to the landscape character and the contribution they make to the significance of heritage assets in the area.	-
69	Policy M13, Criterion (3)	Sound	Appendix 1 of sets out details of the key sensitivities of each site and the development requirements that need to be taken into account in order to ensure that mineral extraction takes place in a manner	-

Page	Section	Sound/ Unsound	Comments	Suggested Change
			which will minimise harm to the environmental assets in the area. This Paragraph ensures that these development principles are effectively tied into the Local Plan and helps to provide certainty to both potential developers and local communities about precisely what will, and will not, be permitted on these sites.	
72	Policy M15	Sound	<p>We support the approach to the supply of building stone that is set out in this Policy. North Yorkshire's rich architectural heritage owes much to the great variety of stones used in its buildings and other structures. It is essential, therefore, that the plan sets out a framework which will support the delivery of the necessary supplies of new matching stone which are needed for repair and restoration of the area's heritage assets and for new construction within sensitive areas. Given the importance of this resource and the contribution which locally-sourced building and roofing stone plays in delivering the Objectives for conserving and enhancing the historic environment which are set out in the numerous Local Plans within this part of Yorkshire, it is essential that the Joint Minerals and Waste Plan clearly expresses its support for the principle of the continued production of such stone.</p> <p>For the repair and restoration of some heritage assets, it will be essential that the material used comes from the original source of the building stone or, where they exist, from a compatible quarry source. Therefore, in some cases, the only option will be to reopen a face on a currently-disused or dormant quarry. Therefore, we welcome Criterion (1)(iii).</p>	-
72	Policy M15, Criterion 4	Sound	We support the allocation of Site MJP63 (Brows Quarry) as a Preferred Area for the supply of Building Stone. Stone from the	-

Page	Section	Sound/ Unsound	Comments	Suggested Change
			adjacent site has been used for the construction of a number of important buildings in the local area and the stone from this extension would help the maintenance and repair of the heritage assets in the County.	
83	Policy M16, Criterion (b)(i)	Sound	<p>We welcome the intention to limit support for surface proposals associated with hydrocarbon developments only where they are outside:-</p> <ul style="list-style-type: none"> • one of the designated heritage assets which the NPPF recognises as being of the highest significance, • an AONB • the National Park, or • where they would affect the character and setting of historic City of York. <p>The Plan area is characterised by a very high-quality environment and it is essential that those assets which are acknowledged of being of especial importance to the area are not harmed.</p>	-
83	Policy M16, Criterion (b)(ii)	Unsound	<p>Whilst we welcome the intention to only allow proposals underneath one of the designated heritage assets which the NPPF recognises as being of the highest significance where it can be demonstrated that it will not result in harm to these assets, we are concerned about the degree of harm that this Criterion would, potentially, allow.</p> <p>The Plan area is characterised by a very high-quality environment and it is essential that those assets which are acknowledged of being of especial importance to the area are not harmed.</p> <p>When considering the impact of proposals upon the significance of a designated heritage asset NPPF Paragraph 132 makes it clear that "great weight" should be given to</p>	<p>Policy M16, Criterion (b)(ii), line 4 amend to read:-</p> <p><i>"... demonstrated that they would not harm the significance of those assets... etc"</i></p>

Page	Section	Sound/ Unsound	Comments	Suggested Change
			<p>the conservation of those assets. The more important the asset, the greater the weight should be. All the designated heritage assets identified in Policy M16, Criterion (b)(i) are those which the Government considers to be of the highest significance (and, therefore, to which the greatest weight to their conservation should be given).</p> <p>Therefore, as drafted Criterion (b)(ii) (which would permit as a matter of course some degree of harm to designated heritage assets which the Government considers to be of the highest significance) would appear to be contrary to national policy guidance.</p> <p>If there is harm, then it would not necessarily prevent lateral drilling where it can be shown that it will deliver sufficient public benefits to outweigh that harm</p>	
90	Policy M17	Sound	<p>We support the caveats within this Policy to ensure that hydrocarbon developments take place in a manner which minimises harm to the environmental assets of the plan area particularly that:-</p> <ul style="list-style-type: none"> • Gas pipelines should be routed to have the least practicable environmental impact (Criterion (1)(iii)) • In assessing the cumulative impact of such developments, account should be taken of the sensitivity of the receiving environment, taking account of the nature and distribution of any environmental constraints (Criterion (2)(ii)(c)) • Hydrocarbon developments will be permitted in locations where a high standard of protection can be provided to environmental, cultural or heritage assets important to the local economy (Criterion (3)) 	-

Page	Section	Sound/ Unsound	Comments	Suggested Change
			The Plan area is characterised by a very high-quality environment and these assets make an important contribution to the economy of the area. Consequently, it is essential that such development take place in a manner consistent with safeguarding the elements which contribute to the significance of these assets.	
102	Policy M22	Sound	We support this Policy which should help to ensure that developments associated with the supply of potash, polyhalite and salt take place in a manner which will safeguard the special qualities of the National Park.	-
104	Policy M23	Sound	We support this Policy especially the requirement that:- <ul style="list-style-type: none"> • The location, siting and design of surface developments should ensure a high standard of protection for the environment • The effects of any subsidence upon the historic environment will be monitored and controlled so as to prevent unacceptable impacts. 	-
105	Policy M24	Sound	We support Criterion (iii) relating to the need for the extraction of vein minerals to have particular regard to the impact upon heritage assets. The parts of the plan area where these minerals occur have a rich historic environment which make an important contribution to the local tourism economy. It is essential, therefore, that any extraction pays particular attention to ensuring that these assets are not harmed.	-
124	Policy W04, Criterion (3)	Sound	Appendix 1 of sets out details of the key sensitivities of each site and the development requirements that need to be taken into account in order to ensure that any waste management facilities takes place in a manner which will minimise harm to the environmental assets in the area. This Paragraph ensures that these development principles are effectively tied into the Local	-

Page	Section	Sound/ Unsound	Comments	Suggested Change
			Plan and helps to provide certainty to both potential developers and local communities about precisely what will, and will not, be permitted on these sites.	
128	Policy W05, Criterion (3)	Sound	Appendix 1 of sets out details of the key sensitivities of each site and the development requirements that need to be taken into account in order to ensure that any waste management facilities takes place in a manner which will minimise harm to the environmental assets in the area. This Paragraph ensures that these development principles are effectively tied into the Local Plan and helps to provide certainty to both potential developers and local communities about precisely what will, and will not, be permitted on these sites.	-
137	Policy W10	Sound	We support the intention to avoid locating new waste management facilities within the National Park or AONBs 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. This will help to ensure that the most important landscapes of the Plan area are appropriately protected.	-
149	Policy S01	Sound	Given the importance of the building and roofing stone resources of the Joint Plan area to the conservation of the historic assets of both North Yorkshire and beyond, we support the proposed approach of safeguarding both active and known former building stone quarries together with a 250m buffer around them. This reflects the recommendations of BGS and should ensure that these reserves are not sterilised.	-
149	Policy S02, Part 1	Sound	Given the importance of the building and roofing stone resources of the Joint Plan area to the conservation of the historic	-

Page	Section	Sound/ Unsound	Comments	Suggested Change
			assets of both North Yorkshire and beyond, we support the proposed approach towards the consideration of development proposals in the Minerals Safeguarding Areas.	
163	Policy D03	Sound	We support the approach to minerals transportation that is set out in Policy D03 and the prioritization of minerals and waste developments which can be accessed by means of non-road transport.	-
166	Policy D04	Sound	We support the approach to development which might affect the landscapes of the National Parks and the AONBs that is set out in Policy D03. It is important that the special qualities of these protected landscapes are not harmed through inappropriate mineral or waste development.	-
168	Policy D05 and Paragraph 9.29	Sound	<p>The York Green Belt is different from the West Yorkshire Green Belt insofar as 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 nowhere near as important as this primary purpose.</p> <p>The Policy and this part of the justification make it clear to users of the document that the purposes (and hence considerations) for developments affecting the West Yorkshire Green Belt and York Green Belt are substantially different.</p>	-
170	Policy D06	Sound	We support the approach to the protection of the landscape of the Plan area that is set out in Policy D06. The range and variety of different landscapes across the plan area makes a huge contribution to the distinctive character of the County, to the quality of life of its communities, and are one of the reasons why the area has so many visitors. It is important, therefore, that the Joint Plan ensures that the qualities of all these	

Page	Section	Sound/ Unsound	Comments	Suggested Change
			landscapes (not simply those which are identified as being of national importance) are not harmed through inappropriate mineral or waste developments. This Policy will help to deliver that part of Objective 9 relating to the protection of the landscapes of the plan area.	
176	Policy D08	Sound	<p>We support the approach that is set out in Policy D08. The Plan area has an immensely rich and diverse historic environment. Its heritage assets make an important contribution to the distinct identity of the County's towns, villages and countryside, they contribute to the quality of life of its communities, and they play a key role in encouraging people to live, visit and invest in the area. It is essential, therefore, that the Local Plan sets out a sufficiently robust Policy framework for the consideration of development proposals likely to affect this resource.</p> <p>We particularly welcome the identification in the Policy of those aspects of the plan area's extensive range of heritage assets which are considered to be of especial importance to the character of the County (Criterion (2)). The identification of those elements within this Policy help the decision-maker determine whether or not a particular proposal would be likely to harm one of the key attributes which contribute to the area's distinctiveness (and, therefore, ought to be weighed more heavily in the decision-making process).</p> <p>We would fully endorse the advice in Paragraph 9.67 regarding the use of the good practice advice contained in the <i>Managing Landscape Change Study</i> to inform the preparation of planning applications. Evaluation of mineral and waste</p>	-

Page	Section	Sound/ Unsound	Comments	Suggested Change
			<p>developments needs to be based upon a robust assessment of the likely impacts which they might have upon the environment. The <i>Managing Landscape Change Study</i> should assist in this process.</p> <p>The framework which is set out in Policy D08 and its justification provides the type of approach needed to satisfy the requirements of NPPF Paragraph 126 by helping to clearly set out how a decision-maker should react to a development proposal affecting the historic environment and will assist in the delivery of Objective 9 of the plan insofar as it relates to the historic environment.</p>	
183	Policy D10, part 2, Criterion (v)	Sound	We support the approach which is set out in Criterion (v) of part 2 of Policy D10 relating to restoration proposals in the vicinity of heritage assets. In the past, the potential which the restoration of minerals sites might provide in helping to deliver enhancements for the historic environment have often been ignored. This should ensure that this does not happen in future reclamation and afteruse schemes.	-

Proposed Allocated Sites and Areas of Search

Our comments on the Proposed Allocated Sites and Areas of Search are set out in the attached Schedule.

If you have any queries about any of the matters raised above or would like to discuss anything further, please do not hesitate to contact me.

Yours faithfully,

Ian Smith
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Schedule of Comments on the Publication Draft of the Minerals and Waste Joint plan Allocated Sites and Areas of Search

Appendix 1 Page	Site Ref.	Location	Sound/ Unsound	Comments	Suggested Change
10	WJP 13	Halton East, near Skipton	Sound	<p>There are three Conservation Areas within 1.2km of this site. We, welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of these Conservation Areas and, in the Development Requirements Section, for proposals to mitigate the impact upon them.</p> <p>This will make those preparing schemes for the development of this site and those considering the appropriateness of any proposals which do come forward aware of the need to take account of the Plan's Policies for the historic environment and the duties under the Planning (Listed Buildings and Conservation Areas) Act, 1990. It should help to ensure that the development of this area takes place in a manner which will safeguard the character and appearance of these Conservation Areas.</p>	
16	MJP 06	Langwith Hall Farm, East of Well	Unsound	<p>The application site lies within the Swale/Ure river catchments. This larger area contains the most significant concentration of Neolithic and Bronze Age monuments and related archaeological deposits in the north of England. Within this area are seven henges, two cursus monuments, several barrows, enclosures, pit alignments and the Devil's Arrows standing stones. Many of the features within this landscape are scheduled as nationally important. The three henges on Thornborough Moor are unparalleled in their size, alignment and form, and the degree of preservation. The northern henge, currently under woodland, is probably the best-preserved such monument in the country; only the great bank and ditch at Avebury exceeds it in scale.</p> <p>Historic England was involved in discussions regarding the application for mineral extraction from this site (Langwith House Farm) which is currently awaiting determination. In our response, we commented that we considered that the supporting information had demonstrated that that</p>	<p>MJP06, Development Requirements insert an extra bullet-point before the third bullet-point as follows:- <i>"Applications should be informed by a comprehensive archaeological assessment (including an evaluation against the framework set out in Managing Landscape Change project)"</i></p>

Appendix 1 Page	Site Ref.	Location	Sound/ Unsound	Comments	Suggested Change
				<p>there will not be a direct physical impact on known archaeological deposits associated with the Thornborough Henges or their key visual relationships.</p> <p>However, we did consider that further mineral extraction in this area would have a harmful cumulative impact on the setting of the heritage assets (designated and undesignated) associated with the Thornborough Henges, the promontory of Thornborough Moor on which they sit and, specifically, the ability to appreciate and experience them in their landscape. However, we considered that the mitigation measures proposed as part of that application offered a clear opportunity to reverse some of the harmful impacts of past quarrying in the landscape and to reconnect the henges with their landscape setting.</p> <p>We welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of these assets and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them. We also support the requirement for restoration schemes using opportunities to reconnect the Henges to their landscape setting</p> <p>However, given the potential for nationally-important archaeological remains on at least part this site, it is essential that any application is informed by a comprehensive archaeological assessment (including an evaluation against the framework set out in Managing Landscape Change project). This was a recommendation of the Sustainability Appraisal Heritage Impact Assessment and should be included as a Development Requirement.</p>	
20	MJP 07	Oaklands, near Well	Unsound	<p>The application site lies within the Swale/Ure river catchments. This larger area contains the most significant concentration of Neolithic and Bronze Age monuments and related archaeological deposits in the north of</p>	MJP07, Development Requirements

Appendix 1 Page	Site Ref.	Location	Sound/ Unsound	Comments	Suggested Change
				<p>England. Within this area are seven henges, two cursus monuments, several barrows, enclosures, pit alignments and the Devil's Arrows standing stones. Many of the features within this landscape are scheduled as nationally important. The three henges on Thornborough Moor are unparalleled in their size, alignment and form, and the degree of preservation. The northern henge, currently under woodland, is probably the best-preserved such monument in the country; only the great bank and ditch at Avebury exceeds it in scale</p> <p>Archaeological evaluations within the site area have demonstrated the presence of archaeological features in the southern half of this site (identified in the Environmental Statement which accompanied Application No NY/2011/0242/ENV as Area D). These should be considered as having high archaeological value and are part of, and contribute to, our understanding of the significance of the Thornborough landscape.</p> <p>We fully support the statement in the penultimate Paragraph that the potential for mineral development may be for a significantly reduced area than that shown.</p> <p>We welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of these assets and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them. However:-</p> <p>(a) Given the potential for nationally-important archaeological remains on at least part this site, it is essential that any application is informed by a comprehensive archaeological assessment (including an evaluation against the framework set out in Managing Landscape Change project). This was a recommendation of the Sustainability Appraisal Heritage Impact</p>	<p>(a) Insert an extra bullet-point before the third bullet-point as follows:- <i>"Applications should be informed by a comprehensive archaeological assessment (including an evaluation against the framework set out in Managing Landscape Change project)"</i></p> <p>(b) Amend the final bullet-point to read:- <i>"An appropriate restoration scheme using opportunities for habitat creation and reconnecting the Henges to their landscape setting ...etc"</i></p>

Appendix 1 Page	Site Ref.	Location	Sound/ Unsound	Comments	Suggested Change
24	MJP 33	Home Farm, Kirkby Fleetham	Unsound	<p>Assessment and should be included as a Development Requirement.</p> <p>(b) The Development Requirements for the site East of Well includes one relating to the restoration scheme using opportunities to reconnect the Henges to their landscape setting. In view of the proximity of these two sites, a similar requirement should be included within its development Requirements</p> <p>We have significant concerns about the impact which mineral development on this site might have upon the heritage assets in its vicinity.</p> <p>The Heritage Impact Assessment which accompanies the Sustainability Appraisal identifies that the loss of this site and its subsequent development for minerals development would be likely to have a "moderately negative effect" on the significance of the Grade II* Listed Buildings at Kirkby Fleetham. Under the appraisal system set out in the Heritage Impact Assessment, this is the second-highest level of harm to an asset which is considered to be of the second-highest Value (i.e. this harm is at the upper end of the spectrum of harm). The Heritage Impact Assessment also considers that it would have a "moderately negative effect" on the significance of the Grade II Listed Building 100 metres west of the site at Hook Carr Farmhouse. It does not appear from the Appraisal that this harm is capable of mitigation in a manner which, itself, would not harm the significance of these designated heritage assets.</p> <p>The NPPF makes it clear that the Government considers Grade II* Listed Buildings to be in the category of designated heritage assets of the highest significance. When considering the impact of proposals upon the significance of a designated heritage asset, Paragraph 132 makes it clear that "great weight" should be given to the conservation of those assets. The more important the asset, the greater the weight should be.</p>	<p>Site MJP33 either:-</p> <p>(a) The allocation should be deleted, or</p> <p>(b) The extent of the allocation should be reduced to a size which would safeguard the setting of these Listed Buildings, or</p> <p>(c) The Plan needs to explain what public benefits justify the Allocation of a site which is likely to result in harm to the significance of a designated heritage asset (as is required by NPPF, Paragraph 133 or 134).</p>

Appendix 1 Page	Site Ref.	Location	Sound/ Unsound	Comments	Suggested Change
				<p>In addition, there is a requirement under S66 of the Planning (Listed Buildings and Conservation Areas) Act that “<i>special regard</i>” should be had to the desirability of preserving Listed Buildings or their setting or any features of special architectural or historic interest which they possess.</p> <p>Therefore, an allocation which would be likely to result in harm to an element which contributes to the significance of a number of Listed Buildings in its vicinity including to two to which the Government considers to be of the highest significance and to which the greatest weight should be given to their conservation is contrary to both the provisions of the NPPF and to the statutory requirements set out in the 1990 Act..</p> <p>In view of the fact that the harm to these Listed Buildings seems incapable of effective mitigation, either:-</p> <p>(a) The allocation should be deleted, or</p> <p>(b) The extent of the allocation should be reduced to a size which would safeguard the setting of these Listed Buildings, or</p> <p>(c) The Plan needs to explain what public benefits justify the Allocation of a site which is likely to result in harm to the significance of a designated heritage asset (as is required by NPPF, Paragraph 133 or 134).</p>	
28	MJP 11	Gebdykes Quarry, Near Masham	Sound	<p>The following designated heritage assets could be affected by the proposed extension of the existing quarry onto this site:-</p> <ul style="list-style-type: none"> • There is a Grade II Listed dovecote 640 metres from the eastern edge of this site. 	-

Appendix 1 Page	Site Ref.	Location	Sound/ Unsound	Comments	Suggested Change
				<ul style="list-style-type: none"> • Northern edge of Masham Conservation Area is 1.6 km to the south of this site • Grade II Listed Low Mains Farmhouse lies just over 1 km from the western edge of this site • Grade II Listed Low Burton Hall lies 1.2 km from southern boundary. <p>We, welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of these heritage assets and, in the Development Requirements Section, for proposals to mitigate the impact of the development upon them.</p> <p>These will make those preparing schemes for the development of this site (and those considering the appropriateness of any proposals which do come forward) aware of the need to take account of the Plan's Policies for the historic environment and the duties under the Planning (Listed Buildings and Conservation Areas) Act, 1990. These should help to ensure that the development of this area takes place in a manner which will minimize harm upon these heritage assets.</p>	
32	MJP 21	Land at Killerby	Unsound	<p>We have concerns about the impact which mineral development in this location might have upon the Grade II Listed stable block to Killerby Hall and disagree with the conclusions in the Heritage Impact Assessment which accompanies the Sustainability Appraisal about the degree of harm that the development of this area would be likely to cause to this designated heritage asset.</p> <p>The Heritage Impact Assessment which accompanies the Sustainability Appraisal considers that this site <i>"forms an important part of the agricultural landscape context of the overall farm/hall complex, which is the primary setting of the building"</i>. If that is the case, then the loss of this area must,</p>	<p>Site MJP21 either:-</p> <p>(a) The allocation should be deleted, or</p> <p>(b) The extent of the allocation should be reduced to a size which would safeguard the setting of these Listed Buildings, or</p>

Appendix 1 Page	Site Ref.	Location	Sound/ Unsound	Comments	Suggested Change
				<p>according to the scoring system for assessing the magnitude of the impact in the Heritage Impact Assessment, have a "Moderate Negative Effect" upon that designated heritage asset. Moreover, it does not appear from the Appraisal that this harm is capable of mitigation in a manner which, itself, would not harm the significance of this Listed Building.</p> <p>When considering the impact of proposals upon the significance of a designated heritage asset, Paragraph 132 makes it clear that "great weight" should be given to the conservation of those assets. In addition, there is a requirement under S66 of the Planning (Listed Buildings and Conservation Areas) Act that "special regard" should be had to the desirability of preserving Listed Buildings or their setting or any features of special architectural or historic interest which they possess.</p> <p>Therefore, an allocation which would be likely to result in harm to an element which contributes to the significance of a number of a Listed Building in its vicinity is contrary to both the provisions of the NPPF and to the statutory requirements set out in the 1990 Act.</p> <p>In view of the fact that the harm to this Listed Building is incapable of effective mitigation, either:-</p> <ul style="list-style-type: none"> (a) The allocation should be deleted, or (b) The extent of the allocation should be reduced to a size which would safeguard the setting of these Listed Buildings, or (c) The Plan needs to explain what public benefits justify the Allocation of a site which is likely to result in harm to the significance of a designated heritage asset (as is required by NPPF, Paragraph 133 or 	<p>(c) The Plan needs to explain what public benefits justify the Allocation of a site which is likely to result in harm to the significance of a designated heritage asset (as is required by NPPF, Paragraph 133 or 134).</p>

Appendix 1 Page	Site Ref.	Location	Sound/ Unsound	Comments	Suggested Change
36	MJP 17	Land to south of Catterick	Unsound	<p>134).</p> <p>We have significant concerns about the impact which mineral development of this site might have upon the significance of the Grade II Listed Buildings at Gyll Hall and Rudd Hall.</p> <p>The Heritage Impact Assessment which accompanies the Sustainability Appraisal considers that this site <i>“forms an important part of the agricultural landscape context”</i> of Rudd Hall and part of <i>“the wider agricultural landscape (which) is also important to the setting”</i> of Gyll Hall. As a result, the Heritage Impact Assessment considers that the loss of this site and its subsequent development for minerals extraction would be likely to have a <i>“moderately negative effect”</i> on the significance of the both these Listed Buildings. It does not appear from the Appraisal that this harm is capable of mitigation in a manner which, itself, would not harm the significance of these designated heritage assets.</p> <p>When considering the impact of proposals upon the significance of a designated heritage asset, Paragraph 132 makes it clear that <i>“great weight”</i> should be given to the conservation of those assets. In addition, there is a requirement under S66 of the Planning (Listed Buildings and Conservation Areas) Act that <i>“special regard”</i> should be had to the desirability of preserving Listed Buildings or their setting or any features of special architectural or historic interest which they possess.</p> <p>Therefore, an allocation which would be likely to result in harm to an element which contributes to the significance of a number of Listed Buildings in its vicinity is contrary to both the provisions of the NPPF and to the statutory requirements set out in the 1990 Act.</p>	<p>Site MJP 17 either:-</p> <p>(a) The allocation should be deleted, or</p> <p>(b) The extent of the allocation should be reduced to a size which would safeguard the setting of these Listed Buildings, or</p> <p>(c) The Plan needs to explain what public benefits justify the Allocation of a site which is likely to result in harm to the significance of a designated heritage asset (as is required by NPPF, Paragraph 133 or 134).</p>

Appendix 1 Page	Site Ref.	Location	Sound/ Unsound	Comments	Suggested Change
				<p>In view of the fact that the harm to these Listed Buildings seems incapable of effective mitigation, either:-</p> <p>(a) The allocation should be deleted, or</p> <p>(b) The extent of the allocation should be reduced to a size which would safeguard the setting of these Listed Buildings, or</p> <p>(c) The Plan needs to explain what public benefits justify the Allocation of a site which is likely to result in harm to the significance of a designated heritage asset (as is required by NPPF, Paragraph 133 or 134).</p>	
40	MJP 14	Ripon Quarry, North Stainley	Sound	<p>Historic England was involved in discussions regarding the application for mineral extraction from this site which is currently awaiting determination. In our response, we commented that we concurred with the conclusions of Environmental Statement regarding the potential impact which mineral extraction might have on the setting of Norton Conyers house and its park and garden and that there is likely to be limited archaeological potential across the extraction area. Whilst there were likely to be significant deposits in the area proposed for top soil storage, under that scheme, these were excluded from any direct impacts. The application included proposals for tree planting along the edge of the quarry site and within the Registered Park. Subject to this landscaping being undertaken we considered that there would be no long-term impact upon heritage assets in its vicinity.</p> <p>We, welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of these assets and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them.</p>	

Appendix 1 Page	Site Ref.	Location	Sound/ Unsound	Comments	Suggested Change
44	MJP 10	Potgate Quarry, North Stainley	Sound	<p>If the current Application is not approved, these will make those preparing alternative schemes for the development of this site (and those considering the appropriateness of any proposals which do come forward) aware of the need to take account of the Plan's Policies for the historic environment and the duties under the Planning (Listed Buildings and Conservation Areas) Act, 1990. These should help to ensure that the development of this area takes place in a manner which will minimize harm upon these heritage assets.</p> <p>There are a number of designated heritage assets in the vicinity of this site including:-</p> <ul style="list-style-type: none"> • The Grade II* Listed Stainley Hall which lies 530 metres from the eastern boundary of this area • Friars Hurst, a Grade II Listed Building which lies just 270 metres from the northern edge of this site. • A group of four Grade II Listed Buildings around Old Sleningford Hall, the nearest being 650 metres from the western edge of this site. • A group of Grade II Listed Buildings at Sleningford Park the nearest being 520 metres to the north of the site. <p>We, welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of this building and the other heritage assets in the vicinity of this site and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them.</p> <p>This will make those preparing schemes for the development of this site (and those considering the appropriateness of any proposals which do come forward) aware of the need to take account of the Plan's Policies for the historic environment and the duties under the Planning (Listed</p>	

Appendix 1 Page	Site Ref.	Location	Sound/ Unsound	Comments	Suggested Change
48	WJP08	Allerton Park, near Knaresborough	Sound	<p>Buildings and Conservation Areas) Act, 1990. It should help to ensure that the development of this area takes place in a manner which will minimize harm upon these heritage assets.</p> <p>There are a number of designated heritage assets which could be affected by the proposed development on this site:-</p> <ul style="list-style-type: none"> • This site lies to the north of and includes part of the Grade II Historic Park and Garden of Allerton Park. This landscape includes the Grade I Listed Mansion, and the Grade II* Listed Church of St Mary and the Temple of Victory. • The Grade II* Temple of Victory lies 820 metres from the site's southern boundary • The boundary of Coneythorpe Conservation Area lies 1.1 km to the west of this site <p>We, welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of these assets and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them.</p> <p>This will make those preparing schemes for the development of this site (and those considering the appropriateness of any proposals which do come forward) aware of the need to take account of the Plan's Policies for the historic environment and the duties under the Planning (Listed Buildings and Conservation Areas) Act, 1990. It should help to ensure that the development of this area takes place in a manner which will minimize harm upon these heritage assets.</p>	
58	MJP	Settring-	Sound	<p>There are a number of designated heritage assets which could be affected</p>	-

Appendix 1 Page	Site Ref.	Location	Sound/ Unsound	Comments	Suggested Change
	08	ton Quarry, Settring- ton		<p>by the proposed development on this site:-</p> <ul style="list-style-type: none"> Two Grade II Listed Buildings (Settrington Grange Farmhouse and the farm buildings to the north) lie within 360 metres of the eastern boundary of this site. The boundary of Settrington Conservation Area, which has numerous Listed Buildings including the Grade II* Listed Church of All Saints and the Riding School lies 750 metres from the eastern edge of this site. <p>We, welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of these assets and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them.</p> <p>This will make those preparing schemes for the development of this site (and those considering the appropriateness of any proposals which do come forward) aware of the need to take account of the Plan's Policies for the historic environment and the duties under the Planning (Listed Buildings and Conservation Areas) Act, 1990. It should help to ensure that the development of this area takes place in a manner which will minimize harm upon these heritage assets.</p>	
62	MJP 30	West Heslerton Quarry	Sound	<p>There is a high likelihood of important archaeological remains in this area some of which may, potentially, be of national importance. The Vale of Pickering area exhibits evidence of continuing human habitation and activity from the early prehistoric periods through the Roman period, and up to the present day. The buried prehistoric landscapes and the unique, continuous "ladder" settlements are an extraordinary survival of human activity on a landscape scale, preserved beneath thick sand-blown deposits across the Vale.</p>	

Appendix 1 Page	Site Ref.	Location	Sound/ Unsound	Comments	Suggested Change
				<p>We welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of these assets and, in the Development Requirements Section, the need for an appropriate archaeological assessment and for proposals to mitigate the impact of the development upon them.</p> <p>This will make those preparing schemes for the development of this site (and those considering the appropriateness of any proposals which do come forward) aware of the need to take account of the Plan's Policies for the historic environment. It should help to ensure that the development of this area takes place in a manner which will minimize harm upon these heritage assets.</p>	
65	MJP 63	Brows Quarry, York Road, Malton	Sound	<p>We support the allocation of this site as a Preferred Area for the supply of Building Stone. Stone from the adjacent site has been used for the construction of a number of important buildings in the local area and the material from this site would help the maintenance and repair of the heritage assets in the local area</p>	
69	WJP15	Seamer Carr, Eastfield, Scar- borough	Sound	<p>This site lies approximately 550 metres from the boundary of the Scheduled Monument of the Star Carr Early Mesolithic settlement site.</p> <p>We welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of this monument and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them.</p> <p>This will make those preparing schemes for the development of this site (and those considering the appropriateness of any proposals which do come forward) aware of the need to take account of the Plan's Policies for the historic environment. It should help to ensure that the development of this area takes place in a manner which will minimize harm upon this</p>	

Appendix 1 Page	Site Ref.	Location	Sound/ Unsound	Comments	Suggested Change
77	MJP 55	Land adjacent to former Escrick brickworks	Sound	<p>77important heritage asset.</p> <p>The Escrick Conservation Area (which contains a number of Listed Buildings including the Grade II* Listed Escrick Park and the Coach House and Stables). lies less than 500 metres from the north-eastern extent of this site.</p> <p>We, welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of these assets and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them.</p> <p>This will make those preparing schemes for the development of this site (and those considering the appropriateness of any proposals which do come forward) aware of the need to take account of the Plan's Policies for the historic environment and the duties under the Planning (Listed Buildings and Conservation Areas) Act, 1990. It should help to ensure that the development of this area takes place in a manner which will minimize harm upon these heritage assets.</p>	-
84	MJP 29	Went Edge Quarry near Kirk Smeaton	Sound	<p>There are a number of designated heritage assets which could be affected by the proposed development on this site:-</p> <ul style="list-style-type: none"> • The boundary of Wentbridge Conservation Area lies 700 metres to the west of this site • Wentbridge Viaduct (470 metres to the west of this site) is a Grade II Listed Building. <p>We, welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of these assets and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them.</p> <p>This will make those preparing schemes for the development of this site</p>	-

Appendix 1 Page	Site Ref.	Location	Sound/ Unsound	Comments	Suggested Change
88	MJP 23	Jackdaw Crag West, Sutton	Sound	<p>(and those considering the appropriateness of any proposals which do come forward) aware of the need to take account of the Plan's Policies for the historic environment and the duties under the Planning (Listed Buildings and Conservation Areas) Act, 1990. It should help to ensure that the development of this area takes place in a manner which will minimize harm upon these heritage assets.</p> <p>There are a number of designated heritage assets which could be affected by the proposed development on this site:-</p> <ul style="list-style-type: none"> • This site lies 1.6 km from the northern edge of the Registered Battlefield at Towton. • There are several Listed Building around Hazlewood Castle (1.6 km to the south-west of this area) including the Grade I Listed Hazlewood Castle and the Roman Catholic Chapel of St Leonard <p>We, welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of these assets and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them.</p> <p>This will make those preparing schemes for the development of this site (and those considering the appropriateness of any proposals which do come forward) aware of the need to take account of the Plan's Policies for the historic environment and the duties under the Planning (Listed Buildings and Conservation Areas) Act, 1990. It should help to ensure that the development of this area takes place in a manner which will minimize harm upon these heritage assets.</p>	-
92	MJP 22	Hensall Quarry	Sound	<p>There are two Grade II* Listed Buildings (The Red House and the Church of St Paul) 670 metres to the west of this site which could be affected by the proposed development.</p>	-

Appendix 1 Page	Site Ref.	Location	Sound/ Unsound	Comments	Suggested Change
				<p>We, welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of these assets and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them.</p> <p>This will make those preparing schemes for the development of this site (and those considering the appropriateness of any proposals which do come forward) aware of the need to take account of the Plan's Policies for the historic environment and the duties under the Planning (Listed Buildings and Conservation Areas) Act, 1990. It should help to ensure that the development of this area takes place in a manner which will minimize harm upon these heritage assets.</p>	
119	WJP 06	Land adjacent to former Escrick brickworks	Sound	<p>The Escrick Conservation Area (which contains a number of Listed Buildings including the Grade II* Listed Escrick Park and the Coach House and Stables). lies less than 500 metres from the north-eastern extent of this site.</p> <p>We, welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of these assets and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them.</p> <p>This will make those preparing schemes for the development of this site (and those considering the appropriateness of any proposals which do come forward) aware of the need to take account of the Plan's Policies for the historic environment and the duties under the Planning (Listed Buildings and Conservation Areas) Act, 1990. It should help to ensure that the development of this area takes place in a manner which will minimize harm upon these heritage assets.</p>	
122	WJP21	Brotherton Quarry.	Sound	<p>This proposal could sterilise a potential source of stone for the future repair of York Minster. Therefore we welcome the requirement that the site should be geologically/petro-graphically surveyed, in order to assess the quality of</p>	

Appendix 1 Page	Site Ref.	Location	Sound/ Unsound	Comments	Suggested Change
134	WJP19	Burton Salmon Fairfield Road, Whitby	Sound	<p>the remaining stone, before any further infilling is permitted.</p> <p>The development of this area could, potentially, impact on views from Whitby Headland.</p> <p>We, welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of these assets and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them.</p> <p>This will make those preparing schemes for the development of this site (and those considering the appropriateness of any proposals which do come forward) aware of the need to take account of the Plan's Policies for the historic environment and the duties under the Planning (Listed Buildings and Conservation Areas) Act, 1990. It should help to ensure that the development of this area takes place in a manner which will minimize harm upon these heritage assets.</p>	-
137	MJP 52	Field to the north of Duttons Farm, Upper Poppleton	Sound	<p>Upper Poppleton Conservation Area, which lies 1.2 km to the east of this site, could be affected by this proposal. As it also lies in the York Green Belt, it could also impact upon elements which contribute to the special character and setting of the historic City.</p> <p>We, welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of the Conservation Area and the fact that the site lies within the York Green Belt and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them.</p> <p>This will make those preparing schemes for the development of this site (and those considering the appropriateness of any proposals which do</p>	-

Appendix 1 Page	Site Ref.	Location	Sound/ Unsound	Comments	Suggested Change
144	WJP05	Field to the north of Duttons Farm, Upper Poppleton	Sound	<p>come forward) aware of the need to take account of the Plan's Policies for the historic environment and the duties under the Planning (Listed Buildings and Conservation Areas) Act, 1990. It should help to ensure that the development of this area takes place in a manner which will minimize harm upon these heritage assets.</p> <p>Upper Poppleton Conservation Area, which lies 1.2 km to the east of this site, could be affected by this proposal. As it also lies in the York Green Belt, it could also impact upon elements which contribute to the special character and setting of the historic City.</p> <p>We, welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of the Conservation Area and the fact that the site lies within the York Green Belt and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them.</p> <p>This will make those preparing schemes for the development of this site (and those considering the appropriateness of any proposals which do come forward) aware of the need to take account of the Plan's Policies for the historic environment and the duties under the Planning (Listed Buildings and Conservation Areas) Act, 1990. It should help to ensure that the development of this area takes place in a manner which will minimize harm upon these heritage assets.</p>	
147	WJP 11	Harewood Whin, Rufforth	Sound	<p>There are a number of Listed Buildings in Rufforth village which may, potentially be affected by development on this site. The site also lies within the York Green Belt.</p> <p>We, welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of the these assets and the fact that the site lies within the York Green Belt and, in the Development</p>	

Appendix 1 Page	Site Ref.	Location	Sound/ Unsound	Comments	Suggested Change
				<p>Requirements Section, the need for proposals to mitigate the impact of the development upon them.</p> <p>This will make those preparing schemes for the development of this site (and those considering the appropriateness of any proposals which do come forward) aware of the need to take account of the Plan's Policies for the historic environment and the duties under the Planning (Listed Buildings and Conservation Areas) Act, 1990. It should help to ensure that the development of this area takes place in a manner which will minimize harm upon these heritage assets.</p>	
152	Area of Search A	Area of Search A	Sound	<p>As the Plan notes, there are a considerable number of designated heritage assets in and around this area including a couple of Scheduled Monuments to the east of the River Swale.</p> <p>We, welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of these assets and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them.</p> <p>This will make those preparing schemes for the development of this site (and those considering the appropriateness of any proposals which do come forward) aware of the need to take account of the Plan's Policies for the historic environment and the duties under the Planning (Listed Buildings and Conservation Areas) Act, 1990. It should help to ensure that the development of this area takes place in a manner which will minimize harm upon these heritage assets.</p>	
154	Area of Search C	Area of Search C	Sound	<p>As the Plan notes, there are a considerable number of designated heritage assets in and around this area including the Farnham Conservation Area and several high-Grade Listed Buildings.</p> <p>We, welcome the inclusion of the reference within the Key Sensitivities</p>	

Appendix 1 Page	Site Ref.	Location	Sound/ Unsound	Comments	Suggested Change
				<p>Section alerting users to the proximity of these assets and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them.</p> <p>This will make those preparing schemes for the development of this site (and those considering the appropriateness of any proposals which do come forward) aware of the need to take account of the Plan's Policies for the historic environment and the duties under the Planning (Listed Buildings and Conservation Areas) Act, 1990. It should help to ensure that the development of this area takes place in a manner which will minimize harm upon these heritage assets.</p>	

Minerals and Waste Joint Plan Team,
Planning Services,
North Yorkshire County Council,
County Hall,
NORTHALLERTON
DL7 8AH

Our Ref: HD/P5069/23
Your Ref:

Telephone: 01904 601977
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30 November 2016

Dear Sirs,

Minerals and Waste Joint Plan – Publication Draft Sustainability Report

Thank you for consulting Historic England about the Sustainability Appraisal Report of the Publication Draft of the Minerals and Waste Joint Plan. On the whole, we would broadly agree with the conclusions in the document regarding the likely significant effects which the Policies and proposals of the Plan would be likely to have upon the historic environment. Where there is likely to be an adverse effect, we would concur with the mitigation measures which have been suggested.

Heritage Impact Assessment Supporting Paper

In terms of the proposed Allocations, we welcome the production of the Heritage Impact Assessment. Although, as you can see from our comments, below, we have a number of reservations about certain aspects of that document, on the whole it does provide a good evaluation of the potential impact which the development of the sites to which we expressed particular concerns in the last iteration of the Plan might have upon the historic environment.

The only aspects of the document where we do not agree are as follows:-

Page	Section	Comments
4	Table 1	Grade II Listed Buildings are of National importance. Therefore, they should be in the "High" column
5	Table 3 and 4	In order to evaluate the significance of the impact, it would have been helpful to have included an additional Table which had "Magnitude of Impact" (Tables 3 and 4) on one axis and "Value of Heritage Assets" (Tables 1 and 2) on the other. This would have helped to flag-up that, for example, harm to a Grade II* Listed Building would be likely to be more of a concern than harm to a Grade II Listed Building.

Page	Section	Comments
18	Appendix 4 (MJP17)	<p>The Heritage Impact Assessment which accompanies the Sustainability Appraisal considers that this site <i>"forms an important part of the agricultural landscape context"</i> of Rudd Hall and part of <i>"the wider agricultural landscape (which) is also important to the setting"</i> of Gyll Hall. As a result, the Heritage Impact Assessment considers that the loss of this site and its subsequent development for minerals extraction would be likely to have a "moderately negative effect" on the significance of the both these Listed Buildings.</p> <p>If complete restoration of the landscape is unlikely to be possible, then the harm identified to the significance of these assets post excavation is not capable of effective mitigation.</p> <p>As a result, both the extraction of the mineral and the restoration is likely to harm the setting of these Listed Buildings. Therefore, the only effective mitigation measure either:-</p> <p>(a) The allocation should be deleted, or</p> <p>(b) The extent of the allocation should be reduced to a size which would safeguard the setting of these Listed Buildings, or</p> <p>(c) The Plan needs to explain what public benefits justify the Allocation of a site which is likely to result in harm to the significance of a designated heritage asset (as is required by NPPF, Paragraph 133 or 134).</p>
23	Appendix 5 (MJP21)	<p>The Heritage Impact Assessment which accompanies the Sustainability Appraisal considers that this site <i>"forms an important part of the agricultural landscape context of the overall farm/hall complex, which is the primary setting of"</i> the Grade II Listed stable block to Killerby Hall. If that is the case, then the loss of this area must, according to the scoring system for assessing the magnitude of the impact in the Heritage Impact Assessment, have a "Moderate Negative Effect" upon that designated heritage asset.</p> <p>If complete restoration of the landscape is unlikely to be possible, then the harm identified to the significance of these assets post excavation is not capable of effective mitigation.</p> <p>As a result, both the extraction of the mineral and the restoration is likely to harm the setting of these Listed Buildings. Therefore, the only effective mitigation measure either:-</p>

Page	Section	Comments
		<p>(a) The allocation should be deleted, or</p> <p>(b) The extent of the allocation should be reduced to a size which would safeguard the setting of these Listed Buildings, or</p> <p>(c) The Plan needs to explain what public benefits justify the Allocation of a site which is likely to result in harm to the significance of a designated heritage asset (as is required by NPPF, Paragraph 133 or 134).</p>
31	Appendix 7 (MJP33)	<p>The Heritage Impact Assessment which accompanies the Sustainability Appraisal identifies that the loss of this site and its subsequent development for minerals development would be likely to have a “moderately negative effect” on the significance of the Grade II* Listed Buildings at Kirkby Fleetham. Under the appraisal system set out in the Heritage Impact Assessment, this is the second-highest level of harm to an asset which is considered to be of the second-highest Value (i.e. this harm is at the upper end of the spectrum of harm and, therefore, is a significant sustainability issue in terms of the historic environment)</p> <p>If complete restoration of the landscape is unlikely to be possible, then the harm identified to the significance of these assets post excavation is not capable of effective mitigation.</p> <p>As a result, both the extraction of the mineral and the restoration is likely to harm the setting of these Listed Buildings. Therefore, the only effective mitigation measure either:-</p> <p>(a) The allocation should be deleted, or</p> <p>(b) The extent of the allocation should be reduced to a size which would safeguard the setting of these Listed Buildings, or</p> <p>(c) The Plan needs to explain what public benefits justify the Allocation of a site which is likely to result in harm to the significance of a designated heritage asset (as is required by NPPF, Paragraph 133 or 134).</p>

If necessary, the above considerations also need to be reflected in the respective Tables in the main Sustainability Appraisal

Finally, we should like to stress that this opinion is based on the information provided by you with your letter correspondence received on 13th November, 2015. To avoid any doubt, this

does not affect our obligation to provide further advice and, potentially, object to specific proposals which may subsequently arise (either as a result of this consultation or in later versions of the Plan) where we consider that, despite the SA/SEA, these would have an adverse effect upon the historic environment.

If you have any queries about this matter or would like to discuss anything further, please do not hesitate to contact me.

Yours faithfully,

Ian Smith
Historic Environment Planning Adviser (Yorkshire)
e-mail: ian.smith@english-heritage.org.uk

North Yorkshire County Council
Minerals and Waste Planning Unit
County Hall
Northallerton
North Yorkshire
DL7 8AH



21 December 2016

Dear Sir/Madam

MINERALS AND WASTE JOINT PLAN PUBLICATION STAGE CONSULTATION

Thank you for consulting us on the North Yorkshire County Council, City of York Council and North York Moors National Park Authority Minerals and Waste Joint Plan ('MWJP') publication draft. We have the following comments to make:

I refer to our preferred options consultation response dated 27th January 2016 in which the Environment Agency (EA) highlighted that our main concern related to insufficient consideration of the plan's obligations under the Water Framework Directive.

We are satisfied that this concern has been addressed in the publication draft version of the plan (see further details below) and that the comments that we raised at the preferred options stage have been taken into consideration. Therefore, insofar as the matters under our remit are concerned, we consider the MWJP to be positively prepared, justified, effective and consistent with national policy.

Further comments

We would like to take this opportunity to provide you with some further comments that may be helpful to you. Please note that the comments below are recommendations only; we do not consider them to affect the soundness of the plan.

Chapter 5: Minerals – Hydrocarbons (oil and gas)

Figure 13, p 79

The text box in the flow chart that currently states 'Environment Agency issues environmental permit' should be amended to say 'Environment Agency determines environmental permit'.

Paragraph 5.116

With regard to the second sentence of this paragraph, we would like to clarify that the responsibility for giving final consent for drilling lies with the Oil and Gas Authority (OGA) rather than DBEIS.

Chapter 9: Development Management

Policy D09: Water Environment

We are pleased to see that part 2 of policy D09 has been amended to make it clear that development which would lead to an unacceptable risk of pollution, or harmful disturbance to groundwater flow, will not be permitted. This amendment ensures greater consistency with Environment Agency guidance, specifically 'Groundwater protection: Principles and practice (GP3), August 2013' and ensures a greater level of protection for surface and groundwater.

We are also pleased to see that part three of policy D09 has been amended in line with our suggestion at the preferred options stage, in order to clarify that all sources of flooding must be considered. We would however point out that the second reference to groundwater in the last sentence of part 3 of this policy needs to be removed:

'(i.e. surface and groundwater flooding and groundwater flooding from rivers and coastal waters)'

We suggest that this text is amended to read:

'(i.e. flooding from surface water, groundwater, rivers or coastal waters).'

In our response to the preferred options consultation (dated 27th January 2016) we highlighted concerns regarding the plan's minimal reference to the Water Framework Directive (WFD). We are pleased to see that the policy justification text relating to policy D09 has been amended to acknowledge that in addition to developers, the planning authorities also have an obligation under the WFD to ensure that no deterioration of any waterbody should take place as a result of development. We welcome the inclusion of clarification that the WFD covers all waterbodies including non-main rivers, lakes and groundwater. We are satisfied that the policy justification text now clearly states that, where appropriate mitigation cannot be provided to prevent deterioration of surface water or groundwater bodies, the development would be contrary to the objectives of the WFD and should not therefore be permitted.

We would however suggest that the second to last sentence of paragraph 9.71 is amended as the second part of the sentence is currently unclear. We suggest that this sentence should read:

'Supporting the achievement of water body objectives outlined in River Basin Management Plans and their supporting documents is important in meeting obligations under the WFD.'

Appendix 1: Allocated Sites and Areas of Search

MJP33

This site lies immediately adjacent to the River Swale and this is not currently listed as a 'key sensitivity' in the proforma on p.25 . Any work here must not result in any pollution, including sediments, entering the river from the site. The operations must also not impact upon the geomorphological processes of the river i.e. increase erosion or deposition elsewhere. This should be added to the key sensitivities and development requirements sections of the site proforma.

Duty to Co-operate

The Environment Agency is identified under Regulation 4 of the Local Planning Regulations 2012 with regard to the Duty to Co-operate. This duty is detailed under Section 33A (1)(c) and requires local authorities and other bodies to work together to effectively address strategic issues.

We have worked closely with the MWJP authorities during the development of the plan and we can advise that we consider there are no outstanding strategic issues raised by the MWJP which necessitate attention under the duty to co-operate.

If you require any clarification or wish to discuss these comments further, please do not hesitate to contact me.

Yours faithfully

Ms Clare Dance
Sustainable Places – Planning Adviser

Tel: 020 847 48366

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Minerals and Waste Joint Plan

Publication Stage - Response Form

Part A - Contact details

Your contact details

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Email: claire.kent@bartonwillmore.co.uk		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in separate **guidance notes**. **You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.**

A separate **Part B** form **MUST** be produced for each separate representation you wish to make. After this stage, further submissions will only be at the invitation of the inspector who will conduct an Examination in Public of the Joint Plan, based on the matters they identify during the Examination.

All responses should be returned by 5pm on Wednesday 21st December 2016. Please note that representations cannot be received after this deadline.

Responses can be returned by email to: mwjointplan@northyorks.gov.uk or by post using the address below:

Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

Data Protection:

North Yorkshire County Council, the North York Moors National Park Authority and the City of York Council are registered under the Data Protection Act 1998. For the purposes of the Data Protection Act legislation, your contact details and responses will only be retained for the preparation of the Minerals and Waste Joint Plan. Representations made at Publication stage cannot remain anonymous, but details will only be used in relation to the Minerals and Waste Joint Plan. Your response will be made available to view on the website and as part of the examination.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Harworth
------------------------	----------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
--------------------------------------------	-----	--------------------------	----	-------------------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please see separate representations

Representations to the North Yorkshire, York and North York Moors Minerals and Waste Joint Plan

Publication Draft

Prepared on Behalf of Harworth Group

December 2016

**Representations to the North Yorkshire, York and North York Moors Minerals and Waste
Joint Plan
Publication Consultation Draft**

Prepared on Behalf of Harworth Group

Status:	Draft	FINAL
Issue/ Rev:	01	02
Date:	5 Dec 2016	16 Dec 2016
Prepared by:	ME	ME
Checked by:	CK	CK
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Date: December 2016

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Appendices

Appendix A Southmoor Energy Centre: Suggested Amended Safeguarding/Allocation Boundary

1.0 INTRODUCTION

- 1.1 Barton Willmore is instructed by Harworth Group ('our client') to submit representations to the North Yorkshire, York and North York Moors Minerals and Waste Joint Plan Publication Draft.

Background

- 1.2 Our client's interests within the Selby District, lie within the jurisdiction of North Yorkshire County Council as the relevant minerals and waste planning authority.
- 1.3 Selby District Council has previously consulted on various iterations of the Selby District Core Strategy Local Plan, which our client consistently made representations through to its adoption in October 2013. Our client has also made representations in response to consultation drafts of the Employment Land Review and the emerging site allocations local plan known as and PLAN Selby. Most recently, representations have been made to the Selby District Economic Development Strategy Final Consultation and our client is actively working with Selby District Council to assist in bringing the aims and objectives of the Economic Strategy forward.
- 1.4 Our client's land interests within Selby which are relevant to the Minerals and Waste Joint Plan are outlined below;
- The Sherburn Rail Freight Terminal site (formerly known as Gascoigne Wood Interchange)
 - The Former Kellingley Colliery Site (known now as the Kellingley Site which includes both the Tri-Modal 34 Employment Site and the Southmoor Energy Centre Site)
- 1.5 Comments are made on the Minerals and Waste Joint Plan as the Plan identifies part of the Kellingley Site as an allocated site for use as an Energy from Waste facility, a safeguarded waste site for Energy recovery and safeguarded transport infrastructure relating to its rail sidings and canal wharf. The Sherburn Rail Freight Terminal/Gascoigne Wood rail sidings are also safeguarded for transport infrastructure.

2.0 POLICY BACKGROUND AND CONTEXT

Selby District Core Strategy

- 2.1 Page 83 of the adopted Selby Core Strategy draws attention to the necessity of the District to promote economic prosperity, with an overriding concern that *'as a result of a high level of out-commuting to Leeds and York, (the District) has become a dormitory location for these cities, supplying them with skilled labour, at the expense of the local economy and sustainable development objectives.'*
- 2.2 The Core Strategy refers to the fact that there is an extant planning permission at Gascoigne Wood (Sherburn Rail Freight Terminal) which allows for reuse of the buildings on the site for employment purposes in connection with the railhead. In addition paragraph 6.34 makes clear that the District Council supports the reuse of the site linked to the use of the existing rail infrastructure of the site. Moreover, the same paragraph states that support exists for the reuse of former employment sites (which includes former mine sites) for employment uses.
- 2.3 The need for policy of all kinds to support employment growth is essential and in this context these representations are made based on the ability or otherwise for the Minerals and Waste Joint Plan to either support or hinder the development of our client's interests, as existing and emerging employment/regeneration development sites.

Selby Economic Development Strategy, 2016-2020 and Beyond

- 2.4 Selby District Council recently consulted on its Economic Development Strategy which aims to support business growth within the District and create significant new job opportunities.
- 2.5 The Economic Development Strategy identifies the Kellingley Site as one of the District's main employment development sites and Gascoigne Wood (Sherburn Rail Freight Terminal) as a potential growth zone. Enhancement of transport infrastructure in order to maximise connections at Gascoigne Wood, is identified as a key action.

PLAN Selby

- 2.6 Our client has promoted the Kellingley and the Sherburn Rail Freight Interchange sites to be allocated for employment/transport infrastructure uses and is actively working with Selby District Council and other partners such as the LEPs to bring them forward.

The Transport for the North (TfN) Freight and Logistics Strategy

- 2.7 The TfN Freight and Logistics Strategy sets out a vision for the North of England to have world-class infrastructure for the efficient movement of freight by 2033, potentially creating 25,000-38,000 new jobs in the sector.
- 2.8 TfN is continuing to develop the UK's first pan-regional freight and logistics strategy. This will articulate the vision for a vibrant and well-connected northern economy underpinned by a world-class transport network that supports a thriving freight and logistics capability delivered through collaborative public-private sector action. It will also reflect the role of freight in supporting delivery and operation of ambitious development aspirations, including Nationally Significant Infrastructure Projects in specific locations.
- 2.9 The initial work that has been undertaken by TfN indicates that significant economic benefits can be delivered (including £32BN) through reducing the cost of freight movement within, to and from the North of England. Draft key principles for action include:
- Increasing network capacity and resilience for freight, with particular emphasis on rail and water but also addressing road pinch points;
 - Supporting growth for strategically located rail and water connected freight interchanges/distribution centres in the north of England; and
 - Working collaboratively across Local Transport and Planning Authorities on the efficient implementation of measures.
- 2.10 The Northern Transport Strategy: Spring 2016 Report explains that TfN is:
- "looking at the proposed development of a rail and water-connected distribution network; investment in the port and hinterland connections and infrastructure; the utilisation of capacity released on the rail network by HS2 and Northern Powerhouse Rail for freight services; and a package of infrastructure solutions that would facilitate new Strategic Rail Freight Interchanges in the North and would allow larger and longer freight trains to access these interchanges, including gauge clearance where necessary."***

Harworth's Aspirations

- 2.11 The above policy background supports Harworth's aspirations to bring forward both of its sites for employment/transport infrastructure purposes.
- 2.12 The Sherburn Rail Freight Interchange (Gascoigne Wood) is a large site within suitable topography that has exceptionally useful rail connections well located close to the East Coast

Main Line (ECML) and to the west for the Trans-Pennine route, as well as the strategic road network. The site benefits from two sets of sidings: Gascoigne Wood Down Sidings to the north and Selby Mine Sidings to the South. The southern Selby Mine Sidings are suitable for use as a strategic rail freight terminal with the required connections in place, and able to accept the longest 775m trains. The northern siding will also accept the maximum current length of train available to run on the Trans-Pennine route to and from the Port of Liverpool, at 404m.

- 2.13 Minimal alterations to the sidings would be required to make them suitable for handling intermodal trains. Rail capacity is likely to be available for train services from a mix of origins, particularly over the ECML. The site has the potential to act as a regional hub.
- 2.14 With regard to the Kellingley Site, an outline planning application seeking consent for up to 1.45 Million square ft of employment development is currently under consideration by Selby District Council. This is discussed in further detail in the next section of these representations.

3.0 REPRESENTATIONS TO CHAPTER 7: MINERALS AND WASTE TRANSPORT AND OTHER INFRASTRUCTURE

Non-Road Transport Infrastructure for Minerals and Waste

- 3.1 Paragraph 7.4 of the Plan refers to Figure 18 which shows the known locations of existing rail and water transport infrastructure in the area for minerals and waste. It is stated that 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."*
- 3.2 The rail and wharf infrastructure at Kellingley and the rail infrastructure at Gascoigne Wood (Sherburn Rail Freight Interchange) are both identified on the Plan at Figure 18. As referred to above, the Kellingley Site is the subject of a current planning application, which seeks to redevelop the majority of the former colliery site for employment purposes. In addition to this, a S.73 planning application is currently being prepared relating to the Southmoor Energy Centre, which seeks to amend the consented scheme to take account of the colliery closure and the new circumstances on site, including the wider employment application and associated indicative masterplan. Changes to the rail facility as proposed to enable a joint rail facility for use by either scheme.
- 3.3 In addition to this, plans are being developed for the expansion of the existing employment operations at the Gascoigne Wood/Sherburn Rail Freight interchange site including the development of a rail freight interchange. As referred to above, the site already benefits from an extant consent which allows use of the rail for employment purposes and the adopted Core Strategy supports such use.
- 3.4 The Publication Minerals and Waste Joint Plan does not appear to have taken account of these considerations. The implications of this are explored further in the following section of these representations.

4.0 REPRESENTATIONS TO CHAPTER 8: MINERALS AND WASTE SAFEGUARDING

- 4.1 Our client understands the rationale behind safeguarding. However the Minerals and Waste Joint Plan needs to ensure consistency between the planning policies of the two-tier system, in this case between North Yorkshire County Council as minerals and waste planning authority and Selby District Council as local planning authority.
- 4.2 It is noted that paragraph 8.2 states that the purpose of safeguarding is not to prevent other forms of development on or near to a safeguarded resource or infrastructure, but to ensure that the presence of the resource or infrastructure is taken into account when other development proposals are under consideration. Consultation is required where development with the potential to sterilise minerals resources or impact on identified infrastructure are proposed in a safeguarding area. Certain developments are exempt and are listed within this Chapter.
- 4.3 A schedule of minerals and waste infrastructure sites to be safeguarded is provided in Appendix 2. This includes:
- The safeguarding of Southmoor Energy Centre (located within the Kellingley Site) as a safeguarded waste site.
 - The safeguarding of the railway sidings at Gascoigne Wood as safeguarded transport infrastructure.
 - The safeguarding of the railhead and wharves at Kellingley as safeguarded transport infrastructure.
- 4.4 A 'buffer zone' is also proposed around safeguarded resources which comprises 250 metres for all waste sites and 100 metres for all transport infrastructure.
- 4.5 Our client is concerned about the implications that the above safeguarding and/or buffer zones could have on their plans to bring forward alternative forms of development at the Kellingley and Sherburn Rail Freight Interchange (former Gascoigne Wood) sites and could impact and prejudice the regeneration and employment strategies of the District Council. These concerns are set out below.

Policy S03: Waste Management Facility Safeguarding

- 4.6 Our client objects to the wording of Policy S03: Waste Management Facility Safeguarding. At present the policy stipulates that;

"Waste management sites identified on the Policies Map, with a 250m buffer zone, will be safeguarded against development which would prevent or frustrate the use of the site for waste development, unless:

- i. The Need for the alternative development outweighs the benefits of retaining the site; and*
- ii. Where the site is in active use for waste management purposes, a suitable alternative location can be provided for the displaced infrastructure; or*
- iii. The site is not in use and there is no reasonable prospect of it being used for waste management in the foreseeable future.*

Where development, other than exempt development as defined in the Safeguarding Exemption Criteria List, is proposed within an identified buffer zone permission will be granted where adequate mitigation can, if necessary, be provided to reduce any impact from the existing or proposed adjacent waste uses to an acceptable level, and the benefits of the proposed use outweigh any safeguarding considerations."

- 4.7 Our client has no objection in principle to the safeguarding of Southmoor Energy Centre, however there are significant concerns regarding the extent of the safeguarding as currently shown, together with the 250 metre buffer zone, which is considered to be **unnecessary, unduly restrictive** and not **positively prepared** and therefore is **unsound**. In addition to this, our client considers that additional clarification/wording is required to the policy criteria in order to make the policy **sound**.

Extent of Safeguarding

- 4.8 Our client is also concerned that the safeguarding boundary for Southmoor Energy Centre at Appendix 2 is not up to date. It currently follows the red line of the planning application boundary which includes other uses and development areas relating to the former colliery uses and associated infrastructure such as access roads. This again causes conflict and crossover with the employment application and associated masterplan which seeks to redevelop some of these disused areas for employment purposes. Accordingly, in order to be **sound**, it is requested that the boundary is amended to reflect the land taken up by the energy centre facility itself. We have provided a plan showing this suggested alternative boundary at **Appendix A**. For consistency, it is also suggested that the Energy from Waste facility allocation boundary is also updated. A **Modification** is therefore required, ahead of submission of the Plan to Secretary of State.

Buffer Zones

- 4.9 Paragraph 8.30 suggests that the purposes of the 250 metre buffer zone is to ensure that amenity impacts of other forms of development in close proximity to waste uses can be properly taken into account. Paragraph 8.31 goes on to explain that Selby District Council would be required to consult with the County Planning Authority on any non-exempt development not only on a safeguarded waste site but also on the accompanying buffer zone before any decision can be made on a planning application for alternative development.
- 4.10 In contrast to the NPPF with respect to minerals, the National Planning Policy for Waste does not include any reference to the safeguarding of existing or proposed waste sites, in the sense of protecting them from development that may inhibit their development or effective use.
- 4.11 Paragraph 8.30 states that it is not practical to define individual buffers zones for each facility, suggesting it would not be illogical or inappropriate to do so. Equally, the actual extent of any buffer needed around each waste site will depend upon the nature of the proposed use (e.g. in terms of its sensitivity) and on the specific impacts of the current waste operation. Therefore the policy provision should not be set as a worst case scenario or blanket restriction, particularly where there is evidence that such a distance is unnecessary.
- 4.12 It is clear that the 250m buffer zone around Southmoor Energy Centre significantly overlaps with the wider masterplan for the Kellingley Site and the employment use proposals being brought forward to develop areas overlying the safeguarding buffer. The attachment of a restrictive buffer zone surrounding the Southmoor Energy Centre site is considered unnecessary and does not serve any meaningful purpose, whilst placing an additional administrative burden on Selby District Council and our client. There is no evidence base for this distance to be imposed.
- 4.13 The Southmoor Energy Centre facility forms part of a wider regeneration scheme for the former colliery site which is strongly supported by Selby District Council and is reflected in the Selby District Economic Development Strategy and emerging PLAN Selby evidence base as evidenced in Section 2 of these representations.
- 4.14 In this regard, our client is unsure (and would welcome clarification) as to the specific discussions which have taken place as part of the Duty to Cooperate between the authors of the Minerals and Waste Joint Plan and Selby District Council in relation to the extent of the safeguarding/buffer zone.
- 4.15 The policy cites that the buffer only safeguards against development, which would prevent or frustrate the use of the site for waste development. However, the addition of a buffer only

brings about a further level of subjective assessment; in terms of what constitutes 'frustration' and how this is to be assessed. In this regard, it is vague and subjective and fails these test of **precision**. The buffer is therefore considered to be **unsound** and should be removed in order to make the policy **sound**.

- 4.16 With regard safeguarding more generally, the policy requirements would also be benefit from a clear understanding of how the process of consultation (between the District Council and County Council) and decision making is to work in practice. Planning decisions should be made based upon consideration of a range of factors relevant to each individual case.

Safeguarding Criteria

- 4.17 In terms of the criteria set out in the policy itself, the additional following criteria/wording is suggested in order to ensure that viability considerations are adequately taken into account and ensure that the wording makes clear that safeguarding will not apply if the facility is not viable or incapable of being made so.

"iv) The facility is not viable or capable of being made viable."

- 4.18 This would therefore ensure **effectiveness**.

Safeguarding Exemption Criteria

- 4.19 Policy S03 cross refers to the Safeguarding Exemption Criteria which comprises a list of application types that will be regarded as 'exempt' development and do not require consideration under the safeguarding policies within the Joint Plan. This includes *"applications for development on land which is already allocated in an adopted local plan were the plan took account of mineral and waste safeguarding requirements."*

- 4.20 In order for this section of the plan to be sound the following **revised/additional wording** is requested to ensure that due regard is had to the different stages that the plans which make up to overall Development Plans are at:

"Applications for development on land which is already allocated in an adopted **or emerging** local plan were the plan ~~took~~ **has taken** account of mineral and waste safeguarding requirements."

- 4.21 This is particularly pertinent In the case of Selby District Council given the differing stages that the Local Plan (PLAN Selby) and Joint Minerals and Waste Plan are at. The exemption criteria provides clearly indicates that the adopted Local Plan takes precedence where it has taken account of minerals and waste safeguarding requirements, however it is obviously also logical for the emerging of the Minerals and Waste Joint Plan to take account of the emerging Local Plan and its supporting evidence now.

Policy S04: Transport Infrastructure Safeguarding

- 4.22 Our client has similar concerns and objections regarding Policy S04 which relates to the safeguarding of transport infrastructure including a 100 metre buffer zone. Our client again **objects** to the inclusion of an arbitrary safeguarding buffer. Whilst it is logical to seek to preserve rare transport infrastructure assets, such as the rail sidings available at Kellingley and the Sherburn Rail Freight Terminal (Gascoigne Wood), this needs to be considered in light of the Development Plan aspirations as a whole. It is also considered short-sighted to add buffer zones which can potentially have the effect of stifling further development and changes to these assets. In both cases, future changes and expansion of the rail infrastructure are proposed in order to deliver the employment development that is supported by the Selby Economic Strategy and emerging PLAN Selby. The rail sidings are a significant asset of benefit to a variety of uses; not just for minerals and waste transport purposes, and as such there should not be a precedence set for such a narrow scope of use, with a presumption against other uses unless certain criteria are met.
- 4.23 Indeed, Chapter 7 of the Joint Minerals and Waste Plan suggests that the existing rail infrastructure that has been identified as safeguarded transport infrastructure, have not yet been subject to redevelopment for other uses. However this is not the case with respect to the Sherburn Rail Freight Terminal (Gascoigne Wood) where the site has been subject to redevelopment for employment purposes and benefits from an extant consent which allows for the use of the rail facilities in connection with such uses. Similarly, the Kellingley Site is currently the subject of a planning application to redevelop the vast majority of the former colliery site for employment purposes.
- 4.24 Therefore in terms of the definition provided within Chapter 7, neither of the rail facilities should be identified as safeguarded.
- 4.25 It is our client's view that the transport safeguarding policy should only apply to 'existing' facilities i.e. those that have permanent planning permission for minerals and waste uses and are used for the management of minerals and waste (i.e. rail depots/infrastructure and wharfs) in order for them to be continued to be used to produce and transport minerals and manage waste. Currently, in respect of our client's landholdings this is not the case.
- 4.26 Furthermore the aim of the policy should be to avoid development which would impair the effectiveness of the infrastructure but not set a restriction or limit as to its use as this has the ability to cause conflict and inconsistencies with other Development Plan policies as is demonstrated above.
- 4.27 With regard to the extent of the transport safeguarding boundary shown in respect of the Kellingley Site at page 217, a significant part of Harworth's landholdings have been identified

to the south of the canal. This land does not sit within the jurisdiction of North Yorkshire County Council or Selby District Council and is located within Wakefield Metropolitan District Council's administrative area. Accordingly, the Joint Minerals and Waste Plan has no authority to safeguard this land and to continue to do so would be unsound. A **Modification** is therefore required ahead of submission of the Plan to Secretary of State.

Safeguarding Exemption Criteria

- 4.28 Policy S04 also cross refers to the same Safeguarding Exemption List as for Policy S03. There is no mention in this list however to applications for development on land which are allocated where the plan took account of 'transport' safeguarding requirements, only waste and minerals. It is therefore requested that this additional wording is incorporated in addition to the wording set out above under our comments to Policy S03 in order to make the policy clear and **precise** and therefore **sound**.

Sites Proposed for Safeguarding

- 4.29 Further explanatory text is provided at Paragraph 8.48 which states that the aim of safeguarding the waste sites and transport infrastructure is 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.*" Again, it is stressed that neither of our client's sites are currently in use for minerals and waste uses and the Sherburn Rail Freight Interchange (Gascoigne Wood) Site benefits from an extant consent for employment uses. Our client strongly considers that such uses should take precedence given that they are suitable, realistic and necessary uses that are in line with the District's Local Plan. Similarly, with regard to the Kellingley Site, the principle of safeguarding the Southmoor Energy Centre scheme is recognised, but this should not be at the expense of the wider employment uses coming forward.
- 4.30 The identification of the existing rail sidings at the former Gascoigne Wood site as being preserved for minerals and waste transport uses is contradictory to the wider aspirations that Selby District Council and our client has for the site. The safeguarding policy also fails to provide suitable flexibility for the use and expansion of the asset.
- 4.31 Paragraph 8.33 specifically states that the rail links at the former Gascoigne Wood Mine Site and the rail link at Kellingley Colliery have previously played a role in the transport of minerals, and future potential may still exist. Whilst it is noted that there is an endeavour to preserve the assets in respect of potential future minerals and waste uses, this must be matched against the reality of the situation rather than working on a premise of vague potential, rather than any substantive evidence. As is already acknowledged within the Minerals and Waste Joint Plan, there is very little chance of the Kellingley Site (as a former

deep mine) being brought back into use as a minerals resource and Gascoigne Wood has been redeveloped for alternative employment uses. Therefore the regeneration and future development (as employment sites) takes precedence over the preservation of transport infrastructure solely for mineral or waste transportation purposes. The extraction of minerals has ceased at both sites and their regeneration is being led through the delivery of successful employment development and uses going forward.

- 4.32 The safeguarding and the buffer zones creates a conflict between the two plans and is therefore considered to be an **unsound** approach which limits the **effectiveness** of both plans.

5.0 CONCLUSIONS

- 5.1 In conclusion, it is clear that the North Yorkshire, York and North York Moors Minerals and Waste Joint Publication Draft Plan has not sufficiently considered how it will interact with the Selby District Local Plan in respect of our client's sites. Nor has it taken account of the latest evidence relating to those sites.
- 5.2 Several policies as currently worded, introduce inconsistencies and unnecessary hurdles and barriers to development that should be removed and the policies more positively prepared in order to make the Minerals and Waste Joint Plan **sound and consistent with national planning policy**.
- 5.3 It is respectfully requested that our client's suggested comments to be taken on board. Our client looks forward to further discussion and engagement on the matters raised ahead of submission to Secretary of State. The right is reserved to comment further at the forthcoming Examination in Public.

The utility of this drawing cannot be ascertained without reference to the original drawing.

■ Existing boundaries
 ■ Proposed boundaries
 ■ Utility easements
 ■ Other easements

■ Proposed boundaries
 ■ Utility easements
 ■ Other easements

■ Proposed boundaries
 ■ Utility easements
 ■ Other easements

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mwjointplan

From: Martyn Earle <Martyn.Earle@bartonwillmore.co.uk>
Sent: 20 December 2016 15:27
To: mwjointplan
Cc: Claire Kent; Liam Tate
Subject: 20970.A3 - Selby Sites - Minerals and Waste Joint Plan Representations
Attachments: 20970.A5.ME.kb.M&WRepsCK.161219.pdf; Publication_response_form_part_B1.docx; Publication_response_form_part_A1.docx

Afternoon,

To whom it may concern I attach our representations to the Minerals and Waste Joint Plan on behalf of our client Harworth Estates.

Also attached are your publication response forms Part A and B.

I would appreciate acknowledgement of receipt.

Many thanks and I look forward to discussing further.

Regards

Martyn Earle
Associate Planner

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Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

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Telephone: N/a		
Email: N/a		

Agent contact details (if applicable)

Name:	Title: Mrs	Initial(s): C
Surname: Kent		
Organisation (if applicable): Barton Willmore		
Address:	14 King Street	
	Leeds	
	West Yorkshire	
Post Code: LS1 2HL		
Telephone: 0113 2044 777		
Email: claire.kent@bartonwillmore.co.uk		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in separate guidance notes. You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.

A separate Part B form **MUST** be produced for each separate representation you wish to make. After this stage, further submissions will only be at the invitation of the inspector who will conduct an Examination in Public of the Joint Plan, based on the matters they identify during the Examination.

All responses should be returned by 5pm on Wednesday 21st December 2016. Please note that representations cannot be received after this deadline.

Responses can be returned by email to: mwjointplan@northyorks.gov.uk or by post using the address below:

Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

Data Protection:

North Yorkshire County Council, the North York Moors National Park Authority and the City of York Council are registered under the Data Protection Act 1998. For the purposes of the Data Protection Act legislation, your contact details and responses will only be retained for the preparation of the Minerals and Waste Joint Plan. Representations made at Publication stage cannot remain anonymous, but details will only be used in relation to the Minerals and Waste Joint Plan. Your response will be made available to view on the website and as part of the examination.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Harworth
------------------------	----------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
--------------------------------------------	-----	--------------------------	----	-------------------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please see separate representations

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please see separate representations

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please see separate representations

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [Redacted] Date: 20th December 2016

Official Use Only Reference Number [Grid]

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Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

Sent By Post and Email – mwjointplan@northyorks.gov.uk

20970/A3/LT/kb

21st December 2016

Dear Sir/Madam

**REPRESENTATIONS TO THE MINERALS AND WASTE JOINT PLAN: PUBLICATION
CONSULTATION DRAFT**

On behalf of Harworth Group ("our Client") we write in response to the Minerals and Waste Joint Plan Publication Consultation.

Our Client has land interests across the plan area including the former North Selby Mine site, Gascoigne Wood and the former Kellingley Colliery Site. Our Client is therefore grateful for this opportunity to engage in the forward planning process.

Please note that these representations are made solely in respect of the Former North Selby Mine Site ('Site') within the District of York. Separate representations have been made by Barton Willmore on behalf of our Client in respect of their interests at Gascoigne Wood and Kellingley, both within the Selby District.

1. Current Consultation

North Yorkshire County Council ('Council') has previously consulted on various iterations of the Minerals and Waste Joint Plan ('the Plan'), with which our Client has made representations at the appropriate stages. Once adopted, the emerging Plan will form part of the statutory Development Plan and relevant authorities will use it as a starting point for decisions on planning applications for development relating to these activities.

This round of consultation seeks comments on the Publication Draft of the Plan before it is formally submitted to the Secretary of State in March 2017 ahead of formal examination between April 2017 to October 2017. Adoption is currently anticipated to take place in November 2017.

2. The National Planning Context and Basis of These Representations

Given that the Council are consulting on the proposed Publication Draft of the Plan, where appropriate these representations refer to relevant paragraphs in the National Planning Policy Framework ('Framework'), with which the Local Plan must be consistent including the tests of soundness outlined at paragraph 182. The relevant tests are outlined below for the avoidance of doubt:



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"Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;

Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework."

Reference is also made, where relevant, to the more recently published National Planning Practice Guidance ('PPG') which provides further explanation to the policies within the Framework.

These representations respond to, and addresses specific elements of the Publication Draft along with making recommendations and suggested amendments. We trust that the comments provided are useful and look forward to ongoing engagement in the emerging Plan process.

3. Representations to Chapter 6: Provision of Waste Management Capacity and Infrastructure

Meeting Future Waste Management Needs

Section 6 of the Plan deals specifically with planning for the management of waste generated in the Plan area.

In respect of North Selby Mine, paragraph 6.59 highlights that permission was granted in 2014 for a substantial anaerobic digestion facility. It does however flag that this permission remains unimplemented at the time of writing. It is however worth noting that the landowners, have since commenced the first phase of works on the site. Demolition of the former colliery structures started towards the beginning of November, following the discharge of relevant pre-commencement conditions. These demolition works have been carried out under the terms of the current planning permission and will ensure the planning permission remains extant in perpetuity.

The Plan recognises the important contribution the Site can make in meeting its aims and aspirations, we note the Plan proposes its allocation under Policy W04: Meeting waste management capacity requirements. The policy states:

1) Net self-sufficiently in capacity for management of C&I Waste will be supported through:

- iii. **Providing large scale capacity for recovery of energy and anaerobic digestion for C&I waste through a combination of spare capacity within the Allerton Waste Recovery Park facility and the Southmoor Energy Centre (WJP03), 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;**

The recognition of the Sites potential and the proposed allocation itself is supported by our Client. Although progress on the construction of the facility has been limited since planning permission was granted, as noted above work has now started though the demolition of the existing former colliery buildings.

The third part of the draft policy states;

- 3) "Proposals for development of the allocated sites referred to in 1) and 2) above will be required to take account of the key sensitives and incorporate the necessary mitigation measures that are set out in Appendix 1."

Having undertaken a full review of Appendix 1, our Client has fundamental concerns with some of its contents. It currently contains information that is incorrect or misleading and therefore **unsound**. In order to address these concerns and ensure the allocation and the supporting text is based on the latest and accurate information it is strongly requested that the following amendments are made:

	Comments
Estimated date of commencement	<p>As explained above, the extant planning permission (12/03385/FULM) was implemented in November this year.</p> <p>It is therefore requested that the reference to the date of commencement is updated to reflect this.</p>
Key Sensitivities identified by Site Assessment	<p><u>Green Belt</u></p> <p>The site assessment rightly highlights that the site is currently located within the York Green Belt.</p> <p>The reference does however go on to state that the emerging York Local Plan will continue to designate the land as Green Belt.</p> <p>The National Planning Policy Framework ('the Framework') makes it clear that local planning authorities have the responsibility of defining Green Belt Boundaries within the Local Plans. It explains that once established Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan.</p> <p>As part of the ongoing work on the preparation of the emerging Local Plan, the Council have accepted that they need to undertake a full review of the existing York Green Belt to ensure the emerging plan meets the full needs of the district. Given delays that have been experienced to date, the emerging Local Plan is still some way from adoption with a preferred sites consultation taking place in November this year.</p> <p>Given the status of the plan, it is inappropriate and premature at this stage to imply that the emerging York Local Plan will continue to designate the site as Green Belt. If the Minerals and Waste Plan is to progress in advance of the emerging York Local Plan, it should be amended to state the site is currently within the Green Belt and should not pre-empt the conclusions of the emerging Local Plan and comprehensive Green Belt review.</p> <p>Recommendation: Remove references to the emerging York Local Plan will continue to designate</p>

Development Requirements	<p>this land as Green Belt.</p> <p><u>Public Right of Way</u></p> <p>Bridleway 23/05/10 runs from north to south along the western boundary of the main site, parallel with Bridge Dike. This connects with Bridleway 6/4/20 running along the sites northern boundary.</p> <p>The relationship of these existing Bridleways with the site and the potential impacts of the development was fully assessed as part of the extant planning permission.</p> <p>The Landscape section of the Environmental Statement acknowledges that there are currently limited views through to the site from the Bridleways. However due to the comprehensive landscaping mitigation measures proposed together with the re-profiling of the bunding will ensure that at year 15 the proposed development is completely screened.</p> <p>The presence and alignment of the Bridleways are acknowledged but as demonstrated by the extant consent, they should not be regarded as an overriding constraint. The extant consent demonstrates that through sensitive design and landscaping, any impacts can be fully mitigated. This should be acknowledged within the final policy wording.</p>
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4. Representations to Chapter 8: Minerals and Waste Safeguarding

In addition to allocating sites for minerals and waste developments, the Plan looks to safeguard minerals resources and minerals and waste infrastructure. Paragraph 8.2 explains that the purpose of safeguarding the assets is not to prevent other forms of development on or near the infrastructure or resource but is to ensure that the presence of the resource and infrastructure is taken into account when other development proposals are under consideration.

The proposed safeguarding of waste management facilities is dealt with via Policy S03: Waste Management Facility Safeguarding. Policy S03 states;

"Waste management sites identified on the Policies Map, with a 250m buffer zone, will be safeguarded against development which would prevent or frustrate the use of the site for waste development, unless:

- i. The need for the alternative development outweighs the benefits of retaining the site; and**
- ii. Where the site is in active use for waste management purposes, a suitable alternative location can be provided for the displaced infrastructure; or**
- iii. The site is not in use and there is no reasonable prospect of it being used for waste management in the foreseeable future.**

Where development, other than exempt development as defined in the Safeguarding Exemption Criteria list, is proposed within an identified buffer zone permission will be granted where adequate mitigation can, if necessary, be provided to reduce any impacts from the existing or

proposed adjacent waste uses to an acceptable level, and the benefits of the proposed use outweigh any safeguarding considerations”.

Our Client recognises the need to ensure the Plan is positively planned and ensure sufficient assets are identified and safeguarded to ensure the full aspirations of the Plan are met in the Plan period. However, as drafted our Client considers that policy SO3 does not meet the tests of soundness and is therefore **unsound**.

The Plan acknowledges that the purposes of the safeguarding policy is not to prevent other forms of development or infrastructure from being developed but to ensure they are fully considered during the determination process. As noted above, part of the former North Selby Mine site is already subject to an extant planning permission and this boundary is proposed to be safeguarded. The Policy however goes further and extends the safeguarding allocation to include a 250m buffer around the extent of the allocation. The justification provided explains that the “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”. This justification is extremely limited and in our Client’s opinion not sufficient to warrant the inclusion of this additional burden to be placed on the site.

Our Client is actively promoting the wider North Selby Mine complex site through the emerging City of York Local Plan. Although currently within the draft Green Belt, the site represents a brownfield site and therefore an area where development will be encouraged before the use of comparable greenfield sites. The National Planning Policy Framework also permits development on such sites in certain circumstances.

Once adopted the Plan will form part of the statutory Development Plan and will therefore form the starting point for the determination of any future planning applications. Applications that come forward for development in the future, in close proximity to allocation site WJP02, will therefore need to be considered on their own merits having regard to the operations taking place on the waste site and the proposals that are brought forward to development the wider site.

The inclusion of a 250m buffer around the full extent of the allocation, WJP02, is not justified and having regard to the tests outlined in the Framework, is **not considered to be sound**.

Recommendation: Remove references to a 250m buffer zone.

Safeguarding Criteria

In terms of the criteria set out in the policy itself, the additional following criteria/wording is suggested in order to ensure that viability considerations are adequately taken into account and ensure that the wording makes clear that safeguarding will not apply if the facility is not viable or incapable of being made so.

“iv) The facility is not viable or capable of being made viable.”

This would therefore ensure **effectiveness**.

5. Representations to Chapter 9: Development Management

Green Belt

Section 9 of the Plan sets out development management policies.

As the name suggests, Policy D05: Minerals and Waste Development in the Green Belt, sets out the position for assessing future planning applications proposed on sites within the Green Belt. In respect of our Client’s site, the North Selby Mine (WJP02), paragraph 9.37 highlights that the site is located

within the general extent of York's Green Belt. The same paragraph goes on to explain that the extent planning permission was approved "as it was considered compatible with the site's continued location within the Green Belt".

Turning to the policy itself, Part 2 of Policy D05 explains that the proposals for;

"Waste development in the Green Belt including new buildings or other forms of development which would result in an adverse impact on the openness of the Green Belt or on the purposes of including land within the Green Belt, including those elements which contribute to the historic character and setting of York, will be considered inappropriate".

The policy then goes on to set out forms of waste development which will be considered appropriate in the Green Belt. On the basis that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt.

Our Client acknowledges the fact that the government places great importance on the Green Belts. The policy position set out in the Framework explains that substantial weight should be given to any harm to the Green Belt.

National planning policy (the Framework and the National Planning Policy for Waste) does not however define uses which are considered appropriate within Green Belts areas nor does it place a requirement on local plan makers to define such uses. Instead it simply states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt unless it meets one of the defined exceptions (paragraph 89). This includes:

"Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development".

The current wording of the policy goes beyond this requirement and infers that only the uses listed will be considered appropriate in Green Belt areas. This is clearly in conflict with national policy and is therefore **unsound**.

Recommendation: Remove the final paragraph of Part 2 of policy D05: Minerals and Waste Development in the Green Belt

6. Overall Conclusions and Recommendations

These representations have been prepared on behalf of Harworth Group set out their comments in relation to the Minerals and Waste Joint Plan: Publication Draft.

Our Client has a keen interest in the Plan area, and is grateful for this opportunity to engage in the forward planning process. They are committed to ensuring the latest Joint Plan is prepared on a sound and robust basis which meets the tests of paragraph 182 of the Framework.

As drafted, our Client supports the allocation of their site at the former North Selby Mine complex in principle. However, our Client has raised fundamental concerns with the wording of some of the allocations. As drafted, they are not considered to meet the tests outlined in national planning policy and therefore the Plan is **unsound**.

We respectfully request that the recommendations set out above are fully considered and the necessary changes are made ahead of submission to the Secretary of State.

Notwithstanding the above, our Client reserves the right to comment further at the EIP Hearing Sessions.

Yours sincerely



CLAIRE KENT
Director

mwjointplan

From: Liam Tate <Liam.Tate@bartonwillmore.co.uk>
Sent: 21 December 2016 12:08
To: mwjointplan
Subject: 20970.A3 - Minerals and Waste Joint Plan Representations - Publication Draft
Attachments: 20970.A3.LT.kb.PublicationReps.161221.pdf

Dear Sirs,

On behalf of our client, the Harworth Group, please find attached representations to the Minerals and Waste Joint Plan Publication Consultation.

I would be grateful if you could acknowledge safe receipt.

Regards

Liam Tate
Senior Planner

Planning . Design . Delivery
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Please note all our offices are closed from 12pm on 23rd December, re-opening on 3rd January 2017.

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Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Sara Robin, Yorkshire Wildlife Trust
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="MJP55"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="text" value="x"/>	No	<input type="text"/>
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2.(2) Sound	Yes	<input type="text"/>	No	<input type="text" value="x"/>
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(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Justified</i>	Yes	<input type="text"/>	No	<input type="text" value="x"/>
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<i>Effective</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Consistent with National Policy</i>	Yes	<input type="text"/>	No	<input type="text"/>
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2 (3) Complies with the Duty to co-operate	Yes	<input type="text"/>	No	<input type="text"/>
--------------------------------------------	-----	----------------------	----	----------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The information on this site in Appendix 1 Allocated Sites does not include the information that the York to Selby Cycle Path is a Site of Importance for Nature Conservation (SINC) and runs through the centre of the site. This provides further evidence of the value of the site for biodiversity. Given the sensitivities of the site there should be at least a partial restoration to nature conservation with a long term management plan and endowment. The restoration should focus on habitat connectivity in the area, with potential to connect habitat from north to south along the cycle path and east west along dykes and drains which run between the Ouse and Derwent. The restoration could potentially include ponds and wetland areas as brick ponds can be particularly valuable for aquatic invertebrates. This would be consistent with the NPPF paragraphs 109, and 114

109. The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity 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;

114. Local planning authorities should:

- set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure;

(continue on a separate sheet/expand box if necessary)

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Sara Robin, Yorkshire Wildlife Trust
------------------------	--------------------------------------

Please mark with an x as appropriate

2. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.106"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Shale gas extraction is said to be valuable:
 "as part of a transition towards use of lower carbon energy sources". This is then linked to policy D11 which is about reducing carbon dioxide emissions.

Although there are some opinions that shale gas could be seen as a bridge to a lower carbon economy this is definitely not a well supported conclusion. Recent research at Cornell University <http://onlinelibrary.wiley.com/doi/10.1002/ese3.35/pdf> has shown that increases in fugitive methane emissions due to shale gas extraction could negate any carbon emission reductions from using shale gas. The investment in shale gas extraction technology and infrastructure could also delay transition to a lower carbon economy by delaying investment in renewable energy infrastructure and carbon reduction technologies.

Using less carbon energy sources is part of a wider objective of combating global climate change, Natural gas is a fossil fuel and during exploration, production, transportation, post production (all possible phases and beyond) there is potential for methane leakage, a much more potent gas than CO2 which can far greater effects on climate change. It is essential to look at life cycle comparison of source not just at the point of combustion.

The authority cannot imply that by permitting shale gas extraction there will be a reduction in UK carbon emissions. The extraction of hydrocarbons which are at present locked into shale cannot be seen as part of a progression towards a lower carbon economy.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Sara Robin, Yorkshire Wildlife Trust
------------------------	--------------------------------------

Please mark with an x as appropriate

3. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.109"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The sentence:

“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”

The sentence does not include the information that flow-back fluid can also contain hazardous chemicals which have been dissolved from the shale and brought back to the surface. See http://ec.europa.eu/environment/integration/research/newsalert/pdf/chemical_composition_of_fracking_wastewater_404na4_en.pdf for example, a brief paper produced for the European Union. Due to the potentially hazardous nature of flow-back fluids the authority will need to be particularly aware of the importance of avoiding spills and ensuring safe disposal. Impacts on wildlife and biodiversity can be severe.

“typically 98-99% of the liquid is water, small quantities of chemicals are often added”

98-99% needs to be defined clearly. The statement is meaningless without context. 1-2% appears to be a small amount but if the total volume of fracking fluid is large the amounts of chemicals will also be large. Also chemicals are ALWAYS added, to fracking fluid. By using the word “often” this implies that at times no chemicals will be used which is incorrect.

Also in this paragraph it is important to know the likely quantities to be recycled and quantities to be disposed of, this is surely a very important part of planning for expansion in shale gas extraction – sites, road traffic, infrastructure will all be required to collect, treat and dispose of fracking fluid. The extra development will have implications for the local population and for biodiversity and wildlife.

(continue on a separate sheet/expand box if necessary)

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Sara Robin, Yorkshire Wildlife Trust
------------------------	--------------------------------------

Please mark with an x as appropriate

4. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	<input type="text" value="D07"/>	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	----------------------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The Trust supports the overall intention in the policy to ensure a net gain for biodiversity. It is essential that there is consistency in measuring whether there is actually a net gain for biodiversity. Without accurate reporting prior to development and consistent measuring of impacts there could be long drawn out discussions based on opposing opinions and no net gain in biodiversity.

A consistent standard of ecological survey must be required for mineral sites in order to ensure that there is an objective baseline so that impacts on biodiversity are correctly assessed and net gains can be shown. The Trust would recommend that BS42020 is quoted as being the standard expected by the authority for ecological surveys.

In order to objectively assess net ecological impacts and therefore achieve net gains in biodiversity, as required by the NPPF, it is vital that a fair, robust mechanism for measuring these impacts is applied. To ensure they are consistently quantified, the application of the DEFRA and NE endorsed Biodiversity Impact Assessment Calculator (or an agreed updated version) will be required for all development with negative impacts on biodiversity.

(continue on a separate sheet/expand box if necessary)

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Sara Robin, Yorkshire Wildlife Trust
------------------------	--------------------------------------

Please mark with an x as appropriate

5. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	D10 part 2 viii	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

It is important when creating habitat networks that the habitats created are valuable and appropriate to the area. The habitats created should be "habitats of principle importance" see <http://jncc.defra.gov.uk/page-5706> which can connect to similar areas of habitat. For example in the River Swale corridor wetland restoration will be very valuable and will link with neighbouring habitat, woodland would not be so valuable. However for magnesian limestone quarries restoration to the rare magnesian limestone grassland with appropriate management will be the most valuable restoration. A study into targeting mineral site restoration by Golder Associates carried out for the Yorkshire and Humber Biodiversity Forum in 2009 showed how appropriate restorations could be carried out. Appropriate habitats are also mentioned in the background information for the Yorkshire Wildlife Trust Living Landscapes.

The Trust supports the restoration of mineral sites to nature conservation objectives. In order to ensure that net gains for biodiversity are indeed obtained the Trust would like to see similar improvements to the policy as suggested for Policy D 07.

It is essential that there is consistency in measuring whether there is actually a net gain for biodiversity. Without accurate reporting prior to development and consistent measuring of impacts there could be long drawn out discussions based on opposing opinions and no actual net gain in biodiversity.

A consistent standard of ecological survey must be required for mineral sites in order to ensure that there is an objective baseline so that impacts on biodiversity are correctly assessed and net gains can be shown. The Trust would recommend that BS42020 is quoted as being the standard expected by the authority for ecological surveys.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

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5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature:

Date:

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The addition of the phrase in bold to the Development Requirements for the site:

An appropriate restoration scheme using opportunities for habitat creation **and connectivity and providing gains for biodiversity**, but which is also appropriate to location within a birdstrike safeguarding zone

(continue on a separate sheet/expand box if necessary)

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The addition of the phrase in bold to the Development Requirements for the site:

“An appropriate restoration scheme using opportunities for habitat creation **and connectivity and providing gains for biodiversity**, but which is also appropriate to location within a birdstrike safeguarding zone”

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

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Signature:

Date:

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Sara Robin, Yorkshire Wildlife Trust
------------------------	--------------------------------------

Please mark with an x as appropriate

8. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="WJP15"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="text" value="x"/>	No	<input type="text"/>
2.(2) Sound	Yes	<input type="text"/>	No	<input type="text" value="x"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Justified</i>	Yes	<input type="text"/>	No	<input type="text" value="x"/>
<i>Effective</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Consistent with National Policy</i>	Yes	<input type="text"/>	No	<input type="text"/>
2 (3) Complies with the Duty to co-operate	Yes	<input type="text" value="x"/>	No	<input type="text"/>					

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The site is immediately adjacent to the Yorkshire Wildlife Trust's reserve Burton Riggs which is also a Site of Importance for Nature Conservation, Burton Riggs Gravel Pitts. The site is also in the Yorkshire Wildlife Trust's Living Landscape for Cayton and Flixton Carrs. The restoration of the site should provide habitat which connects to Burton Riggs reserve and enhances the Cayton Flixton Carrs area.

The Yorkshire Wildlife Trust will be happy to comment on and help with suggested restoration schemes.

Official Use Only Reference Number
<input type="text"/>

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The “Key Sensitivities identified by Site Assessment”, and “Development requirements identified through Site Assessment and Consultation process” need to include the information about Burton Riggs nature reserve. Suggested changes in bold:

“Ecological issues, including impacts on: drains linked to the River Hertford SINC, **the Burton Riggs nature reserve and SINC**, protected species, potential habitats”

“Mitigation of ecological issues, in particular with regard to avoiding impacts on drains linked to the River Hertford SINC, **Burton Riggs reserve and SINC**, and protected species”

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

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Signature:

Date:

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Possible site aftercare on page 78 at present states:

“No detailed design available yet, but would be back to agriculture at or near original ground levels”

Changed to:

“Detailed designs should include partial restoration to nature conservation, potentially including ponds and wetland areas so that habitat is connected up in the area.”

The section:

“Key Sensitivities identified by Site Assessment

• Ecological issues, including impacts on: Skipwith Common SAC site and SSSI, Heron Wood SINC and ancient woodland, trees, protected species, potential habitats”

Changed to:

“• Ecological issues, including impacts on: Skipwith Common SAC site and SSSI, Heron Wood SINC, **the York to Selby Cycle path SINC** and ancient woodland, trees, protected species, potential habitats”

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

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All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature:

Date:

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Sara Robin, Yorkshire Wildlife Trust
------------------------	--------------------------------------

Please mark with an x as appropriate

10. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="WJP02"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="text" value="x"/>	No	<input type="text"/>
2.(2) Sound	Yes	<input type="text"/>	No	<input type="text" value="x"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Justified</i>	Yes	<input type="text"/>	No	<input type="text" value="x"/>
<i>Effective</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Consistent with National Policy</i>	Yes	<input type="text"/>	No	<input type="text"/>

2 (3) Complies with the Duty to co-operate	Yes	<input type="text" value="x"/>	No	<input type="text"/>
--------------------------------------------	-----	--------------------------------	----	----------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The Key Sensitivities identified by Site Assessment does not include that part of the site is a SINC "North Selby Mine" designated by CYC. This information needs to be included in Development requirements identified through Site Assessment and Consultation processes to ensure that the SINC is protected in future developments.

Official Use Only Reference Number
<input type="text"/>

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Change the phrase in “Development requirements identified through Site Assessment and Consultation processes” from:

“Mitigation of ecological issues, in particular with regard to Spring Wood SINC and protected species”

To:

“Mitigation of ecological issues, in particular with regard to Spring Wood SINC, **North Selby Mine** and protected species”

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

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No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Sara Robin, Yorkshire Wildlife Trust
------------------------	--------------------------------------

Please mark with an x as appropriate

11. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.107"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="text" value="x"/>	No	<input type="text"/>
2.(2) Sound	Yes	<input type="text"/>	No	<input type="text" value="x"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Justified</i>	Yes	<input type="text"/>	No	<input type="text"/>
<i>Effective</i>	Yes	<input type="text"/>	No	<input type="text" value="x"/>	<i>Consistent with National Policy</i>	Yes	<input type="text"/>	No	<input type="text"/>
2 (3) Complies with the Duty to co-operate	Yes	<input type="text"/>	No	<input type="text"/>					

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The phrase:
"There are three main phases of onshore hydrocarbon development identified in national planning guidance: exploration, appraisal and production,"

Appears not to include post development issues. It is vital that well abandonment and site restoration is part of the joint development plan. The authority must be certain that methane leaks and any impacts on surface and groundwater from deteriorating infrastructure are covered in the plan.

A recent report within the last few days by the US Environmental Protection Agency has concluded that there are potential problems with impacts on water quality at all stages of the shale gas extraction process. The report can be accessed at <https://cfpub.epa.gov/ncea/hfstudy/recordisplay.cfm?deid=332990>

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Sara Robin, Yorkshire Wildlife Trust
------------------------	--------------------------------------

Please mark with an x as appropriate

12. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.111"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>					

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

This paragraph does not give sufficient detail as to the standards which will be required for noise and vibration. What are the tolerance levels for noise, vibration and where are these standards set? Will the standards be UK levels, or EU levels? Are these standards the same for the countryside and for a city? (i.e. are existing background/baseline levels of noise etc accounted for). How is an acceptable level set? What is the process for deciding on an appropriate location and what are the criteria for this? Without answers to these questions there is potential for very troubling impacts in the area and loss of biodiversity due to disturbance.

Road traffic increases will have significant impacts on noise and emissions and at present there is very little knowledge of what these impacts may be. See Goodman, P. S., Galatioto, F., Thorpe, N., Namdeo, A. K., Davies, R. J. & Bird, R. N. (2016) Investigating the traffic-related environmental impacts of hydraulic-fracturing (fracking) operations. *Environment International*, 89–90, 248-260 and at <https://www.ncbi.nlm.nih.gov/pubmed/26922565> which models potential impacts.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Sara Robin, Yorkshire Wildlife Trust
------------------------	--------------------------------------

Please mark with an x as appropriate

13. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="P81 5.112"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	----------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The paragraph implies that there are no health concerns as Public Health England considers there will not be significant risks to health.

"Whilst Public Health England has indicated that it does not consider that a properly regulated industry would be likely to give rise to significant risks to health,"

Recent research see Werneret al 2015, Environmental health impacts of unconventional natural gas development: A review of the current strength of evidence. *Science of The Total Environment*, 505(0), 1127-1141 and at

<http://www.sciencedirect.com/science/journal/00489697/vsi/106KSJ994CT>

It is important that the authority thoroughly considers the potential impacts of shale gas extraction and does not expose residents to risk. North Yorkshire needs to learn from the impact of shale gas extraction in the US.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Sara Robin, Yorkshire Wildlife Trust
------------------------	--------------------------------------

Please mark with an x as appropriate

14. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="And 5.116"/>	Policy No.	<input type="text" value="M18"/>	Policies Map	<input type="text"/>
----------------------------------------------	----------------------------------------	------------	----------------------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

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Policy M18 needs to cover the importance of baseline data for air and water quality as without this it will be impossible to monitor the impacts of hydrocarbon extraction developments. See Jackson, R. B., Vengosh, A., Carey, J. W., Davies, R. J., Darrah, T. H., O'Sullivan, F. & Pétron, G. (2014) *The Environmental Costs and Benefits of Fracking. Annual Review of Environment and Resources*, 39(1), 327-362.

M18 point ii does not mention that there is more risk of seismic events from reinjection techniques. See Keranen et al 2014 <https://pubs.er.usgs.gov/publication/70137863> for information on wastewater injection techniques causing earthquakes in Oklahoma.

The authority will need to be extremely confident that reinjection does not have unacceptable seismic impacts.

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Policy M18 needs a phrase such as:

Baseline air quality and surface and ground water quality data is required before any drilling operations commence.

Point ii should have the addition of:

As reinjection techniques have been shown to cause seismic events the authority will only give permission for this if the applicants can show to the satisfaction of the authority that these will not occur. Accurate monitoring will be essential and if seismic events do occur reinjection of waste water will cease.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

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Yes, I wish to participate at the oral examination

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Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: 	Date:
------------------------------------------------------------------------------------------------	-------

Official Use Only Reference Number


Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title: Mr	Initial(s): M
Surname: Abbott		
Organisation (if applicable): Egdon Resources UK Limited		
Address:	The Wheat House	
	98 High Street	
	Odiham, Hook	
Post Code: RG29 1LP		
Telephone:		
Email:		

Agent contact details (if applicable)

Name:	Title: Mr	Initial(s): P
Surname: Foster		
Organisation (if applicable): Barton Willmore LLP		
Address:	St Andrews House	
	St Andrews Road	
	Cambridge	
Post Code: CB4 1WB		
Telephone:		
Email: paul.foster@bartonwillmore.co.uk		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in separate guidance notes. **You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.**

A separate **Part B** form **MUST** be produced for each separate representation you wish to make. After this stage, further submissions will only be at the invitation of the inspector who will conduct an Examination in Public of the Joint Plan, based on the matters they identify during the Examination.

All responses should be returned by 5pm on Wednesday 21st December 2016. Please note that representations cannot be received after this deadline.

Responses can be returned by email to: mwjointplan@northyorks.gov.uk or by post using the address below:

Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

Data Protection:

North Yorkshire County Council, the North York Moors National Park Authority and the City of York Council are registered under the Data Protection Act 1998. For the purposes of the Data Protection Act legislation, your contact details and responses will only be retained for the preparation of the Minerals and Waste Joint Plan. Representations made at Publication stage cannot remain anonymous, but details will only be used in relation to the Minerals and Waste Joint Plan. Your response will be made available to view on the website and as part of the examination.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
------------------------	----------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	Sustainability Appraisal	Policy No.		Policies Map	
----------------------------------------------	--------------------------	------------	--	--------------	--

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>					

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Key spatial principles for oil and gas

The Sustainability Appraisal of the key spatial principles for oil and gas is flawed and, as a result, does not give a fair representation of the scores against the 17 sustainability appraisal objectives.

SA Objective 8 – Minimise Resource Use

This objective has been wrongly applied as it appears as a moderate negative effect in respect of options 1-5 and as a high negative effect in option 6. All options are judged to be negative in relation to minimising the use of resources "owing to the support they offer to the extraction of a non-renewable resource." By definition, therefore, if no hydrocarbon extraction activity took place, this sustainability objective would receive a positive score. This would conflict with national planning policy which states that there is a national need to explore for shale oil and gas. Instead, this scoring should be applied to the resources that are used to undertake extraction, not the material itself. The majority of resources are used during the construction of a wellsite using aggregates, and the drilling operations during exploratory activities. This correction would result in a considerably improved overall assessment for all options but, in particular, option 6. Option 6 would have less adverse negative impacts than any other option, including option 1. Option 6 would allow for the grant of planning permission for exploration, appraisal or production of oil and gas and unconventional hydrocarbons, provided they do not result in any significant adverse impact on local communities or the environment. This option is more aligned with national planning policy which places great weight upon the need for minerals whilst ensuring that the environment is protected.

SA Objectives 1, 10, 11, 14

The assessment concludes that Options 1-5 would all give rise to negative effects on the landscape, natural and historic environment and recreation. There is further justification, therefore for concluding that Option 6 performs the best overall.

Policy Progressed by the Plan

The option progressed by the Plan fails to support the principle of oil and gas development and does not reflect national planning policy. If a more balanced and sensible approach had been applied in respect of assessing the various options against SA objective 8, the Plan would have better reflected the guidance in both the NPPF and the Mineral PPG which supports the growth of sustainable hydrocarbon development.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
------------------------	----------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	<input type="text" value="S01(Part 2)"/>	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	------------------------------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy S01 (Part 2) – the second part of the policy protects reserves of potash and polyhalite, including a 2 km buffer zone from sterilisation by other forms of underground minerals extraction. There is no justification for this and it is not clear that there is any technical or scientific evidence as to why this has been suggested. This appears to not provide the same level of importance to hydrocarbons as it does for other minerals????

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Amend to more accurately reflect the great importance the Government attaches to hydrocarbon extraction in national policy and guidance and to enable the delivery of sustainable development.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

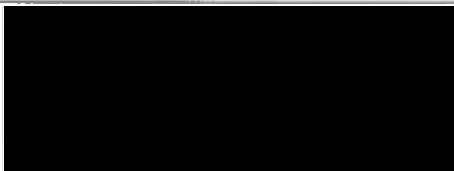
6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To bring Egdon's experience and knowledge to the discussion in order to assist the Inspector in his assessment of the Plan.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature:



Date: 21 December 2016

Official Use Only Reference Number

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M18(2)(iii)	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy M18 (2) (iii) – following the High Court decision R(FoE and Anr) v N Yorks CC & Anr in December 2016, the provision of requiring a financial guarantee to ensure the site is restored and left in a beneficial use is not justified. In view of the regulatory regime provided by the OGA, the EA and the HSE, MPAs should assume that the regulatory regimes will operate effectively so as to control emissions, pollution and regulate health and safety measures.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Amend to more accurately reflect the great importance the Government attaches to hydrocarbon extraction in national policy and guidance and to enable the delivery of sustainable development.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

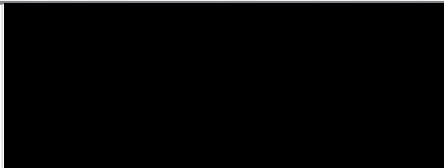
6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To bring Egdon's experience and knowledge to the discussion in order to assist the Inspector in his assessment of the Plan.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature:



Date: 21 December 2016

Official Use Only Reference Number

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
------------------------	----------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M17 4(iii)	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>					

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy M17 – 4 (iii) There is no evidence to justify the requirement for any proposal involving hydraulic fracturing to be accompanied by both an air quality monitoring plan and a Health Impact Assessment. This would be the case if the definition for hydraulic fracturing used in the Infrastructure Act were to be applied but it is particularly the case if hydraulic fracturing is widened to include any form of injection, irrespective of the volume of fluid used. There are five main activities that are likely to result in emissions to the atmosphere – construction, vehicle movements associated with the use of the site, flaring of gas during flow testing, equipment associated with the operation of the site and from fugitive emissions. The main source of atmospheric emissions would be gases emitted when gas is burnt in a flare. There is no evidence to justify why both an air monitoring plan and a HIA would be required simply because of the involvement of hydraulic fracturing. It should also be noted that this proposal is overly excessive when considering the very short timescales involved when undertaking well testing – where gas may be flared for a few days only:- it is not an operator’s intent to flare gas that is a usable energy source for any longer than is necessary to gather flow and reservoir data.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M17 4(i)	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy M17 – 4 (i) There is no justification for a separation distance arising from the need to ensure a high level of protection from emissions to air or ground and surface water and induced seismicity. Proximity to residential buildings and other sensitive receptors will have very little bearing upon the general requirement to mitigate against all forms of emissions and induced seismicity. There is no evidence that proposals for surface hydrocarbon development within 500m of residential buildings and other sensitive receptors are likely to have a more adverse impact than proposals in excess of this distance. The effect of screening and the specific nature of the proposed hydrocarbon development can often mean that distances of 300m are permissible. It does appear that no distinction has been made between convention and unconventional hydrocarbon development, which have different scales of activity.

(continue on a separate sheet/expand box if necessary)

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M17 (v)	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy M17 – (2) (v) It is unclear why the policy requires new infrastructure, as a first priority, to be sited on brownfield, industrial or employment land. "As a first priority" suggests that this should criterion should be applied above all others. Whilst the location of processing facilities has more flexibility compared to drilling wells which can only be located where the mineral lies, this policy relies upon allocated employment and industrial land identified within the local plans of non-mineral planning authorities. There is no evidence to demonstrate that demand for new energy generation infrastructure has been factored into account in those local plans covering the Joint Planning area. Given the strong support for hydrocarbon development in the written statement of September 2015 and in the NPPF and the PPG, there could potentially be a number of proposals for new processing infrastructure coming forward in the Plan period. Secondly, the distance in transporting hydrocarbons to a suitable brownfield site could have a bearing upon the viability of the proposal, yet this has not been taken into account. Thirdly, just because a site is brownfield or an existing or allocated site for industrial or employment use may not make it necessarily suitable for hydrocarbon infrastructure or energy generation, by virtue of its scale, location or setting.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :

Egdon Resources UK Limited

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site
Allocation Reference No.

Policy No.

M17 (2)(ii)

Policies Map

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant

Yes

No

2.(2) Sound

Yes

No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared

Yes

No

Justified

Yes

No

Effective

Yes

No

Consistent with National Policy

Yes

No

2 (3) Complies with the
Duty to co-operate

Yes

No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy M17 – (2) (ii) There is no justification for setting a well pad density or an arbitrary limit to the number of individual wells within a PEDL area. Whilst an assessment of the cumulative effects of planned and existing developments within the immediate vicinity of a proposed hydrocarbon development may be justified to ensure that cumulative impacts are taken into account, there is no justification to restrict or refuse a proposed development simply because it is in close proximity to other existing, planned or unrestored well pads. The most intensive activities of a wellsite will generally be during the construction and drilling stages at an exploration phase and prior to production if a wellsite moves to the next stage. Many well sites will have no activities taking place for long periods of time. The proximity of an existing or unrestored well pad will therefore have very little bearing on the location of a new facility.

There appears to be no justification in the draft Plan for the requirement for applicants seeking planning permission for the production of unconventional hydrocarbons only to include information about how it will fit within an overall scheme of production development within the PEDL area. This would seem to have little bearing in planning terms on the merits of a planning application. It leaves open the possibility that permission could be influenced by how a particular proposal fits within a possible overall scheme for production which may not come about and which will not be subject to any legal status. Every planning application should be judged upon its merits and not be determined on the basis of how it fits within the PEDL area. The need to demonstrate that any production site is located in the least environmentally sensitive area of the resource may not be practically possible to deliver, for example, where a site may not be accessible or is unavailable. Instead, a more sensible and proportionate requirement should be to locate a proposal where the development would not have a material adverse impact, subject to appropriate mitigation.

(continue on a separate sheet/expand box if necessary)

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :

Egdon Resources UK Limited

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.

Policy No.

M17 (2)(i)

Policies Map

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant

Yes

No

2.(2) Sound

Yes

No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared

Yes

No

Justified

Yes

No

Effective

Yes

No

Consistent with National Policy

Yes

No

2 (3) Complies with the Duty to co-operate

Yes

No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy M17 – (2) (i) There is no justification for taking into account cumulative impacts arising from existing or unrestored hydrocarbons development in the vicinity of the proposal. The presence of any existing hydrocarbon development will be taken into account in the baseline technical assessments supporting any planning application, be it transport, visual impact or noise. The mere presence of other hydrocarbon development in the vicinity or within the same PEDL should not be a factor carrying any substantive weight in determining a planning application.

(continue on a separate sheet/expand box if necessary)

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
------------------------	----------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M17 (1)(iii)	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	--------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>					

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy M17 – (1) (iii) – the pipeline route should be selected to achieve an acceptable route with appropriate mitigation rather than select the least practicable environmental or amenity impact. Elements of a route of any pipeline may not be available if landowner agreement cannot be secured for a particular route. If a proposed route does not give rise to any unacceptable environmental or amenity impacts, subject to agreed mitigation measures, this should be sufficient for the decision-maker to ensure a development is sustainable.

It is not justified for proposals to be located where an adequate water supply can be made available without the need for road transport where hydraulic fracturing is proposed. If a transport assessment demonstrates that there will be no unacceptable impacts upon the local highway network, there is no policy justification for banning any form of transport bringing in large volumes of water.

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Amend to more accurately reflect the great importance the Government attaches to hydrocarbon extraction in national policy and guidance and to enable the delivery of sustainable development.

Replace "least practicable" with "an acceptable". Delete the final sentence.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

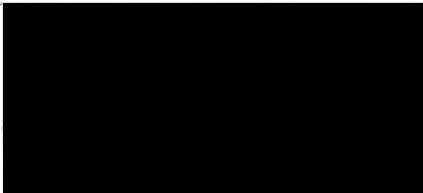
6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To bring Egdon's experience and knowledge to the discussion in order to assist the Inspector in his assessment of the Plan.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature:



Date: 21 December 2016

Official Use Only Reference Number

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
------------------------	----------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M16(d)	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

M16 (d) There is no justification in planning policy grounds for the inclusion of a 3.5 km buffer zone to require a detailed assessment of the potential impacts of any surface hydrocarbon development. Para 18 of the Minerals PPG states that a buffer zone may be appropriate where it is clear a certain distance is required between the boundary of the minerals extraction area and an occupied residential property. Such a buffer zone should be based on a site-specific basis and should be effective, properly justified and reasonable. There is no evidence that the proposed policy demonstrates any of these three requirements. Secondly, the policy applies a broad-brushed blanket approach to including views of and from the associated landscapes from significant viewpoints. The impact of development should be judged from publicly accessible viewpoints from where the proposal is likely to be visible, irrespective of the depth of the buffer zone. Thirdly, there is no need for a reference to Policy D04 if the Plan is to be read as a whole.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
------------------------	----------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M16(b)(iii)	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

M16 (b) (iii) This part of the policy is unnecessary if text is included to state that hydrocarbon development should accord with the policies of the Plan.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
------------------------	----------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M16(b)(ii)	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

M16 (b) (ii) there is no justification for applicants to have to demonstrate that sub-surface proposals below the designations in (i) would not cause significant harm. The considerable depth of the boreholes below the surface of the designated sites, likely to be in excess of between 300 and 1,000m will mean that there is likely to be either a minor or very negligible effect as a result. It should also be noted that there is a very rigorous environmental permitting regime regulated by the Environment Agency that ensures that operators demonstrate that sub-surface drilling and production activities will not cause environmental impact, and this includes an assessment of the impact on groundwaters and aquifers. Sub-surface proposals was not considered to be an issue of any substantive interest at the two recent Cuadrilla appeals. Moreover, there is no justification for lateral drilling beneath a National Park or AONB should comprise major development. Since the designation of the sites referred to in (i) applies to the surface and not the sub strata, the Joint Mineral Plan does not justify why applicants need to demonstrate evidence of no significant harm under these designations but not below land not designated. This part of the policy is unjustified and should be deleted.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M16(b)(i)	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

M16 (b) (i) All phases of conventional hydrocarbons exploration, appraisal and production, that is, activities referred to in the first bullet point, should be acceptable in the designated areas specified in (i), subject to appropriate mitigation, in accordance with the NPPF. Conventional hydrocarbons extraction does not require associated hydraulic fracturing as defined in the Infrastructure Act 2015. There is no justification for not permitting the activities referred to in the first bullet point with the exception of surface proposals in the National Park and AONBs. In these two areas, the NPPF states that proposals should be refused unless it is in the public interest.

Activities referred to in the second bullet point should only be restricted in the National Park, AONBs, the Fountains Abbey/Studley Royal World Heritage Site, SPAs, SACs, Ramsar sites and SSSIs, in accordance with the Infrastructure Act 2015 and where hydraulic fracturing exceeds 1,000 cubic metres of water at each stage or more than 10,000 cubic metres of fluid in total. There is no justification for the inclusion of the other locations referred to in (i), subject to appropriate environmental protection and mitigation. Activities referred to in the second bullet point should not be permitted in the National Park, AONBs, the Fountains Abbey/Studley Royal World Heritage Site, SPAs, SACs, Ramsar sites and SSSIs, where hydraulic fracturing is below the volumes referred to above, unless the proposals are in the national interest. This would ensure consistency with the NPPF.

Activities referred to in the third bullet point, should be acceptable in the designated areas specified in (i), subject to appropriate mitigation, in accordance with the NPPF. The appraisal or production of unconventional hydrocarbons extraction does not require hydraulic fracturing as defined in the Infrastructure Act 2015. There is no justification for not permitting the activities referred to in the first bullet point with the exception of surface proposals in the National Park and AONBs. In these two areas, the NPPF states that proposals should be refused unless it is in the public interest.

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Amend to more accurately reflect the great importance the Government attaches to hydrocarbon extraction in national policy and guidance and to enable the delivery of sustainable development.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

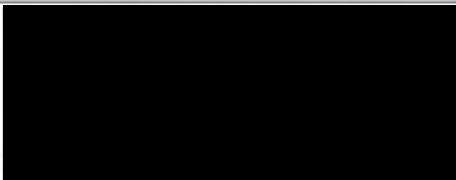
6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To bring Egdon's experience and knowledge to the discussion in order to assist the Inspector in his assessment of the Plan.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature:



Date: 21 December 2016

Official Use Only Reference Number

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M16(b)	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy M16 (b) The definition of 'hydraulic fracturing' does not accord with the definition in the Infrastructure Act 2015. Associated hydraulic fracturing is defined in the Act as either 1,000 cubic metres per stage or more than 10,000 cubic metres overall. It is therefore not consistent with the statutory framework to apply a different definition of hydraulic fracturing and then severely restrict and limit activities which would not be deemed to be defined as hydraulic fracturing anywhere else. The definition should be changed to reflect the definition in law.

There is no justification in planning terms for distinguishing between conventional and unconventional hydrocarbon extraction. This is demonstrated in the adopted and emerging minerals plans of two East Midlands' authorities. The Lincolnshire Minerals and Waste Local Plan was adopted in June 2016. Policy M9 (Energy Minerals) of the adopted plan makes no distinction between conventional and unconventional hydrocarbons and is positively worded, allowing for the exploration, appraisal and production provided that proposals are in accordance with the Development Management policies in the Plan. Likewise, Policy MP12 (Hydrocarbon Minerals) in the emerging Nottinghamshire Minerals Local Plan is a single policy which applies to all forms of hydrocarbons. Para 4.115 states "It is considered that there is no justifiable reason in planning policy terms to separate shale gas from other hydrocarbon development. All hydrocarbon development has the potential to deliver national energy requirements, but should be subject to environmental safeguards." The supporting text goes on to state that the regulatory process of obtaining consent to drill a well is the same whether the well is targeting conventional or unconventional hydrocarbons. Egdon considers that this is the appropriate approach which is in consistent with the NPPF.

(continue on a separate sheet/expand box if necessary)

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	D04(Part 3)	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy D04 (Part 3) – the concept of the setting of the Designated Areas, namely the National Park and the AONBs, needs to be explained in clearer terms in both the policy and the supporting text. There is no legal or national policy in relation to the setting of National Parks unlike Listed Buildings and Conservation Areas.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	<input type="text" value="D03(2)"/>	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy D03 (2) – There is no justification for a green travel plan for hydrocarbon development. The use of road transport is needed owing to the nature of the proposal. The target reservoir can only be accessed from certain areas. Instead, a more important criterion which should be included in the Policy is that the proposed site location is within proximity of the main highway network using roads which avoid residential areas wherever possible. The site would not be accessible by members of the public and therefore a green travel plan is not appropriate for this form of development. Are green travel plans required for other industrial applications?

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	9.27	Policy No.		Policies Map	
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>					

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Para 9.27 - the concept of the setting of the Designated Areas, namely the National Park and the AONBs, needs to be explained in clearer terms in both the policy and the supporting text. There is no legal or national policy in relation to the setting of National Parks unlike Listed Buildings and Conservation Areas. We consider that the issue is whether or not the scale, nature and location of the proposal will have a significant adverse impact upon the landscape where the development lies outside but near to a Designated Area. It is appropriate that proposals outside but close to the boundary of a Designated Area such as the National Park should be assessed against their impact upon the Area in question. However, this should be restricted to the visibility of the proposed development from public viewpoints. The criterion should not be extended to an assessment of the special qualities of the Designated Areas.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Amend to more accurately reflect the great importance the Government attaches to hydrocarbon extraction in national policy and guidance and to enable the delivery of sustainable development.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

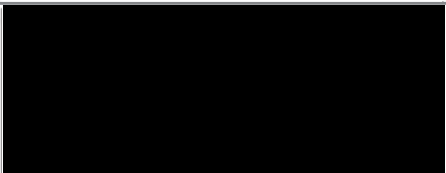
6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To bring Egdon's experience and knowledge to the discussion in order to assist the Inspector in his assessment of the Plan.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature:



Date: 21 December 2016

Official Use Only Reference Number

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	8.18	Policy No.		Policies Map	
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Para 8.18 – The suggestion that extraction of gas in proximity to underground mining operations can give rise to migration is not accepted. It is the presence of gas in close stratigraphic and geographic proximity to the potash, salt and polyhalite which in itself creates potential issues for mining and not specifically the extraction of gas or hydraulic fracturing operations. The mining process itself changes the geochemical properties of the area around the mine and has the potential to provide pathways for any gas to migrate towards and accumulate in mine tunnels. The blanket approach to defining safeguarded areas is inappropriate and not justified in an area where hydrocarbon minerals are present and where the Government has made clear that there is a national need for shale gas. A proper balance needs to be achieved between safeguarding potash, salt and polyhalite and allowing the exploration, appraisal and development of nationally important gas resources which are present in the area. Before any exploration activity can commence, approvals have to be sought from The Coal Authority in relation to both mine workings and coal reserves, so this is already regulated

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	5.159	Policy No.		Policies Map	
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Para 5.159 - following the High Court decision R(FoE and Anr) v N Yorks CC & Anr in December 2016, the provision of requiring a financial guarantee to ensure the site is restored and left in a beneficial use is not justified. In view of the regulatory regime provided by the OGA, the EA and the HSE, MPAs should assume that the regulatory regimes will operate effectively so as to control emissions, pollution and regulate health and safety measures.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.149"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Para 5.149 – there is no justification for requiring an air monitoring assessment and a Health Impact Assessment where hydraulic fracturing is proposed, particularly where the definition of hydraulic fracturing proposed by the MPA is applied. The main source of atmospheric pollutants which could be emitted would be gases during flaring, irrespective of whether hydraulic fracturing is proposed.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.148"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Para 5.148 – there is no justification for requiring information which demonstrates that an assessment of the potential for induced seismicity is required where hydraulic fracturing is proposed. There is no prescribed or safe distance for hydraulic fracturing from a fault line. The Plan acknowledges that there is no evidence to show that any earth tremors are likely to be anything other than of very low magnitude. The text makes no reference to other regulatory controls about seismicity. This is not within the remit of the Mineral Planning Authority.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.146"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Para 5.146 – drilling operations rarely give rise to any adverse impact upon local communities due to noise and light intrusion if appropriate mitigation measures are agreed. Very often separation distances of less than 500m is achievable without giving rise to any adverse impacts. Rather than impose an arbitrary separation distance that takes no account of topography, screening, wind direction, the policy instead should seek to seek appropriate mitigation to limit adverse impacts upon sensitive receptors. There is always a programme of community engagement undertaken by Operators to ensure that local communities are fully informed, and to ensure that any concerns are understood and mitigated.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.142"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>					

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

5.142 - Whilst the location of processing facilities has more flexibility compared to drilling wells which can only be located where the mineral lies, this policy relies upon allocated employment and industrial land identified within the local plans of non-mineral planning authorities. There is no evidence to demonstrate that demand for new energy generation infrastructure has been factored into account in those local plans covering the Joint Planning area. Given the strong support for hydrocarbon development in the written statement of September 2015 and in the NPPF and the PPG, there could potentially be a number of proposals for new processing infrastructure coming forward in the Plan period. Secondly, the distance in transporting hydrocarbons to a suitable brownfield site could have a bearing upon the viability of the proposal, yet this has not been taken into account. Thirdly, just because a site is brownfield or an existing or allocated site for industrial or employment use may not make it necessarily suitable for hydrocarbon infrastructure or energy generation, by virtue of its scale.

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Amend to more accurately reflect the great importance the Government attaches to hydrocarbon extraction in national policy and guidance and to enable the delivery of sustainable development.

(continue on a separate sheet/expand box if necessary)

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5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

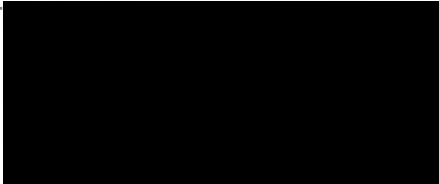
6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

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Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature:



Date: 21 December 2016

Official Use Only Reference Number

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
------------------------	----------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.139"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>					

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Para 5.139 – there is no justification for taking into account the relationship of the proposed site and the location of existing sites for hydrocarbon development which have not yet been restored.

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Amend to more accurately reflect the great importance the Government attaches to hydrocarbon extraction in national policy and guidance and to enable the delivery of sustainable development.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

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5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

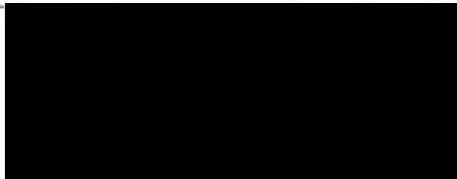
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To bring Egdon's experience and knowledge to the discussion in order to assist the Inspector in his assessment of the Plan.

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All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature:



Date: 21 December 2016

Official Use Only Reference Number

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
------------------------	----------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.138"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>					

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Para 5.138 – there is no justification for an applicant to demonstrate how a proposal for production will fit into an overall production scenario for the PEDL. Potential development activity within a PEDL over the entire duration of the licence period is commercially sensitive information and may not be known with any degree of certainty as production will be dependent upon a number of factors, including accessibility, testing results, investment, availability of processing facilities and infrastructure. It should also be noted that any development within a REDL licence area must be approved by the OGA under a Field Development Plan which sets out the context and rationale for the overall development scheme.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Amend to more accurately reflect the great importance the Government attaches to hydrocarbon extraction in national policy and guidance and to enable the delivery of sustainable development.

(continue on a separate sheet/expand box if necessary)

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Yes, I wish to participate at the oral examination

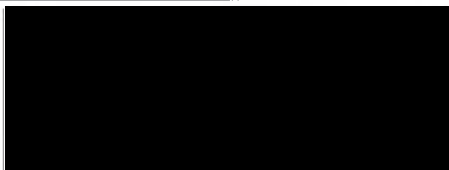
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Signature:



Date: 21 December 2016

Official Use Only Reference Number

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
------------------------	----------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.137"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Para 5.137 – There is no justification or evidence to demonstrate that a development density of more than 10 well pads per 100 sq km would result in any material adverse impacts. The inclusion of operational and restored sites within any assessment is flawed. Restored sites by their very nature will be returned to the original land use and are also subject to the satisfactory regulation under the Environmental Permitting regime. The policy should instead focus upon whether a proposed development will have an adverse impact upon its surroundings and not be concerned with whether or not a proposal results in a specific density of hydrocarbon development. In addition, there is no justification for applying a lower density within the Green Belt or where a high concentration of other land use constraints exist.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
------------------------	----------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.136"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Para 5.136 – whilst cumulative impacts can be taken into account where necessary, these should be based upon other proposals with planning permission but not implemented or proposals that are awaiting formal determination. Cumulative impacts from existing operational and restored sites should not form part of the assessment as these will have been taken into account in the baseline assessment if appropriate.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.132"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Para 5.132 – It may not always be possible to identify pipeline routes which minimise impacts, owing to factors such as the accessibility of land. Equally, it may not be possible to locate a development directly to a suitable local source of water. Where water needs to be transported by road, a transport assessment will enable the MPA to determine whether or not the highway network is appropriate.

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Amend to more accurately reflect the great importance the Government attaches to hydrocarbon extraction in national policy and guidance and to enable the delivery of sustainable development.

(continue on a separate sheet/expand box if necessary)

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Yes, I wish to participate at the oral examination

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Signature:

[Redacted Signature]

Date: 21 December 2016

Official Use Only Reference Number

[Reference Number]

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
------------------------	----------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.131"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Para 5.131 – Owing to the fact that hydrocarbon minerals can only be extracted where they are found, it may not always be possible to ensure that hydrocarbon development is located where there is good access to suitable road networks. Suitable access to A and B classified roads may require the implementation of a traffic management plan to enable access during those stages of development when heavy vehicle movements may be greatest on sections of road that do not form part of the main road network.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Amend to more accurately reflect the great importance the Government attaches to hydrocarbon extraction in national policy and guidance and to enable the delivery of sustainable development.

(continue on a separate sheet/expand box if necessary)

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Yes, I wish to participate at the oral examination

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Signature:

[Redacted Signature]

Date: 21 December 2016

Official Use Only Reference Number

[Official Use Only Reference Number Grid]

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
------------------------	----------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.128"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>					

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Para 5.128 - there is no policy justification that the 'setting' of a National Park or AONB could be used to justify a 3.5 km buffer zone around a National Park or AONB. Whilst the concept of a setting of a Listed Building or Conservation Area is acknowledged in national policy, there is no legal or policy provenance in relation to the setting of National Parks. If this is taken to be that the decision-maker should consider the indirect landscape and visual effects of a development outside but close to a National Park or AONB, this is accepted and agreed. If, however, references to setting are used to justify the need for a buffer zone, this is contrary to national policy.

Para 18 of the Minerals PPG states that a buffer zone may be appropriate where it is clear a certain distance is required between the boundary of the minerals extraction area and an occupied residential property. Such a buffer zone should be based on a site-specific basis and should be effective, properly justified and reasonable. There is no evidence that the proposed policy demonstrates any of these three requirements. Secondly, the policy applies a broad-brushed blanket approach to including views of and from the associated landscapes from significant viewpoints. The impact of development should be judged from publicly accessible viewpoints from where the proposal is likely to be visible, irrespective of the depth of the buffer zone.

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Amend to more accurately reflect the great importance the Government attaches to hydrocarbon extraction in national policy and guidance and to enable the delivery of sustainable development.

Delete as unnecessary and unjustified in national planning policy.

(continue on a separate sheet/expand box if necessary)

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Yes, I wish to participate at the oral examination

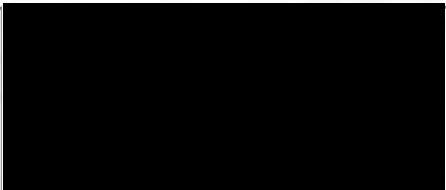
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Signature:



Date: 21 December 2016

Official Use Only Reference Number

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
------------------------	----------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.127"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Para 5.127 – there is no policy justification that the 'setting' of a National Park or AONB could be affected by a development outside the designated areas. Whilst the concept of a setting of a Listed Building or Conservation Area is acknowledged in national policy, there is no legal or policy provenance in relation to the setting of National Parks. If this is taken to be that the decision-maker should consider the indirect landscape and visual effects of a development outside but close to a National Park or AONB, this is accepted and agreed. If, however, references to setting are used to justify the need for a buffer zone, this is contrary to national policy. Whilst it is possible that drilling rigs may have a significant adverse impact upon a National Park or AONB, this is tempered by the fact that the development would be temporary in nature.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Amend to more accurately reflect the great importance the Government attaches to hydrocarbon extraction in national policy and guidance and to enable the delivery of sustainable development.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

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5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

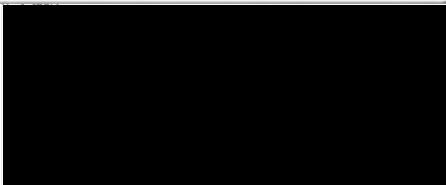
6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To bring Egdon's experience and knowledge to the discussion in order to assist the Inspector in his assessment of the Plan.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature:



Date: 21 December 2016

Official Use Only Reference Number

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
------------------------	----------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.126"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>					

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Para 5.126 – There is no justification for all applications for appraisal or production of unconventional hydrocarbons which would involve horizontal drilling beneath a National Park or AONB to be considered major development and therefore subject to paras 115 and 116 of the NPPF. The Written Ministerial Statement of September 2015 makes clear that there is a national need for exploring shale gas and oil. The Infrastructure Act 2015 permits lateral drilling beneath a National Park, AONB or World Heritage site subject to a depth of more than 1200m beneath the surface. There is no requirement for operators to have to justify drilling beneath these protected areas in terms of national need and no obligation for operators to have to steer these lateral boreholes away from these protected areas. There is no evidence that sub-surface development below 1200m in depth will have any impact upon the status of the National Park or AONBs.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Amend to more accurately reflect the great importance the Government attaches to hydrocarbon extraction in national policy and guidance and to enable the delivery of sustainable development.

Delete as unnecessary and not justified in national planning policy.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

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5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

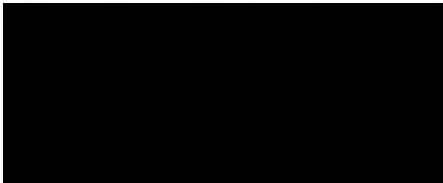
6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To bring Egdon's experience and knowledge to the discussion in order to assist the Inspector in his assessment of the Plan.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature:



Date: 21 December 2016

Official Use Only Reference Number

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
------------------------	----------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.125"/>	Policy No.	<input type="text"/> <input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	-------------------------------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Para 5.125 – It is not accepted that there is limited protection provided by existing and proposed legislation as it applies to hydrocarbon production and that this justifies a much more restrictive policy regime in the joint Plan area. In terms of environmental protection, the onshore oil and gas industry is heavily regulated by the Environment Agency and the regulatory and legislative regimes already in place. The various PPGs and the National Planning Policy Framework provide a comprehensive basis for consistent and appropriate planning decisions by mineral planning authorities across England. The proposed changes justified in para 5.125 fail to recognise that national planning policy and guidance states clearly that mineral extraction, including hydrocarbon development is essential to the UK's economy and quality of life. This is balanced by clear support within planning guidance in legislation for ensuring that the designated landscapes and protected areas found in the joint Plan area are protected. The approach put forward in the Plan to a higher degree of protection is fundamentally inconsistent with one of the tests of soundness, namely consistency with national policy. It will potentially restrict the delivery of sustainable development which is in accordance with the policies in the Framework. Where a planning authority proposes a departure from national policy, there must be clear and convincing reasoning to justify the approach taken. No studies have been prepared by the Mineral Planning Authorities which forms part of the evidence supporting the draft Plan and which provides the rationale for departing from national policy.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
------------------------	----------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.124"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>					

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Para 5.124 – Parliament has determined the definition of hydraulic fracturing and the restrictions that apply to undertaking hydraulic fracturing operations from a sensitive location. It is accepted that there is the potential for environmental impacts to arise from proposals requiring the injection of fluids to stimulate hydrocarbon production. However, these impacts can be managed through the generic Development Management policies in chapter 9 of the draft Plan, together with the stringent Environmental Permitting mechanisms. It is not for the Plan to change the definition of hydraulic fracturing to place unnecessary restrictions where it cannot take place which Parliament has not intended. In applying a different all-encompassing definition, the Plan does not reflect the key message in the Written Ministerial Statement of 16 September 2015. This made clear that there is a national need to explore and development the UK's shale gas and oil resources. There are potential economic benefits in building a new industry for the UK and for communities. The draft Plan would place severe restrictions on where shale gas and oil development can be undertaken which are not justified. Similarly, there is no justification for applying the same policy approach for the purposes of conventional hydrocarbon production.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Amend to more accurately reflect the great importance the Government attaches to hydrocarbon extraction in national policy and guidance and to enable the delivery of sustainable development.

(continue on a separate sheet/expand box if necessary)

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No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

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Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature:

[Redacted Signature]

Date: 21 December 2016

Official Use Only Reference Number

[Reference Number Grid]

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
------------------------	----------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph/No./ Site Allocation Reference No.	<input type="text" value="5.119 (g)"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	----------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Para 5.119 (g) – there is no justification in planning terms for distinguishing between conventional and unconventional hydrocarbon extraction. This is demonstrated in the adopted and emerging minerals plans of two East Midlands’ authorities. The Lincolnshire Minerals and Waste Local Plan was adopted in June 2016. Policy M9 (Energy Minerals) of the adopted plan makes no distinction between conventional and unconventional hydrocarbons and is positively worded, allowing for the exploration, appraisal and production provided that proposals are in accordance with the Development Management policies in the Plan. Likewise, Policy MP12 (Hydrocarbon Minerals) in the emerging Nottinghamshire Minerals Local Plan is a single policy which applies to all forms of hydrocarbons. Para 4.115 states “It is considered that there is no justifiable reason in planning policy terms to separate shale gas from other hydrocarbon development. All hydrocarbon development has the potential to deliver national energy requirements, but should be subject to environmental safeguards.” The supporting text goes on to state that the regulatory process of obtaining consent to drill a well is the same whether the well is targeting conventional or unconventional hydrocarbons. Egdon considers that this is the appropriate approach which is in consistent with the NPPF.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
------------------------	----------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.119 (f)"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	----------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

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Para 5.119 - (f) - the definition of 'hydraulic fracturing' does not accord with the definition in the Infrastructure Act 2015. Associated hydraulic fracturing is defined in the Act as either 1,000 cubic metres per stage or more than 10,000 cubic metres overall. It is therefore not consistent with the statutory framework to apply a different definition of hydraulic fracturing and then severely restrict and limit activities which would not be deemed to be defined as hydraulic fracturing anywhere else. The definition should be changed to reflect the definition in law.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
------------------------	----------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="1.14"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Para 1.14 – the paragraph fails to take sufficient account of the great importance attached to mineral extraction set out in the NPPF. Para 142 of the NPPF states that minerals are essential to support economic growth and our quality of life. In particular, there is a lack of consistency between the proposed Joint Plan policies covering hydrocarbon development and the NPPF. Oil and gas are important mineral resources and primary sources of energy in the UK. National energy policy takes a broadly positive stance to onshore oil and gas, subject to necessary environmental safeguards. The Joint Plan does not provide a sufficient degree of flexibility for hydrocarbon development to take place within the PEDL licence areas which fall within the area covered by the Plan. Whilst the principle of environmental safeguarding is correct, the oil and gas sector have a proven record in terms of environmental protection and can demonstrate mitigation of environmental impacts. All onshore operations are governed under a strict Environmental Permitting regime regulated by the Environment Agency, which ensures protection of the environment. Given this, the general tone of the proposed policy framework is excessively weighted towards protection of the environment without factoring in the existing regulatory controls that enable UK oil and gas operators to safely and responsibly explore and develop both conventional and unconventional oil and gas.

MWSP



November 9th 2016

Dear reader.

Minerals & Waste Plan – Consultation thereon.

Thank you for keeping me advised as ‘discussions / disagreements’ continued.

A big item that disturbs me is the ‘forced’ closure of some of the quarries local to the places where their product is needed / used or the outright refusal to reopen old quarries that are better placed for traffic movements. This results in users of quarry products having to travel miles to meet their needs. For instance around York / Malton / Pickering if you want Tarmac you have to go to Middlesbrough, Leeds or Fridaythorpe or Hull. This results in the excessive use of diesel & resultant pollution. The only winner is the Chancellor of the Exchequer with his massive Road Taxes. You shut Spaunton quarry - one of the best stones in the area & put 12 men out of a job.

Recently I stood at the side of the road near Hamilton House, north of the weighbridge at New Bridge Quarry at Pickering. Looking north at the working face I was not impressed by the quality of stone that was being worked. It looked worse than that from Whitewall & Fenstone. I also noticed the continuous stream of lorries which, after being ‘tared’, have to travel a long way to load & return to the weighbridge. This long operation must put 20 – 30 minutes into every load out of the quarry, who pays? But what really appalled me was the pollution from these slow moving lorries. Begs the question – what damage to the owner’s vehicles? Not only that but the vehicles too & from the quarry have pass along the narrowest part of the town which is not easy in the Tourist season – which aspect is being heavily promoted by another part of your offices. The Planners declined the Planning request for a batching plant at Whitewall Quarry. When you study the traffic movements the decision was understandable but not necessarily agreed with. You have got to agree with a batching plant somewhere soon. Whereabouts will you suggest / agree to it?

No doubt a possible solution is to bring all the quarry product in by rail thus transferring the ‘nuisance’ to somewhere else. But where will you put the Railhead – the best ‘possibles’ have been built on? Mind, what about the derelict area south of Malton Station? A new bridge south of the Station to the A64 might be ideal.

Waste disposal. Really the only answer is incineration. No matter what the ‘Greens’ say (& I admire their work at times) you will always get ‘contaminants’ in the wheelie bins & ‘recycleables’ will not be recycled & they will just go in the landfill. Old carpets & nappies are better burnt. Out of interest I enclose a copy of a letter I sent to the Green Party asking how to deal with certain items of rubbish. To date no reply. Most of the listed items should be burnt & reduce Landfill Tax payable by Councils. .

I am not really in a position to comment on the West Riding quarries as I have little knowledge of their customers, needs or uses.

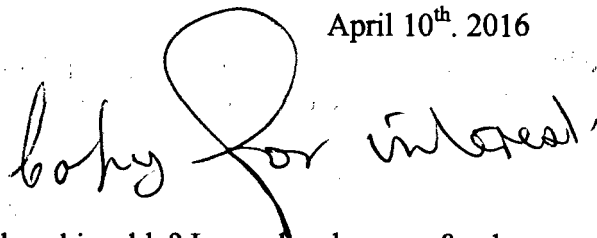
Yours faithfully



April 10th. 2016

Dear Sir

Your letter in York Press 26/1/16 Recycling.



Like you I would like to see 'zero waste'. But is this really achievable? I recycle wherever & whenever possible. Fortunately I am able to do so easily. But there are a lot of people who no room to separate 'waste' items. A lot of small metal items, etc., end up in the 'black' bin – too big for the small boxes we have. Not all of us can keep some of these listed items until such time as they can be taken to Hazel Court. Below I have made a list of items the recycling of which do not clearly come under the current separation of items listed by York council.

Bread paper waxed
" plastic

Cooking fat

Cooking oil

Carpet plastic

" Wool

" Underfelt

" Rubber

" Fabric

Curtains

" Rail

Clothing cotton

" Plastic

" Wool

Cycle tyres & other bits

D I Y stuff - builders bags, log bags (now that we have more wood burners), bathroom stuff, bit of rubble, guttering, doors, wood

Disposable nappies for young & old.

Feminine Sanitary products

Foil clean

" Dirty

Food wrappings

" Containers

" Greaseproof

" Plastic film

" Waste

" Waxed paper (often from Deli's)

Glass broken

" Windows

Gardening

" Containers

" Boxes

" Old fence bits

" Seed packets

" Plant pots

" Compost bags

Household stuff only happens occasionally,

Metal oddments like old tools

Metal wire off boxes

Paint tins metal

" Plastic

Plastic items too large for the Recycle box (buckets, very large 'plant' containers,).

Plastic 'wire' off boxes

Polystyrene food containers

“ packing

And the biggest waster of all - pill wrapping. If pills were loose the container could be recycled.

Out of interest - is the waste from commercial firms in their big wheeled bins ever sorted & recycled? Me thinks not.

Another interesting point. When 'recycleables' are melted down, or whatever, how much pollution comes from this operation? E.G. Dirty glass jam jar. Label, glue & contents. Metal. Paint, oil & other 'pollutants'. There must be quite a lot of noxious fumes emitted during meltdown! Noted these aspects are never mentioned in 'green' lobbying. But seeing that the UK is the sixth largest exporter of scrap these fumes happen elsewhere - not our worry

I would be most interested to receive your views as to how to dispose of the above listed items. For your ease of replying I have enclosed a second copy of the letter for your use.

The big question. How much better would that all you designate as 'landfill' be better burnt thus reducing volume, pollution & generating heat as in C O H P?

Thanking you in anticipation.

Yours faithfully



MINERAL AND WASTE JOINT PLAN (PUBLICATION STAGE) Consultation response

TITLE	█
INITIALS	█
SURNAME	██████
ADDRESS	██████████ ██████████
POSTCODE	██████
TELEPHONE	██████████
EMAIL	██████████████████

I would like to be kept informed of future developments.

SCOPE OF THE CONSULTATION

I have previously responded to previous rounds of consultation on the Mineral and Waste Joint Plan ("MWJP"). Whilst much of the plan builds on previous consultation drafts, there are substantive changes in Sections M16 to M18 (*Key spatial principles for hydrocarbon development, Other spatial and locational criteria applying to hydrocarbon development and Other specific criteria applying to hydrocarbons development*).

I am concerned that these sections have not been subject to adequate consultation where consideration of the responders comments on the entire scope of the new material could have been taken into account by the Local Authority when reaching their determination on the content of the MWJP.

The MWJP is a Local Plan within the meaning of the Town and Country Planning (Local Planning) England Regulations (2012). Regulation 12 (Public Participation) requires a local authority to state how the public has been consulted. It is an established legal principle that consultation at law is engagement with the public that is at an early enough stage for their views to be taken into account. The restricted scope of this current round of consultation (legality and soundness) means that sections M16 to M18 have not been subject to adequate consultation.

M16

- I strongly support that surface proposals for the exploration, appraisal and production of conventional hydrocarbons, involving hydraulic fracturing; the exploration for unconventional hydrocarbons, involving hydraulic fracturing and the appraisal and/or production of unconventional hydrocarbons will only be permitted where they would be outside : National Parks, 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.
- The inclusion of a 3.5km buffer zone around National Parks and AONBs is strongly supported.

Any hydraulic fracturing within 3.5 km of these areas cannot fail to impact upon their special and protected qualities. The MWJP should therefore prohibit hydraulic fracturing in these buffer zones completely.
- If the current approach is retained then the wording of M16 needs to be tightened up. The wording of M16 only specifies the impact on "views" as producing potential significant harm to National Parks/AONBs. It should be made clear in the wording of M16 that this is an example only of possible harms. The wording should as a minimum insert "(but not limited to)" after the word "includes". In addition as National Parks and AONBs are protected to preserve their landscape and views, tranquillity, biodiversity and geodiversity and rare species and heritage, the "special qualities" of these areas should be set out specifically in M16.

- The buffer zones should be extended to SSSIs, so that hydraulic fracturing wells are not permitted near the boundaries of these highly sensitive sites, which are nationally protected areas.

M17

- Footnote 16 states that *“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”*. In terms of the impacts of hydraulic fracturing, where impacts can be for 24 hours a day for substantive periods the term “local communities” should specifically be stated to include residential accommodation – i.e. the actual resident community. Many local communities will not contain “institutions” but are never-the-less communities.
- The MWJP suggests that an ‘acceptable’ cumulative impact can be achieved by a density of 10 well-pads per 10x10 km² PEDL licence block. Each well-pad can contain many wells. It should be made clear that each well is subject to planning control, as the drilling of each well and the hydraulic fracturing of each well is relevant to the cumulative impact (in terms of noise, air pollution and traffic movements for example). M17 2(ii) should be amended to make this clear. At present it focuses on well pads. Cumulative impact is also relevant to wells and to the number of wells per well-pad.
- MWJP says *“For PEDLs located within the Green Belt or where a relatively high concentration of other land use constraints exist, including significant access constraints, a lower density may be appropriate”*. This should be amended to ‘will be appropriate’.
- I support the proposal to include setback distances for residential buildings in principle. 500m is however likely to be insufficient to provide adequate protection of local amenity in terms of noise, light and air quality. Prevailing wind direction should also be stated as a consideration. A minimum setback of 750m should be stated.
- I support the proposal to include setback distances for ‘sensitive receptors’ in principle. The MWJP’s definition of ‘sensitive receptors’ includes residential institutions, such as residential care homes, children’s homes, social services homes, hospitals and non-residential institutions such as schools. However setback distances for sensitive receptors should reflect the sensitivity of the receptors and should provide additional protection. A minimum setback of 1km should be stated.
- Baseline Health Impact assessments should be required prior to any permitted development to permit baseline monitoring to be carried out and the enforcement of planning conditions.

21/12/16



Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

Minerals and Waste Joint Plan – Publication Stage Response

Part A: Contact Details

Title: [Redacted]
Name: [Redacted]
Initial: [Redacted]
Surname: [Redacted]

Address: [Redacted]
Postcode: [Redacted]
Email: [Redacted]

Please forgive my not using the provided templates; I do not have access to Microsoft Office. I have tried as best I can to follow the form of the templates by using the fields specified in each representation, but in the interests of saving paper I am not breaking a page for each representation. I have also added a section of general comment at the end.

Part B: Representations

Policy: M16	Is: Unsound Not Effective, Not Justified, Not Consistent with National Policy
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The NPPF requires a presumption in favour of sustainable development, which requires "ensuring that better lives for ourselves don't mean worse lives for future generations". Probably the biggest implications relevant to this Plan is that it requires a presumption against the exploitation of our regional fossil fuel resource.

The extraction and combustion of fossil fuels is well understood to be detrimental to the lives and quality of life of future generations, through the impacts of a changing climate that is already responsible for deaths through crop failures and displacement. Some techniques are known to have greater impacts than others: the higher stresses involved in hydraulic fracturing are associated with greater fugitive emissions of methane. I would support a complete ban on this technique, but I understand that this is not legally acceptable in the current policy framework. The precautionary principle dictates that at the very least, an Environmental Impact Assessment should be required.

This policy should also make explicit regard to climate change. I suggest the following rewording:

"Hydrocarbon development will be permitted where it can be demonstrated that the development makes a positive contribution to the sustainability of the Plan area and will not worsen our contribution toward global climate change. A proposal may be permitted for instance if it can be shown to result in the displacement of more carbon-intensive forms of energy.

Hydrocarbon extraction will not be permitted at all either within or to laterally drill underneath the 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."

- please note the reversal of the wording from "Proposals .. will be permitted .. where..." to "will not be permitted"; there must be no doubt that this is a sound reason for refusal of a planning application or the Authorities will be vulnerable to legal challenge.

Policy: M17

Is: Unsound,
Not Justified
Not Consistent with National Policy

Following on from my comment on M16: in order to be able to prove that a hydrocarbon extraction proposal is sustainable (and therefore gains the baseline approval of the NPPF), the JMWP should explicitly state that an Environmental Impact Assessment should be mandatory for all such proposals.

The proposed 500m buffer zone proposed (while welcomed) is likely to be insufficient to substantially limit impacts on air quality and noise for local residents. As supported by available evidence from the US, this should be increased to 750m.

Furthermore, the Plan should require a buffer zone for applications around SSSIs, EU protected sites and local wildlife sites - the policy here is in conflict with paragraph 118 of the NPPF, which refers to "proposed development within or outside" an SSSI.

Also as per my comment to M16, the policy must be worded more tightly to give sound reasons for refusal. For instance "*Hydrocarbon development will be permitted in locations where it would not give rise to unacceptable cumulative impact...*" should be changed to "*Hydrocarbon development will not be permitted in locations where it would give rise to unacceptable cumulative impact*".

The NPPF requires an overall presumption in favour of sustainable development; it does not require that every clause is worded in such a way as to favour all development.

Policy: M18

Is: Not Effective

This policy makes several stipulations about criteria applying to hydrocarbon development. I would welcome clearer wording indicating that all conditions in M17, M18 and D07 need to be met in order for a permission to be granted. If no explicit mention of the duty on the planning authorities to reduce emissions of greenhouse gases is made in M16 then it should be added here.

Policy: M20

Is: Unsound
Not Justified,
Not Consistent with National Policy

There is no way that the exploitation of coal can be considered sustainable development. It is one of the most polluting forms of energy to which we have access and the JMWP must not permit it. If carbon capture and storage is ever found to be a viable technology this position may be revisited but until such a time comes, the JMWP should be in line with the document 'Coal Generation in Great Britain – The pathway to a low-carbon future' published by the Department for Business, Energy & Industrial Strategy, which sets a clear end date for unabated coal generation in 2025.

This consideration applies to M21 also.

Policy: W01

Is: Unsound
Not Effective, Not Justified

Another significant implication of an honest reading of the NPPF is that any waste disposal policy developed according to the JMWP should be demonstrably the most sustainable.

The Waste Hierarchy from 2011 no longer reflects best practice as the EU plans its route to a zero-waste circular economy. In time we will need to move away from a single hierarchy applied to all types of waste. This plan already makes some progress: I welcome the distinction between inert and non-inert landfill (para 6.22). A similar distinction should be made with regard to thermal treatment technologies. Such treatment should only be considered appropriate for carbon-neutral (organic) waste. "Skyfill" of inert petroleum-derived materials is not sustainable and should be considered the bottom of the hierarchy for this waste type, as it has a greater impact than landfill.

Policy: W03

Is: Unsound
Not Effective, Not Justified

The waste volume projections given in paragraph 6.38 represent the fourth attempt at predicting our future waste arisings. I welcome the belated acceptance that "it is not practicable to quantify future waste management capacity requirements with a very high degree of precision" - and only wish this observation had been made before the enormous expense of the AWRP had been approved on the basis of wild overestimates about waste volumes. The enormous projected disposal capacity surplus vindicates the criticisms made of the AWRP scheme at the time by campaigners such as myself.

If we were to be honest, we would not call the AWRP a "strategic" allocation. Its design and size does not meet the needs of the Authorities, and it runs the risk of making waste disposal overall less sustainable.

Policy: D01

Is: Unsound
Not Effective, Not Justified,
Not Consistent with National Policy

This policy requires wording more tightly. The policy proposes a presumption in favour of granting

permission unless "any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits". The unqualified use of "benefits" is vague and does not accord with policy. This should be reworded to: "any adverse impacts of granting permission would be detrimental to the sustainability of the Plan area".

Part C: General Comments

Arguably, since all our regional minerals are a finite and inherently unsustainable resource, the NPPF does not support developing any of them. This is not a helpful observation, but I would like to note the assault on the English language that continual misplaced reference to "sustainable development" represents. It is a powerful principle, but it is a rock that has been ground down and sprinkled over everything: it has no weight and represents no obstacle to (or indeed summit of) any ambition.

The targets for reuse, recycling and composting set by the Waste Strategy (para 2.35) have always been very unambitious and are now in urgent need of updating if they are to represent any level of ambition at all.

[REDACTED]

From: [REDACTED]
Sent: 19 December 2016 20:33
To: mwjointplan
Subject: Response to Joint Municipal Waste Plan consultation
Attachments: JMWP-Response.pdf

Dear Sir/Madam,

Please find attached my submission to the consultation on the Municipal Waste Joint Plan.

Please let me know if you have any problems accessing or reading it.

Many thanks,

[REDACTED]

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name: Melissa	Title: Miss	Initial(s):MJM
Surname: Metcalfe		
Organisation (if applicable): Marine Management Organisation		
Address:	Marine Management Organisation, Neville House, Bell Street, North Shields	
Post Code: NE30 1LJ		
Telephone: 020822 57094		
Email:		

Melissa.metcalfe@marinemanagement.org.uk

Agent contact details (if applicable)

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in separate **guidance notes**. **You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.**

A separate **Part B** form **MUST** be produced for each separate representation you wish to make. After this stage, further submissions will only be at the invitation of the inspector who will conduct an Examination in Public of the Joint Plan, based on the matters they identify during the Examination.

All responses should be returned by 5pm on Wednesday 21st December 2016. Please note that representations cannot be received after this deadline.

Responses can be returned by email to: mwjointplan@northyorks.gov.uk or by post using the address below:

Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

Data Protection:

North Yorkshire County Council, the North York Moors National Park Authority and the City of York Council are registered under the Data Protection Act 1998. For the purposes of the Data Protection Act legislation, your contact details and responses will only be retained for the preparation of the Minerals and Waste Joint Plan. Representations made at Publication stage cannot remain anonymous, but details will only be used in relation to the Minerals and Waste Joint Plan. Your response will be made available to view on the website and as part of the examination.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Marine Management Organisation
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="2.54"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

- Reference to the East Inshore and Offshore plan areas in the following sentence, "Marine Plans for the East Inshore and East Offshore areas were published by DEFRA in April 2014." is slightly incorrect in that it was published by the Marine Management Organisation (MMO) in April 2014. The East marine plans extend from Felixstowe to Flamborough Head. The North East Marine Plan is in development and shall extend from Berwick upon Tweed to Flamborough Head. For marine and coastal areas where a marine plan is not currently in place, we advise local authorities to refer to the Marine Policy Statement for guidance on any planning activity.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: 	Date: 18/11/2016
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Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Marine Management Organisation
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.55"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Reference to the East marine plans in the following sentence "East Inshore and Offshore Marine Plans (DEFRA 2014)" has the incorrect reference. It is the Marine Management Organisation who published the plans in 2014.

We thank you for the individual references to the East plan policies, we would like to hope this good practice remains in the final plans.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Marine Management Organisation
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="8.34"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

You may want to support this with the East Marine Plan Policy Ref:PS3.

PS3:

Proposals should demonstrate, in order of preference:

- a) that they will not interfere with current activity and future opportunity for expansion of ports and harbours
- b) how, if the proposal may interfere with current activity and future opportunities for expansion they will minimise this
- c) how, if the interference cannot be minimised, it will be mitigated
- d) the case for proceeding if it is not possible to minimise or mitigate the interference

(continue on a separate sheet/expand box if necessary)

mwjointplan

From: Peter Harrap <Peter.Harrap@scarborough.gov.uk>
Sent: 13 December 2016 11:41
To: mwjointplan
Subject: FW: Minerals and Waste Joint Plan
Attachments: PSM16280 Minerals and Waste Report.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Sir/Madam

Thank you for the opportunity to comment on the Minerals and Waste Joint Plan. The Borough Council wish to make the following comments. I also attach the report that went to members of the Planning and Development Committee on 8th December 2016.

- a) The Borough Council supports the Plan and the policies contained therein along with the proposed allocations. It considers the Plan is sound and legally compliant and the Borough Council confirms that the Duty to Cooperate has been met with early and ongoing engagement with the Borough Council.
- b) The Borough Council notes the policies for hydraulic fracturing and considers them in accordance with national guidance. It would reserve the right to comment on individual proposals should they arise.
- c) The Borough Council notes the ongoing commitment of the County Council's waste management proposals to achieve the Government target of shifting waste up the 'waste hierarchy' thereby reducing the amounts taken to landfill and maximising recycling and re-use of waste.

Regards

Peter Harrap
Planning Policy Officer
Forward Planning
Scarborough Borough Council
t: 01723 38 4406
e: peter.harrap@scarborough.gov.uk
w: www.scarborough.gov.uk

Follow the Local Plan on twitter: @SBCLocalPlan


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Any opinions expressed are those of the author of the email, and do not necessarily reflect those of Scarborough Borough Council.

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This email has been checked for the presence of computer viruses,

	REPORT TO PLANNING & DEVELOPMENT COMMITTEE TO BE HELD ON 8 DECEMBER 2016
	Key Decision NO Forward Plan Ref No N/A
Corporate Priority: N/A	Cabinet Portfolio Cllr J Plant Holder

REPORT OF DIRECTOR OF SERVICE DELIVERY – PSM/16/280

WARDS AFFECTED: "All"

SUBJECT: RESPONSE OF THE BOROUGH COUNCIL TO THE MINERALS AND WASTE JOINT PLAN PUBLICATION STAGE CONSULTATION UNDERTAKEN BY NORTH YORKSHIRE COUNTY COUNCIL, NORTH YORK MOORS NATIONAL PARK AUTHORITY AND CITY OF YORK COUNCIL

RECOMMENDATION (S):

That the Borough Council makes representations in support the Plan and the policies contained therein along with the proposed allocations. The Plan is considered to be sound and legally compliant and the Borough Council confirms that the Duty to Cooperate has been met with early and ongoing engagement with the Borough Council.

REASON FOR RECOMMENDATION (S): To ensure that the concerns of the Borough Council are taken into account in preparing the next stage of the Minerals and Waste Plan.

HIGHLIGHTED RISKS:

If the Borough Council's concerns regarding the issues discussed and the individual sites submitted are not expressed at this time, or not taken into account, future policy and development could have adverse environmental, social and economic consequences for the Borough.

1. INTRODUCTION

- 1.1 Report 15/334 was considered by Members of the Planning and Development Committee on 10th December 2015, concerning the Preferred Options consultation stage of the Minerals and Waste Joint Plan undertaken by North Yorkshire County Council, North York Moors National Park and City of York Council. That consultation involved presenting key issues and offering recommended options for addressing these in relation to drawing up new policies for minerals and waste. It also included recommendations on sites that had been submitted through an earlier "call for sites" across the Plan area for mineral extraction and waste management.
- 1.2 Having considered the responses to the Preferred Options consultation, the publication version of the plan is now available for representation. This is the version of the plan that the aforementioned authorities intend to submit for examination by an independent planning inspector. Publication of the plan provides an opportunity for interested parties to make representations on whether they consider the plan is 'sound' and 'legally compliant'.
- 1.3 The deadline for responses to this consultation is Wednesday 21st December 2016.
- 1.4 The comments provided during this Publication stage will be submitted to the Secretary of State and considered as part of a public examination of the plan by an independent planning inspector.
- 1.5 The Borough Council is not the body responsible for minerals and waste planning (in terms of policies or planning applications), however, it is a consultee on minerals and waste matters both in terms of Local Plan production and in responding to planning applications. The technical implications of the effects of mineral extraction are such that these are considered by appropriate bodies, including the Environment Agency and water regulators. National Guidance states that the relevant planning authority should assume these regulatory bodies will operate effectively.
- 1.6 The Borough Council provided a response to the previous Issues and Options and Preferred Options consultations. This report sets out the main issues discussed in the publication version in the context of the Scarborough Borough Local Plan area and provides, where appropriate, officers' suggested response.

2. CORPORATE OBJECTIVES AND THE COMMUNITY PLAN

- 2.1 The Corporate Plan has several aims that are considered relevant. These include the aim of developing a prosperous borough at the same time as protecting and improving the environment.

3. BACKGROUND AND ISSUES

- 3.1 Issues for consideration are:

- The implications of the Minerals and Waste Joint Plan Publication Stage for Scarborough Borough.

4. CONSULTATION

- 4.1 The subject of this report is a consultation document produced by the County Council, alongside the City of York Council, and North York Moors National Park Authority. In this instance the Borough Council is a consultee and will be making formal representations to the aforementioned authorities.
- 4.2 The document is also consulted upon with the involvement of other statutory bodies and interested parties.

5. ASSESSMENT

Context

- 5.1 This consultation is the latest stage in the production of a Minerals and Waste Joint Plan. This is the publication version which is intended to be submitted to the Secretary of State for examination by an independent planning inspector.
- 5.2 The Plan is undertaken jointly by North Yorkshire County Council, City of York Council and the North York Moors National Park Authority as they have responsibility for minerals and waste planning within their respective areas.
- 5.3 The National Planning Policy Framework (NPPF) provides guidance on mineral extraction. It states the importance of ensuring the availability of a continuous supply of minerals to support economic growth and adds that great weight should be given to the economic benefits of minerals extraction. There is also an emphasis that minerals should, where possible, be used locally.
- 5.4 The Waste Framework Directive (2008) informs waste planning policy. The plan area is covered by the Municipal Waste Management Strategy (adopted in 2006), which aims to reduce the amount of waste produced and promote the value of waste as a resource. The emphasis is on moving up the waste hierarchy to deliver greater levels of re-use, recycling and recovery of waste so that only 'residual' waste is disposed of. The linkages between minerals and waste are also explored, including opportunities such as re-using spoil as an alternative to further primary extraction and as part of the reclamation process, using disused quarries for waste disposal as landfill.
- 5.5 The Borough Council is responsible for collecting household waste (often referred to as Local Authority Collected Waste), however, North Yorkshire County Council has responsibility to ensure arrangements are in place to manage the waste which is collected.

Minerals

- 5.6 The Plan looks in turn at each relevant mineral type. Where possible, it identifies the level of need for each different resource and sets out in broad terms how those needs could be met. This is in the form of key 'spatial' issues and where relevant, specific policies related to the sourcing or extraction of minerals. In addition, the Plan includes a range of Development Management policies that allow consideration of the impact of extraction on the environment and communities for example. This part of the report will concentrate on where mineral extraction is related to the Borough.

Aggregates Supply

- 5.7 A Local Aggregates Assessment identifies the need for aggregates (sand and gravel, and crushed rock used mainly by the construction industry). This indicates that demand for sand and gravel worked in the Plan area is likely to continue and may increase over recent historic levels. The Plan area has traditionally been a major supplier of sand and gravel and pressure for growth and development generates demand for aggregate minerals. In order to ensure that an adequate supply can be maintained, the British Geological Survey carried out work on identifying the location of minerals including the distribution of potentially viable sand and gravel resources in the area. This allows the Plan to determine achievable resources and, therefore, a number of sites have been allocated across the Plan area. These are considered sufficient in meeting the requirements over the plan period in addition to ensuring an adequate landbank, however, they are predominantly located around the A1 corridor thus helping to serve the wider area. No new sites have been allocated within the Borough area for the extraction of aggregates supply. Wykeham Quarry remains active and proposals for the extension of the duration of the extraction will be considered against the relevant policy.
- 5.9 The Plan area is also a significant exporter of crushed rock to the wider Yorkshire and Humber, and North-East regions. The British Geological Survey's assessment identified large areas of crushed rock across the southern part of the Borough. The Plan states substantial reserves already exist across the Plan area and "there is no near term prospect of an overall shortfall in supply", however, in order to ensure supply to 2030 including a 10 year landbank beyond this, a number of sites have been allocated, however, none are within the Borough area.

Building Stone

- 5.10 The NPPF requires planning authorities to include policies for the extraction of building stone. The Plan says the "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 surrounding...the colour and appearance of stone varies greatly depending upon 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."
- 5.11 It is considered appropriate to acknowledge the need to source the appropriate local building stone and therefore it is recommended that the

Borough Council expresses support to the extraction from existing sites, and the consideration of new sites on an individual basis. Officers consider the policy in relation to this to be suitable.

Oil and Gas

- 5.12 The Plan confirms there is no known oil resource in the area, but resources of gas are present and have been exploited over a substantial period of time. The Plan considers conventional on-shore oil and gas (COG) as well as emerging technologies (unconventional sources). Development licences (PEDLs) are granted by the Government, with the latest round of licences (known as the 14th round) offered to those operators who meet certain criteria including the majority of the Borough with the Whitby area the only exception. At present, these areas remain unlicensed. It should be noted that the licensing system operates separately to the planning regime.
- 5.13 The Plan discusses the issue of hydraulic fracturing, or 'fracking' as a means of shale gas extraction. This is discussed alongside other emerging technologies associated with coal and gas extraction. The British Geological Survey identified areas of deep shale rocks, particularly in parts of the Ryedale, Scarborough, York and Selby Council areas and the southern part of the North York Moors National Park, however, the Plan acknowledges that in spite of the increasing public and commercial interest, "substantial uncertainties remain about the scale and distribution of any future proposals that could come forward." Nevertheless, members will be aware approval was granted earlier this year for hydraulic fracturing for shale gas at an existing well site near Kirby Misperton in Ryedale, and it remains clear the Government is actively encouraging exploration of this form of gas and tapping into its potential as an important new source of energy for the UK.
- 5.14 In recent years, the Government has provided increased guidance for dealing with 'fracking' proposals. 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. Therefore, the Plan considers how a pragmatic approach to dealing with such applications is necessary, whilst acknowledging the concerns that have been widely expressed relating to 'fracking' techniques in spite of the limited role the planning system can play. As part of the wider application process, licences must be granted by the Department of Energy and Climate Change (DECC), the Environmental Agency and the Health and Safety Executive (HSE) in addition to permission from the Minerals Planning Authority. Government policy is clear in stating that planning authorities should assume that the regimes of the other relevant regulatory organisations will operate effectively. Therefore, when a Minerals Planning Authority considers an application, the specific issues that should be assessed include visual impact and impacts on the landscape, noise, vibration and air pollution and impacts from traffic. As an example, the 'fracking' process is typically water intensive. The Environment Agency would be responsible for issuing water abstraction licences, but the impact of the act of bringing substantial quantities of water to

a site on the local highway network would be a consideration the Minerals Planning Authority.

- 5.15 Each of the three distinct phases of the 'fracking' process requires a separate permission or licence. In brief, these are exploration, which seeks to acquire geological data to establish whether hydrocarbons are present; appraisal, in order to establish the extent and viability of a resource; and production, the stage at which wells would be drilled and the fracturing process takes place.
- 5.16 The preferred overall spatial policy for considering hydrocarbon development is considered to reflect national guidance in that surface development proposals will not be supported where they are located within designated areas including the National Park, AONB's, and Protected Groundwater Source Areas. Proposals outside, and sub-surface proposals within those designated areas will be supported "where it can be demonstrated that "significant harm to the designated asset will not occur." All proposals should also demonstrate they accord with other criteria including accessibility and transport issues, cumulative impact, the local economy, local amenity, waste management, and decommissioning and restoration.
- 5.17 Officers consider that the policy approach is appropriate in that it reflects the national guidance in offering protection to those designated areas and sufficient safeguards in those areas that may be more susceptible to applications of this type.
- 5.18 Also in relation to hydrocarbon resources, specific policies considering the exploration, appraisal and production phases of resources are in place. This would ensure proposals are fully accompanied by the relevant assessments and mitigation measures where necessary to comply with national guidance and ensure proposals are suitable. Officers consider this policy is appropriate in that it reflects the requirements as determined by Government guidance when considering such proposals.

Coal

- 5.20 After the closure of the Kellingley Colliery near Selby, there is presently no coal being mined in the Plan area and there are no known proposals for new operations in the Plan period. A policy is included that would be used should any future proposals for coal mining come forward. Parts of the National Park and Whitby are identified as being a source of deep coal (defined as being between 50m and 1200m deep). Officers consider the approach appropriate should any proposals come forward in the future.

Potash

- 5.21 As the proposed new potash mine at Doves Nest Farm, near Sneaton now has planning permission, the policy concerning Potash states any additional applications including the renewal or extension of the existing mines at Boulby and Doves Nest Farm would be considered in accordance with a criteria based policy.

Waste

- 5.22 The Plan assesses future waste management needs in the area over the period up to 2030, including assessing the capacity of various types of waste (i.e. agricultural; construction, demolition and excavation; commercial and industrial; low-level radioactive; sewage sludge; spoil; and Local Authority Collected Waste). The Plan generates a number of recommended policies in relation to moving waste up the waste hierarchy in accordance with national policy to increase the level of re-use or recycling of waste thus minimising the level of waste produce and diverting away from landfill.
- 5.23 The Plan emphasises the importance of the new Allerton Waste Recovery Park in achieving the overall targets of waste management in the Plan. The construction of Allerton Park (located to the east of Knaresborough in close proximity to the A1) is ongoing and it is expected to be fully operational in 2018. The Plan states that when fully operational, the facility "will provide sufficient capacity for managing residual LACW to enable 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."
- 5.24 In dealing with other specific types of waste, the Plan considers the estimated surplus gap and attempts to plug any shortfalls. In relation to the Borough, the only specific mention refers to the Seamer Carr and Fairfield Road, Whitby facilities which are recommended for retention in terms of the recycling, transfer and treatment of Commercial & Industrial waste.
- 5.25 Officers note the proposals concerning the new Allerton Waste Recovery Park and would acknowledge any future shortfalls that may arise will need to be considered at that time.

Additional Considerations

- 5.26 The Plan considers the infrastructure requirements necessary to meet the strategy for Minerals and Waste and generates policies regarding safeguarding necessary infrastructure. This includes road, rail and water transport infrastructure, and minerals ancillary infrastructure such as ready mixed concrete plants and roadstone coating plants.
- 5.27 A range of issues are considered with regards forming general development management policies associated with minerals and waste. This includes using the NPPF's presumption in favour of sustainable minerals and waste development and developing criteria to be used for determining planning applications for minerals and waste developments, such as:-
- Local Amenity Issues including the cumulative impact of development;
 - Transport of minerals and waste and associated traffic impacts;
 - The appropriate protection of important assets such as National Park and AONB's;
 - Landscape;

- Biodiversity and Geodiversity;
- The Historic Environment;
- Water Environment.

- 5.28 Development Management policies regarding the reclamation and after-use of waste sites; sustainable design, construction and operation of development; and development in mineral safeguarding areas and mineral consultation areas are also discussed.
- 5.29 One specific policy concerns the safeguarding of mineral resources. Within this, it states reserves and resources of potash and polyhalite including a 2km buffer zone will be protected from sterilisation by other forms of underground minerals extraction. The Plan states “a particular consideration is the potential for hydrocarbon 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.” Policies in relation to the safeguarding of such land are not in place 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.”

Site Submissions

- 5.31 As part of earlier stages of the Plan process, sites were submitted through the “call for sites” and presented having been the subject of assessment. The sites in the Borough proposed to be allocated are;
- WJP15 – Seamer Carr, Eastfield, Scarborough for “retention of existing recycling (including treatment, bulking and transfer), open windrow composting, and energy from waste (biomass) facilities beyond end of current planning permissions which are limited to 2020 and new inert waste screening facility.” The site is **allocated** due to the role the site can continue to play in moving waste up the waste hierarchy and would not conflict with other strategic policies in the Plan.
 - WJP19 – Fairfield Road, Whitby for “recycling and transfer of municipal and commercial waste”. The site is **allocated** due to being established as a site for this use and its extension would fall within land identified within the Business Park area. It should be noted the allocated part is actually located within the North York Moors National Park boundary.
- 5.32 The remaining sites, as shown below, have all been ‘dismissed’ as had earlier been recommended at the Preferred Options consultation stage;
- Site Ref: MJP34 – Land between Sandsend, Scarborough and West Ayton, by R Hunt (on behalf of York Potash Ltd.), for the extraction of potash by underground methods. **Site Discounted**, as it is considered the merits of major development in a designated area should be considered through a planning application.

- MJP49 – Land at Metes Lane, Seamer Carr, by James Stockdale Ltd, for the extraction of sand and gravel. **Site Discounted**, due to potential impact on historic environment, groundwater, rights of way and the A64.
- MJP59 – Land at Spikers Quarry, Cochrah Road, East Ayton (*In National Park), by MCJA (on behalf of W Clifford Watts), for the proposed extension to quarry. **Site Discounted**, as it is considered the merits of major development in a designated area should be considered through a planning application.

5.32 At the previous stages of consultation, the Borough Council objected to the potential allocation of site ref: MJP49 due to the impacts as have been determined through the assessment and outlined above. The Borough Council made no objections to sites ref: WJP15 and WJP19. Finally, it is noted both MJP34 and MJP59 are located either wholly or predominantly within the National Park and therefore should be subject to assessment through the Major Development Test in accordance with the NPPF.

6. IMPLICATIONS

(a) Policy

6.1 The policy implications relate to planning and are those covered under (d) Planning.

(b) Financial

6.2 There are no financial implications.

(c) Legal

6.3 The Borough Council is a statutory consultee on the Plan under the Planning Acts.

(d) Planning Implications

6.4 The Minerals and Waste Joint Plan will eventually become part of the statutory development plan for the Borough, along with the emerging Borough Local Plan.

6.5 I have considered whether the following implications arise from this report and am satisfied that there is no identified implications will arise from this decision in relation to Staffing Implications, Crime and Disorder Implications, Health and Safety implications, Co-operation with Health Authorities, Equality implications, Human Rights Act or Environmental implications

7. ACTION PLAN

7.1 Arising for the consideration of the issues, the following action plan is proposed:

Objective
Respond to Consultation

Target
December 2016



David Walker
Planning Services Manager

Author:

Peter Harrap, Planning Policy Officer, Planning Services
Telephone No: 01723 384406
E-mail address: peter.harrap@scarborough.gov.uk

Background Papers:

Please give details of all publicly accessible (non private) background papers applicable to the report.

mwjointplan

From: Martyn Coy <Martyn.Coy@canalrivertrust.org.uk>
Sent: 24 November 2016 14:50
To: mwjointplan
Subject: RE: Minerals and Waste Joint Plan - Publication Stage
Attachments: MWJP Publication - I01.DOCX; MWJP Publication - S04.docx; MWJP Publication - appendix 2.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Sir/Madam

Please find attached our response.

Regards,

Martyn Coy

From: mwjointplan [mailto:mwjointplan@northyorks.gov.uk]
Sent: 09 November 2016 13:39
To: mwjointplan <mwjointplan@northyorks.gov.uk>
Subject: Minerals and Waste Joint Plan - Publication Stage

Dear Sir/Madam,

Minerals and Waste Joint Plan – Publication

North Yorkshire County Council, City of York Council and the North York Moors National Park Authority are working together to produce a Minerals and Waste Joint Plan covering all three planning authority areas. When finalised the new Joint Plan will help the three authorities take decisions on planning applications for minerals and waste development up to 31 December 2030. A number of public consultations have already taken place to help develop the new Plan, including an 'Issues and Options' consultation in 2014 and a 'Preferred Options' consultation in 2015.

A final draft of the Joint Plan has now been prepared and is being published for a six week period to allow for representations to be made, before it is submitted for examination in public by an independent planning inspector. At this stage only representations relating to the legal compliance and soundness of the Joint Plan are required. More information about this is contained in the guidance notes attached with this email.

The formal publication period commences on **Wednesday 9th November 2016** and will close on **Wednesday 21st December 2016**. All responses must be received by **5pm** on that day. Please note we will be unable to accept responses after this deadline.

The Joint Plan and supporting documents are available to view on the Joint Plan Website: www.northyorks.gov.uk/mwconsult . Paper copies of the Joint Plan and main supporting documents, including a response form and guidance notes, are available to view during normal opening hours at all public libraries in the area covered by the Joint Plan, including mobile libraries and at all main offices of the three Authorities, as well as at District and Borough Council main offices and the National Park Centres.

Please see attached to this email:

- Formal Publication Letter,
- Statement of Representations Procedure,

- Response Form (Part A & Part B) and
- Guidance Notes

For further information about the Minerals and Waste Joint Plan please visit our website:
www.northyorks.gov.uk/mwconsult

Yours faithfully

Minerals and Waste Joint Plan Team

On behalf of:

North Yorkshire County Council, City of York Council and North York Moors National Park Authority

This email has been sent on behalf of North Yorkshire County Council (NYCC), City of York Council (CYC) and North York Moors National Park Authority (NYMNP).

WARNING

Any opinions or statements expressed in this e-mail are those of the individual and not necessarily those of NYCC, CYC or NYMNP.

This e-mail and any files transmitted with it are confidential and solely for the use of the intended recipient. If you receive this in error, please do not disclose any information to anyone, notify the sender at the above address and then destroy all copies.

NYCC, CYC or NYMNP computer systems and communications may be monitored to ensure effective operation of the system and for other lawful purposes. All GCSX traffic may be subject to recording and/or monitoring in accordance with relevant legislation.

Although we have endeavoured to ensure that this e-mail and any attachments are free from any virus we would advise you to take any necessary steps to ensure that they are actually virus free.

If you receive an automatic response stating that the recipient is away from the office and you wish to request information under either the Freedom of Information Act, the Data Protection Act or the Environmental Information Regulations please forward your request by e-mail to the Data Management Team (datamanagement.officer@northyorks.gov.uk) who will process your request.

North Yorkshire County Council

City of York Council

North York Moors National Park Authority

The Canal & River Trust is a new charity entrusted with the care of 2,000 miles of waterways in England and Wales. Get involved, join us - Visit / Donate / Volunteer at www.canalrivertrust.org.uk - Sign up for our newsletter at www.canalrivertrust.org.uk/newsletter

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Canal & River Trust
------------------------	---------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	101	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

We welcome that our comments relating to the Preferred Options consultation have been acknowledged and the Publication draft has been amended to remove the 250,000 tonnage threshold.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

N No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: 	Date: 24.11.16
------------------------------------------------------------------------------------------------	----------------

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Canal & River Trust
------------------------	---------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.		Policy No.	S04	Policies Map	
----------------------------------------------	--	------------	-----	--------------	--

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes Y No

2.(2) Sound Yes v No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes v No *Consistent with National Policy* Yes v No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The Trust support the policy approach which aims to safeguard wharves. The safeguarding of infrastructure including existing, planned and potential wharfage and associated storage, handling and processing facilities for the bulk transport by sea or inland waterways of minerals, including recycled, secondary and marine-dredged materials; and, the existing, planned and potential sites for concrete batching, the manufacture of coated materials, other concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material is supported by paragraph 143 of the National Planning Policy Framework. Therefore, the policy would be consistent with National Policy.

We also support the principle of a buffer zone around safeguarded wharves to safeguard against encroaching development which would not be compatible and could result in future operational restrictions being imposed on the wharf sites. For example, residents of a future residential development may raise concerns to the Environmental Health department in relation to noise and nuisance associated with the operation of a minerals wharf.

This policy would therefore be consistent with paragraph 123 of the NPPF which requires that planning policies and decisions should not impose unreasonable restrictions on existing businesses due to changes in nearby land uses. A buffer zone is also an important feature to ensure that wharf sites are not isolated and cut off from accessing supporting transport infrastructure. For example, wharves need access to the road and rail transport to ensure to onward movement of materials.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Canal & River Trust
------------------------	---------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="checkbox"/> Appendix 2	Policy No.	<input type="checkbox"/>	Policies Map	<input type="checkbox"/>
----------------------------------------------	-------------------------------------	------------	--------------------------	--------------	--------------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes Y No

2.(2) Sound Yes v No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes v No Consistent with National Policy Yes v No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The Trust support the safeguarding of the wharves identified in Appendix 2. These existing wharf sites help to ensure that the freight waterways continue to be used for the sustainable transportation of materials in accordance with paragraph 30 of the NPPF. Furthermore, the safeguarding of the wharves is consistent with paragraph 143 of the NPPF which specifies the safeguarding of existing, planned and potential wharf sites.

In our response to the Preferred Options consultation we requested that consideration is given to safeguarding three further wharf sites including the Council Yard at Snaygill, CPM concrete works at Pollington and wharves at Whitley Bridge. We also highlighted the Dalkia site in Pollington which was previously approved for a biomass power plant scheme including a new wharf for the importation of biomass fuel via the Aire and Calder Navigation canal.

We note that in the Response 294 to our comments the Planning Authority states 'Noted. Suggested sites investigated,'

However, we note that no further comments have been added to indicate what the result of the investigation concluded. We would like this clarified as we note that these sites have not been included in the Publication draft.

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title: Mr	Initial(s): C
Surname: Gibben		
Organisation (if applicable): Middlesbrough Council.		
Address:	Planning Services	
	PO. Box 504, Civic Centre,	
	Middlesbrough	
Post Code: TS1 9FY		
Telephone: 01642 729065		
Email: charlton_gibben@middlesbrough.gov.uk		

Agent contact details (if applicable)

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in separate guidance notes. You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.

A separate Part B form **MUST** be produced for each separate representation you wish to make. After this stage, further submissions will only be at the invitation of the inspector who will conduct an Examination in Public of the Joint Plan, based on the matters they identify during the Examination.

All responses should be returned by 5pm on Wednesday 21st December 2016. Please note that representations cannot be received after this deadline.

Responses can be returned by email to: mwjointplan@northyorks.gov.uk or by post using the address below:

Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

Data Protection:

North Yorkshire County Council, the North York Moors National Park Authority and the City of York Council are registered under the Data Protection Act 1998. For the purposes of the Data Protection Act legislation, your contact details and responses will only be retained for the preparation of the Minerals and Waste Joint Plan. Representations made at Publication stage cannot remain anonymous, but details will only be used in relation to the Minerals and Waste Joint Plan. Your response will be made available to view on the website and as part of the examination.

For official use only:
Respondent Number

Date received Date entered Date acknowledged

19 December 2016

Minerals and Waste Joint Plan,
Planning Service,
North Yorkshire County Council,
County Hall,
Northallerton,
North Yorkshire,
DL7 8BR.

Direct Line: (01642) 729065

Fax: (01642) 729971

Our Ref: CJG/NYMW/DEV1

Your Ref:

When telephoning please ask for :

CHARLTON GIBBEN

Dear Mr Smith,

Minerals and Waste Joint Plan – Publication (November 2016 – December 2016)

Thank you for the opportunity to comment on the above consultation. This is a joint officer response on behalf of the five Tees Valley mineral and waste planning authorities.

The five authorities support the overall aims and objectives of the Publication Minerals and Waste Joint Plan. We also agree that the Joint Plan meets the four tests of soundness, is legally compliant, and complies with duty to co-operate aspects.

In addition, the five authorities wish for their previous joint response (submitted 20 January 2016) made at the Preferred Options Consultation stage, to be taken into account. Furthermore, along with our previous comments, the five authorities wish to include the following as part of their overall response:

The spatial portrait of the plan area recognises that the economy of the Tees Valley is particularly relevant to North Yorkshire as commuter patterns cross into these areas. It also states that population and household growth in adjacent urban areas is also expected to be relatively high and population and economic growth in these areas may have implications for minerals demand in North Yorkshire.

The Local policies and strategies recognises that although only a small part of the Plan area falls within the Tees Valley Local Economic Partnership area, managed by Tees Valley Unlimited, it is still important to consider the influence which economic growth from outside the Plan area may have.

This recognition is particularly important within the Tees Valley as authorities review their development plans, and plan positively for ambitious population and economic growth.

I trust that our previous submitted response and the above comments will be taken into account, and welcome the opportunity to continue to co-operate during the plan preparation process. Should you have any further queries, please do not hesitate to contact me on 01642 729065 or at planningpolicy@middlesbrough.gov.uk .

Yours sincerely,


Strategic Policy Manager
Middlesbrough Council

On behalf of:

Darlington, Hartlepool, Redcar & Cleveland, Stockton-on-Tees, and Middlesbrough Borough Councils.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Middlesbrough Council on behalf of the five Tees Valley Authorities
------------------------	---------------------------------------------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No. Policy No. Policies Map

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please see covering letter.

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [REDACTED]	Date: 21.12.16
-----------------------------------------------------------------------------------	----------------

Official Use Only Reference Number

Joan Jackson

From: Charlton Gibben <Charlton_Gibben@middlesbrough.gov.uk>
Sent: 04 January 2017 11:54
To: mwjointplan
Subject: RE: Minerals and Waste Joint Plan - Publication Tees Valley Joint Response

Dear Joan,

Further to your below email I have spoken to the other Tees Valley Authorities, and we wish for our response to be recorded as five individual local authority responses. This will ensure that each LA will be properly /officially represented and kept informed of developments through the examination directly, rather than relying on one authority acting as a conduit.

In addition, I also need to inform you that there is no longer an organisation called the "Tees Valley Joint Strategy Unit". Furthermore, it should be noted, that Tees Valley Unlimited is the Local Enterprise Partnership (a separate organisation), and should not be used to describe the Local Authorities working together (or, for that matter, the Tees Valley Combined Authority).

I hope the above is of assistance.

Best Regards,
Charlton Gibben,
Senior Planning Policy Officer,
Planning Services,
Middlesbrough Council,
P.O.Box 504,
Civic Centre,
Middlesbrough,
TS1 9FY.

Tel: 01642 729065

From: mwjointplan [mailto:mwjointplan@northyorks.gov.uk]
Sent: 03 January 2017 15:46
To: Charlton Gibben <Charlton_Gibben@middlesbrough.gov.uk>
Subject: FW: Minerals and Waste Joint Plan - Publication Tees Valley Joint Response

Dear Mr Gibben,

You recently provided a response to our Minerals and Waste Joint Plan Publication document, the number we provided to you was for Middlesbrough Council only. The title we have been using to record combined responses from the 5 Tees Valley Authorities has been 'Tees Valley Unlimited – Joint Strategy Unit' is this still correct? If not what title should we use?

Once you have clarified the situation we will provide you with the correct Respondent Number which will cover a joint submission.

Sorry for the confusion.

Regards

Joan Jackson

Minerals and Waste Joint Plans Team

From: mwjointplan
Sent: 22 December 2016 09:28
To: 'Charlton Gibben'
Subject: RE: Minerals and Waste Joint Plan - Publication Tees Valley Joint Response

Dear Mr Gibben,

Minerals and Waste Joint Plan – Publication

Thank you for your response to the Minerals and Waste Joint Plan Publication Stage.

Please accept this email as confirmation of receipt of your response on behalf of Middlesbrough Council.

Your response has been noted and will be processed. For reference a Respondent Number has been allocated to your response. Your unique Respondent Number is 0077. This can be used to identify your response on the website.

Copies of responses will be made available to view on our website www.northyorks.gov.uk/mwjointplan as soon as possible after the close of consultation.

The next stage in the process will be submission of the Minerals and Waste Joint Plan for Examination in Public. At that time it will be the role of the Inspector to consider the representations received alongside the published plan. As you have responded to this consultation you will be automatically notified when the Plan is submitted.

Yours Sincerely,

Minerals and Waste Joint Plan Team

From: Charlton Gibben [mailto:Charlton_Gibben@middlesbrough.gov.uk]
Sent: 21 December 2016 12:34
To: mwjointplan <mwjointplan@northyorks.gov.uk>
Cc: Wren, Rebecca <Rebecca.Wren@redcar-cleveland.gov.uk>; 'Palmer, Jane (DaNS)' <Jane.Palmer@stockton.gov.uk>; David Nelson <David.Nelson@darlington.gov.uk>; Matthew Clifford <Matthew.Clifford@hartlepool.gov.uk>
Subject: Minerals and Waste Joint Plan - Publication Tees Valley Joint Response

Dear Rob,

Please find attached the Tees Valley Authorities response to the above consultation. If you have any queries regarding our response please do not hesitate to contact me by the below telephone number or via email.

Best Regards,
Charlton Gibben,
Senior Planning Policy Officer,
Planning Services,
Middlesbrough Council,
P.O.Box 504,
Civic Centre,
Middlesbrough.

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title: Mr	Initial(s): C
Surname: Gibben		
Organisation (if applicable): Middlesbrough Council.		
Address:	Planning Services	
	PO. Box 504, Civic Centre,	
	Middlesbrough	
Post Code: TS1 9FY		
Telephone: 01642 729065		
Email: charlton_gibben@middlesbrough.gov.uk		

Agent contact details (if applicable)

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in separate guidance notes. You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.

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Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

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For official use only:
Respondent Number

Date received Date entered Date acknowledged

19 December 2016

Minerals and Waste Joint Plan,
Planning Service,
North Yorkshire County Council,
County Hall,
Northallerton,
North Yorkshire,
DL7 8BR.

Direct Line: (01642) 729065

Fax: (01642) 729971

Our Ref: CJG/NYMW/DEV1

Your Ref:

When telephoning please ask for :

CHARLTON GIBBEN

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Yours sincerely,


Strategic Policy Manager
Middlesbrough Council

On behalf of:

Darlington, Hartlepool, Redcar & Cleveland, Stockton-on-Tees, and Middlesbrough Borough Councils.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Middlesbrough Council on behalf of the five Tees Valley Authorities
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No. Policy No. Policies Map

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please see covering letter.

(continue on a separate sheet/expand box if necessary)

Joan Jackson

From: Charlton Gibben <Charlton_Gibben@middlesbrough.gov.uk>
Sent: 04 January 2017 11:54
To: mwjointplan
Subject: RE: Minerals and Waste Joint Plan - Publication Tees Valley Joint Response

Dear Joan,

Further to your below email I have spoken to the other Tees Valley Authorities, and we wish for our response to be recorded as five individual local authority responses. This will ensure that each LA will be properly /officially represented and kept informed of developments through the examination directly, rather than relying on one authority acting as a conduit.

In addition, I also need to inform you that there is no longer an organisation called the "Tees Valley Joint Strategy Unit". Furthermore, it should be noted, that Tees Valley Unlimited is the Local Enterprise Partnership (a separate organisation), and should not be used to describe the Local Authorities working together (or, for that matter, the Tees Valley Combined Authority).

I hope the above is of assistance.

Best Regards,
Charlton Gibben,
Senior Planning Policy Officer,
Planning Services,
Middlesbrough Council,
P.O.Box 504,
Civic Centre,
Middlesbrough,
TS1 9FY.

Tel: 01642 729065

From: mwjointplan [mailto:mwjointplan@northyorks.gov.uk]
Sent: 03 January 2017 15:46
To: Charlton Gibben <Charlton_Gibben@middlesbrough.gov.uk>
Subject: FW: Minerals and Waste Joint Plan - Publication Tees Valley Joint Response

Dear Mr Gibben,

You recently provided a response to our Minerals and Waste Joint Plan Publication document, the number we provided to you was for Middlesbrough Council only. The title we have been using to record combined responses from the 5 Tees Valley Authorities has been 'Tees Valley Unlimited – Joint Strategy Unit' is this still correct? If not what title should we use?

Once you have clarified the situation we will provide you with the correct Respondent Number which will cover a joint submission.

Sorry for the confusion.

Regards

Joan Jackson

From: mwjointplan
Sent: 22 December 2016 09:28
To: 'Charlton Gibben'
Subject: RE: Minerals and Waste Joint Plan - Publication Tees Valley Joint Response

Dear Mr Gibben,

Minerals and Waste Joint Plan – Publication

Thank you for your response to the Minerals and Waste Joint Plan Publication Stage.

Please accept this email as confirmation of receipt of your response on behalf of Middlesbrough Council.

Your response has been noted and will be processed. For reference a Respondent Number has been allocated to your response. Your unique Respondent Number is 0077. This can be used to identify your response on the website.

Copies of responses will be made available to view on our website www.northyorks.gov.uk/mwjointplan as soon as possible after the close of consultation.

The next stage in the process will be submission of the Minerals and Waste Joint Plan for Examination in Public. At that time it will be the role of the Inspector to consider the representations received alongside the published plan. As you have responded to this consultation you will be automatically notified when the Plan is submitted.

Yours Sincerely,

Minerals and Waste Joint Plan Team

From: Charlton Gibben [mailto:Charlton_Gibben@middlesbrough.gov.uk]
Sent: 21 December 2016 12:34
To: mwjointplan <mwjointplan@northyorks.gov.uk>
Cc: Wren, Rebecca <Rebecca.Wren@redcar-cleveland.gov.uk>; 'Palmer, Jane (DaNS)' <Jane.Palmer@stockton.gov.uk>; David Nelson <David.Nelson@darlington.gov.uk>; Matthew Clifford <Matthew.Clifford@hartlepool.gov.uk>
Subject: Minerals and Waste Joint Plan - Publication Tees Valley Joint Response

Dear Rob,

Please find attached the Tees Valley Authorities response to the above consultation. If you have any queries regarding our response please do not hesitate to contact me by the below telephone number or via email.

Best Regards,
Charlton Gibben,
Senior Planning Policy Officer,
Planning Services,
Middlesbrough Council,
P.O.Box 504,
Civic Centre,
Middlesbrough.

mwjointplan

From: Pengelly, Nienke <Nienke.Pengelly@amecfw.com>
Sent: 20 December 2016 14:56
To: mwjointplan
Cc: David Atkinson; Matthew Driver; nienke.pengelly (Entec Forward)
Subject: NY MWJP Publication - Tarmac representations
Attachments: P039 NY MWJP MJP07 Tarmac Dec2016.pdf; P039 NY MWJP Para 2.26 Tarmac Dec2016.pdf; P039 NY MWJP Para 5.15 Tarmac Dec2016.pdf; P039 NY MWJP Policy D07(A) Tarmac Dec2016.pdf; P039 NY MWJP Policy D07(B) Tarmac Dec2016.pdf; P039 NY MWJP Policy D10 Tarmac Dec2016.pdf; P039 NY MWJP Policy D12 Tarmac Dec2016.pdf; P039 NY MWJP Policy M02 Tarmac Dec2016.pdf; P039 NY MWJP Policy M04 Tarmac Dec2016.pdf; P039 NY MWJP Policy M05 Tarmac Dec2016.pdf; P039 NY MWJP Policy M06 Tarmac Dec2016.pdf; P040 NYMWJP Dec2016.pdf

Dear Sir or Madam,

Please find attached the representations submitted on behalf of Tarmac in response to the consultation on the Publication Draft of the North Yorkshire Minerals and Waste Joint Plan. Hard copies have also been posted to you.

Should you have any queries, please do not hesitate to contact me.

Yours sincerely,

Nienke

Nienke Pengelly

Senior Consultant (Minerals and Waste Planning), Environment & Infrastructure UK Limited, Amec Foster Wheeler
 Canon Court, Abbey Lawn, Abbey Foregate, Shrewsbury SY2 5DE, United Kingdom
 T +44 (0)1743 432000 D +44 (0)1743 342042 M +44 (0)7814 689605
nienke.pengelly@amecfw.com amecfw.com

Please note my workings days are Wednesday to Friday.



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Publication stage Response form - Part B Please use a separate Part B form for each representation

Name or Organisation :	Tarmac
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="MJP07"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	--------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Tarmac continue to support the allocation of their Oaklands site (MJP07) in the MWJP and in particular support the reinstated of the full site allocation.

As previously indicated, the Oaklands sites is intended as a northern extension to Tarmac's existing Nosterfield Quarry and would be worked as a follow on site from that at Langwith Hall Farm (MJP06) immediately adjacent to the east. As such, the site would continue to be contribute to meeting the requirements for the supply of sand and gravel in the southwards distribution area over the Plan period in accordance with Policy M07.

(continue on a separate sheet/expand box if necessary)

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Tarmac
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	Para 5.15	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Justified	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Effective	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Consistent with National Policy	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	--------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

This is the same point as that raised with regards to Policy M02.

The text of paragraph 5.15 refers to "a mid-term review" of the MWJP which is not consistent with National Policy as set out in paragraph 008 of the PGG. This states that Local Plans will require reviewing in whole or part at least every five years. On this basis, it is considered paragraph 5.15 is unsound.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Tarmac
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	<input type="text" value="D07"/>	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy D07 (1) as worded appears to afford the same level of protection to all designations, in contrast to the policy guidance set out in NPPF paragraph 113, which clearly sets out that there should be distinctions between sites of different levels of importance and the protection afforded to them. The relevant part of NPPF paragraph 113 states:

"Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurated with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks."

As such, internationally important sites (as covered by the Habitats and Birds Directives) should be afforded the highest levels of protection (as set out in Circular 06/05), followed by SSSIs / NNRs, then County Wildlife Sites. Policy D07 (1) appears to apply the same level of protection to all designations and is thus not compliant with National Policy and therefore considered to be unsound.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Tarmac
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	D07	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy D07 (6) makes reference to offsetting. Whilst the principle of the policy is supported and it is acknowledged that biodiversity offsetting may be required in exceptional circumstances, Tarmac would like to emphasise that due consideration should be given to the overall net gain in biodiversity and geodiversity that can be achieved, especially in the long term, through quarry restoration and reclamation. Whilst a quarry operation may result in the loss of some biodiversity during operations, quarrying itself can attract biodiversity – e.g. sand martins – as well as the ability to provide enhancements through restoration. As such, it may not be appropriate to provide biodiversity offsetting elsewhere.

Mineral extraction, unlike other forms of development can only take place where the minerals exist in economic quantities and it is often not possible to choose an alternative site to avoid areas of ecological interest. Offsetting of any impacts caused as a result of mineral development is often achieved within the development scheme itself i.e. as a result of approved restoration schemes. 'Losses' may be temporary as sites are worked, but net gain can generally be delivered through restoration as recognised in Clause (5) of the Policy.

If mineral developments were required to offset their permanent impacts then this would increase the regulatory burden. Mineral extraction is also a temporary activity in a given location and normally results in a net gain in biodiversity through site and estate management before and during working, and restoration and aftercare following extraction.

In any event the requirement to provide compensation gains elsewhere may well require third party involvement / land not in control of the developer.

Finally biodiversity does not respect local authority boundaries so it is not appropriate to restrict any

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Tarmac
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	D10	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy D10 is considered to be unsound on two counts.

Firstly, Part 1(i) of the policy states:

"Been brought forward following discussion with local communities and other relevant stakeholders and, where practicable, the proposals reflect the outcome of those discussions."

Although Tarmac supports the principles of pre-application discussions and stakeholder engagement, the compulsory engagement requirement set out in this policy goes against the NPPF, paragraph 189 of which clearly states that development cannot be compelled to engage in this way although it is desirable and is to be encouraged. As such, this part of the policy does not comply with National Policy and is therefore considered to be unsound.

Secondly, the 'landscape scale benefits' which are sought through Part 2(viii) of the policy can often only be delivered with large areas of land which may not be under the control of the developer. As such, expectations may be created that cannot be delivered. As such, the policy is considered to be unsound.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Tarmac
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	D12	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy D12 has changed significantly from the MWJP Preferred Options stage.

Tarmac supports the first paragraph of the policy.

In contrast, the second sentence of the second policy paragraph is of concern. It reads:

" ... Development which would disturb or damage soils of high environmental value such as peat or other soil contributing to ecological connectivity or carbon storage will not be permitted."

In effect, this sentence acts as a 'catch all' and could be used to frustrate development in that it could be argued that all soils contribute to ecological connectivity and carbon storage. As such, the policy as current drafted would not enable the MWJP to effectively deliver sustainable development in accordance with the policies in the NPPF and is therefore considered to be unsound.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Tarmac
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M02	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The second paragraph of Policy M02 reads:

"Additional provision shall be made, through a mid-term review of provision in the Plan, if necessary 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."

Tarmac supports the inclusion of the words "at least" which has sought to address our previous comments with regards to this policy.

Nevertheless, paragraph 008 of the Planning Practice Guide (PGG), which supports the NPPF, states:

"Most local Plan are likely to require updating in whole or part at least every five years [emphasis added]".

As such, the proposal to undertake a review half way through the plan period of 15 years, i.e. 7/8 years, is clearly not consistent with National Policy, and therefore considered unsound.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Tarmac
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M04	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The wording of Policy M04 is not consistent with the wording of the NPPF with regards to the provision of landbanks as set out in NPPF paragraph 145. The NPPF requires the "the maintenance of landbanks of at least 7 years" and does not refer to a "a minimum 7 year landbank" as stated in Policy M04.

The MWJP uses correct wording in both Policy M02 and its supporting text at paragraph 5.15 and 5.21. It is important that the wording of Policy M04 is consistent with this.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Tarmac
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M05	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	--------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The second paragraph of Policy M05 is not consistent with NPPF on two counts and is therefore considered unsound.

Firstly, the policy refers to a "mid-term review" of provision. Given the plan period is 15 years, such a review is assumed to be 7/8 years. Paragraph 008 of the Planning Practice Guidance (PPG), which supports the NPPF states:

"Most Local Plans are likely to require updating in whole or in part at least every five years" [emphasis added].

As such, the proposal to undertake a review half way through the plan period of 15 years, i.e. 7/8 years, is clearly not consistent with National Policy, and therefore considered unsound.

Secondly, the wording of Policy M05 is not consistent with the wording of NPPF paragraph 145 with regards to the provision of landbanks for crushed rock. The NPPF requires "the maintenance of at least 10 years" and does not refer to a "minimum 10 year landbank" as set out in Policy M05.

MWJP paragraph 5.30 will also need rewording to reflect the above points.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The second paragraph of Policy M05 should be reworded as suggested below to make it consistent with the NPPF:

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

Paragraph 5.30 will also need rewording to reflect the above comments.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

It is hoped that attendance at the examination will enable an opportunity to explain why the suggested amendments / additions are considered necessary to accord with National Policy.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [REDACTED]

Date: 20 December 2016

Official Use Only Reference Number



Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Tarmac
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M06	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Justified	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Effective	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Consistent with National Policy	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	--------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy M06 is not consistent with NPPF on two counts and is therefore considered unsound.

Firstly, the wording of Policy M06 is not consistent with the wording of NPPF paragraph 145 with regards to the provision of landbanks for crushed rock. The NPPF requires "the maintenance of at least 10 years" and does not refer to a "minimum 10 year landbank" as set out in Policy M06.

Secondly, the policy's requirement to source new reserves from outside the National Park and AONBs is also not consistent with National Policy. NPPF paragraph 144 states:

"... as far as is practical [emphasis added], provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Boards, Areas of Outstanding Natural Beauty, World Heritage sites, Scheduled Monuments and Conservations Areas."

As currently drafted, Policy M06 seems to imply no future development in the National Park regardless of circumstances.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Policy M06 should be reworded as suggested below to make it consistent with the NPPF:

"A ~~minimum overall~~ landbank of at least 10 years will be maintained for crushed rock throughout the Plan period. A separate ~~minimum 10-year~~ landbank of at least 10 years will be identified and maintained for Magnesian Limestone crushed rock throughout the Plan period.

Where new reserves of crushed rock are required in order to maintain ~~the overall~~ a landbank above ~~the 10-year minimum~~ of at least 10 years these will be sourced from outside the National Park and Areas of Outstanding Natural Beauty as far as is practical."

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

It is hoped that attendance at the examination will enable an opportunity to explain why the suggested amendments / additions are considered necessary to accord with National Policy.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [REDACTED]

Date: 20 December 2016

Official Use Only Reference Number

[Grid of 21 empty boxes]

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Tarmac
------------------------	--------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	2.26	Policy No.		Policies Map	
----------------------------------------------	------	------------	--	--------------	--

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
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(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Justified	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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Effective	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Consistent with National Policy	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
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2 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	--------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Paragraph 2.26 (page 18) states the following:

"The NPPF also places emphasis upon conserving important landscape and heritage assets by requiring that landbanks for non-energy minerals are provided outside National Parks, AONBs, Scheduled Monuments and World Heritage Sites. ..."

NPPF paragraph 144 second bullet point states:

" ... as far as is practical [emphasis added], provide for the maintenance of landbanks for non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage sites, Scheduled Monuments and Conservation areas; ..."

As currently drafted, paragraph 2.26 does not properly reflect the NPPF and is therefore considered unsound.

0317

16 December 2016
Ref – S38376P040/NJP



amec
foster
wheeler

North Yorkshire County Council
Planning Services
County Hall
Northallerton
DL7 8AH

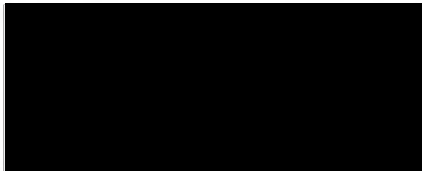
Dear Sir/Madam

Minerals and Waste Joint Plan: Publication - Tarmac Representations

Thank you for the opportunity to comment on the Publication Draft of the Minerals and Waste Joint Plan. Please find enclosed the representations made on behalf of Tarmac, copies of which have also been submitted by email.

Should you have any queries, please do not hesitate to contact me.

Yours faithfully



NIENKE PENGELLY
Senior Consultant
Direct Line – 01743 342042
E-mail – nienke.pengelly@amecfw.com

Enc. Minerals and Waste Joint Plan Publication Response Forms (x11)

Cc. David Atkinson, Tarmac

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Abbey Lawn
Abbey Foregate
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Amec Foster Wheeler Environment
& Infrastructure UK Limited
Registered office:
Booths Park, Chelford Road, Knutsford,
Cheshire WA16 8QZ
Registered in England.
No. 2190074



mwjointplan

From: Pengelly, Nienke <Nienke.Pengelly@amecfw.com>
Sent: 20 December 2016 15:27
To: mwjointplan
Cc: Matthew Driver; nienke.pengelly (Entec Forward)
Subject: NY MWJP Publication - Tarmac representations MJP07 revised
Attachments: P039 NY MWJP MJP07 Tarmac Dec2016.pdf

Dear Sir or Madam,

Further to my earlier email below, please find attached an amended response form regarding site allocation MJP07.

Kind regards,

Nienke

Nienke Pengelly

Senior Consultant (Minerals and Waste Planning), Environment & Infrastructure UK Limited, Amec Foster Wheeler
 Canon Court, Abbey Lawn, Abbey Foregate, Shrewsbury SY2 5DE, United Kingdom
 T +44 (0)1743 432000 D +44 (0)1743 342042 M +44 (0)7814 689605
nienke.pengelly@amecfw.com amecfw.com

Please note my workings days are Wednesday to Friday.

From: Pengelly, Nienke
Sent: 20 December 2016 14:56
To: 'mwjointplan' <mwjointplan@northyorks.gov.uk>
Cc: 'David Atkinson' <david.atkinson@tarmac.com>; 'Matthew Driver' <matthew.driver@tarmac.com>;
 'pengn@entecuk.co.uk' <pengn@entecuk.co.uk>
Subject: NY MWJP Publication - Tarmac representations

Dear Sir or Madam,

Please find attached the representations submitted on behalf of Tarmac in response to the consultation on the Publication Draft of the North Yorkshire Minerals and Waste Joint Plan. Hard copies have also been posted to you.

Should you have any queries, please do not hesitate to contact me.

Yours sincerely,

Nienke

Nienke Pengelly

Senior Consultant (Minerals and Waste Planning), Environment & Infrastructure UK Limited, Amec Foster Wheeler
 Canon Court, Abbey Lawn, Abbey Foregate, Shrewsbury SY2 5DE, United Kingdom
 T +44 (0)1743 432000 D +44 (0)1743 342042 M +44 (0)7814 689605
nienke.pengelly@amecfw.com amecfw.com

Please note my workings days are Wednesday to Friday.



mwjointplan

From: Simon Hartley <Simon.Hartley@harrogate.gov.uk>
Sent: 19 December 2016 15:47
To: mwjointplan
Subject: Minerals and Waste Joint Plan

Follow Up Flag: Follow up
Flag Status: Flagged

FAO Rob Smith,

Rob, Just to confirm that Harrogate Borough Council has no comments to make on the Minerals and Waste Joint Plan, Publication Draft, but wishes to be kept informed with regard to the progress of the Plan.

Regards,

Simon

Simon Hartley
Senior Planner
Planning and Development
P.O. Box 787
Harrogate
HG1 9RW

Tel: 01423 556584

Email: simon.hartley@harrogate.gov.uk

Web: www.harrogate.gov.uk

This email is Scanned by **MailMarshal**

Have your say on the Stray - give us your views on whether we should seek to amend legislation to increase the opportunity to hold more and different types of events on the Stray. Let us know your thoughts before Monday 6 Feb 2017 <http://www.harrogate.gov.uk/strayact>

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Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name: Malcolm	Title: Mr	Initial(s): M D
Surname: Margolis		
Organisation (if applicable): Harrogate District Friends of the Earth		
Address:	18 Rossett Park Road	
	Harrogate	
Post Code: HG2 9NP		
Telephone: 07443450705		
Email: margolis@virginmedia.com		

Agent contact details (if applicable)

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in separate **guidance notes**. **You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.**

A separate **Part B** form **MUST** be produced for each separate representation you wish to make. After this stage, further submissions will only be at the invitation of the inspector who will conduct an Examination in Public of the Joint Plan, based on the matters they identify during the Examination.

All responses should be returned by 5pm on Wednesday 21st December 2016. Please note that representations cannot be received after this deadline.

Responses can be returned by email to: mwjointplan@northyorks.gov.uk or by post using the address below:

Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

Data Protection:

North Yorkshire County Council, the North York Moors National Park Authority and the City of York Council are registered under the Data Protection Act 1998. For the purposes of the Data Protection Act legislation, your contact details and responses will only be retained for the preparation of the Minerals and Waste Joint Plan. Representations made at Publication stage cannot remain anonymous, but details will only be used in relation to the Minerals and Waste Joint Plan. Your response will be made available to view on the website and as part of the examination.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Frack Free Harrogate District
------------------------	-------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	<input type="text" value="M16 M17 M18"/>	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	------------------------------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

In response to the final draft of this policy and the (very complex) guidance notes on the scope of the consultation I wish to make the following points on behalf of Frack Free Harrogate District, a voluntary campaigning group.

A **Scope of consultation**

The restrictive character of the consultation (Legal Compliance and Soundness) is unacceptable. Policies M16, 17 and 18, which relate to unconventional oil and gas extraction, and the volume of supporting policy justification, are radically different from the statements in the draft policy (late 2015). This means that the substance of these policies has not been open to due scrutiny. The Council has chosen narrowest interpretation of its duty to consult (under the Town and Country Planning Regulations of 2012).

B **Legal Compliance and Soundness**

The policy, as in M16, 17 and 18, fails to meet these criteria (from the National Planning Policy Framework) in the following ways:

Climate Change: Legally the council is bound to ensure that policies must as a whole mitigate, and adapt to, climate change (Section 19 1a of 2004 Planning Act). The Plan overall fails to meet this requirement. Specifically, in Policy M16, the impacts of extracting and burning fossil fuels, and the consequences of inevitable methane leakage, have been overlooked.

Local Environments and health: The impacts of unconventional gas exploration (which were well rehearsed in the 2015 draft consultation) are not addressed effectively here. There is no justification for this shortcoming. Sufficient reputable, peer-reviewed scientific and case study evidence exists across the world now to demonstrate the risks of Fracking. These include water supply, quality and disposal; drilling accidents and damage to aquifers; public and personal health/wellbeing; visual and landscape degradation; hgv traffic volumes and air quality; light and noise pollution; wildlife; seismic events. Reference is made to these but no overall statement about robust protection – and no framework for action – on behalf of communities exists. The Council has legal duties to stand its ground on such protections and will be found wanting when the inevitable consequences of Fracking start to emerge.

The Precautionary Principle: The Council has duty to avoid undue risks to its communities and environments. It is required in particular to take a precautionary approach to the cumulative effects of its policies. Fracking can only prosper as an industry on a large scale. The Council's policies here appear, generally, to take a singular and

projects, has been carried out. **Nor** will it be permitted where safety, pollution, congestion and impact on communities are compromised.

M17 (Local Economy)

- Fracking will not be permitted where agriculture, business, tourism and cultural assets are jeopardised. Applicants must provide absolute guarantees and plans to protect these

M17 (Local amenity)

- Fracking will not be permitted where the impact on local communities and services could be adverse from air, noise, and light pollution, methane emissions and degraded surface water. A buffer zone equivalent to that imposed on wind turbines, and never less than 750 metres, is required to protect residences, schools, hospitals, clinics, other social services, livestock farms, horticulture nurseries, sensitive wildlife sites etc. With no exceptions.

In summary the Plan as it stands, while identifying many of the safeguards needed, fails to ensure enough binding conditions upon applicants and to assert the precautionary principle. The weakness of this policy stance will encourage the Fracking industry to take risks. It will prevent us achieving our legally binding Climate Change obligations. It will expose our communities to the devastation that Fracking has brought elsewhere. And that will inflict severe reputational damage on the Council.

The people of North Yorkshire deserve and need better.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

I am willing to attend such a session but am uncertain whether this is necessary or what it would involve

mwjointplan

From: Malcolm and Gia <margolis@virginmedia.com>
Sent: 18 December 2016 16:51
To: mwjointplan
Subject: Response to NYCC Waste and Minerals Plan
Attachments: Publication_response_form_part_A1.docx; NYCC Waste Plan 2016
Publication_response_form_part_B1 (1).docx

Dear Sirs,

I am responding on behalf of Harrogate District Friends of the Earth.

Our group fully supports the comments submitted by Frack Free Harrogate District. I attach response form part A and the FFHD submission.

Sincerely

Malcolm Margolis
Co-ordinator, Harrogate District Friends of the Earth
18 Rossett Park Road
Harrogate
HG2 9NP

TITLE	Mr
INITIALS	Gary
SURNAME	Hush
ORGANISATION (if applicable)	Appleton Le Moors Parish Council
ADDRESS	The Forge, Appleton Le Moors
POSTCODE	YO62 6TE
TELEPHONE	01751 417017
EMAIL	appletonparishcouncil@gmail.com

SCOPE OF THE CONSULTATION

- * Parts of the Minerals and Waste Plan (MWJP) seem to have changed considerably in content since the Preferred Options consultation (the previous version Dec. 2015)
- * Much of North Yorkshire is now covered in Petroleum Exploration and Development Licences (PEDLs), which were announced in December 2016.
- * It seems that much of the new policy has been developed in conjunction with the shale gas industry by the wording and parameters included in the MWJP.
- * Much of this content is also brand new policy which has not gone through the required consultation rounds with other representative bodies or the general public.

CLIMATE CHANGE

- * The MWJP does not conform with Section 19(1A) of The Planning and Compulsory Purchase Act (2004), which states that policies as a whole must contribute to the mitigation of, and adaptation to, climate change.
- * Assumptions that shale gas could lead to carbon savings are unsupported, given that test 3 of the CCC report states that "*emissions from shale exploitation will need to be offset by emissions reductions in other areas of the economy to ensure that UK carbon budgets are met.*"
- * The MWJP is therefore unsound to claim that Policy M16 could have any positive impact on the climate budget, as this key condition of the CCC report is a long way from being met.
- * Future applications for hydrocarbons production (including fracking) must be assessed using the following criteria:
 - CO₂ emissions and fugitive methane leaks must be included
 - CO₂ emissions resulting from both production and combustion must be included
 - explanations of how emissions from shale gas production can be accommodated within UK carbon budgets should be included and assessed by the planning authorities.
 - Until Carbon Capture and Storage (CCS) is fully operational, this can not be used in planning applications as a device to mitigate future CO₂ emissions in some notional future
 - any proposed plan must clearly show that it will lead to a *reduction* in climate change in order for it to be approved.

CONSIDERATION OF LOCAL IMPACTS

Landscape and Visual Impact

- * The inclusion in Policy M16 that designated areas such as National Parks, AONBs and SSSIs are protected from fracking on their surfaces is strongly supported.
- * However, the MWJP is currently unsound as it does not take into account the Ryedale Local Plan Strategy, in particular Policy SP13 (Landscapes).
- * The Ryedale Plan is an adopted local plan which has statutory force and has been made in accordance with the requirements of the NPPF. It follows that the draft minerals plan would be unsound if it failed to take proper account of Policy SP13 of the Ryedale Plan.
- * It is also noted that the Areas which Protect the Historic Character and Setting of York are now included as a protected area, presumably because the MWJP was seen to be in conflict with the City Plan, which was also approved by the NYCC. The same consideration must therefore be given to the Ryedale Plan.
- * The Ryedale Plan aims to encourage new development to “reinforce distinctive elements of landscape character” in areas including the Vale of Pickering and the Yorkshire Wolds. These are areas high in landscape value, with Neolithic features that require specific consideration, and which should be protected by Policy M16 in the MWJP.
- * Ryedale Policy SP13 states that developments should contribute to the protection and enhancement of distinctive elements of landscape character, including: “Visually sensitive skylines, hill and valley sides...the ambience of the area, including nocturnal character, level and type of activity and tranquillity, sense of enclosure/exposure.” (p 129 - Ryedale Plan).
- * If fracking were developed in the way described in the MWJP, this would clearly contravene the Ryedale Plan, which was approved and adopted by the NYCC.
- * The landscape impact alone of so many fracking well-sites, and the supporting infrastructure such as pipelines, would clearly have a negative effect on the Vale of Pickering and the Yorkshire Wolds.
- * The MWJP must be developed so that it is complementary to this Local plan, not be in conflict with it. This means that the MWJP is currently unsound.
- * The Vale of Pickering and the Yorkshire Wolds should therefore be included as ‘protected areas’ in Policy M16.

Buffer Zones

The village of Appleton Le Moors is a ancient working village within the National Park, so if fracking was allowed close to the village, noise and light pollution along with increased traffic would have a destructive effect on this beautiful protected area.

- * The inclusion of a 3.5km buffer zone around National Parks and AONBs is supported.
- * Point 5.128 says, “proposals for surface hydrocarbons development within a 3.5km zone around a National Park or AONB should be supported by detailed information assessing the impact of the proposed development on the designated area, including views into and out from the protected area.”
- * While the restrictions in terms of how much fracking developments impact on the landscape are welcomed, there is little detail on what other information would be required by companies, and under what criteria fracking within the 3.5 km buffer zone would be supported.
- * The National Parks and AONBs are protected for a number of reasons, including to conserve biodiversity, provide quiet places for people to relax, and to boost tourism in the region. In short, this should be about more than if the development ‘spoils the view’.
- * Any fracking activity that close to a major protected area could not fail to impact upon the protected area, either by impacting the view, causing excessive traffic around the

borders of the area, causing noise and air pollution, causing light pollution at night - which would affect not only the wildlife in the protected area, but also impact on the clear night skies which are such a draw for visitors - and potential impacts on water courses the serve the protected areas.

- * 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. These areas are protected to preserve their landscape and views, tranquillity, biodiversity and geodiversity and rare species and heritage.
- * Any fracking within 3.5 km (2 miles) of these areas cannot fail to impact upon these qualities. So, in order to be legally compliant with the NPPF, and the relevant Local Plans, the MWJP should therefore simply prohibit fracking in these buffer zones completely.

Noise impacts

Appleton Le Moors is a quiet peaceful area, something that is greatly valued by the people whom live here.

- * Paragraph 5.107 of the MWJP states that the exploratory stage for hydraulic fracturing exploratory drilling (which is a 24-hour process) may take "*considerably longer*" than the 12-25 week timeframe required for conventional hydrocarbons.
- * Drilling of each fracking well will take place 24 hours a day, taking place over a period of weeks at a time. The KM8 well took 100 days to drill, although lower estimates of 60-70 days are now put forward by the industry.
- * Well-pads may have up to 40 or 50 wells on them, which would mean that a 40-well pad would take 6.5 years in continuous drilling alone.
- * Fracking itself is also a noisy activity and again is often conducted 24 hours a day, over a period of weeks.
- * Unconventional gas development for shale gas cannot therefore be considered a 'short term activity' for the purposes of planning law.
- * Paragraph 144 of the NPPF states that when considering new minerals development, local authorities should: "*ensure unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties*".
- * Fracking exploration is, by the MWJP's own definition, a medium term activity at best, and therefore the policy from the NPPF above must apply.
- * 24 hour drilling from exploration stages will lead to night-time noise levels far higher than those allowed for other types of development (such as wind turbines).
- * The noise levels in many rural parts of North Yorkshire are very low, particularly at night, and so the impact of night-time noise from drilling and fracking will be very noticeable.
- * It is therefore essential that the MWJP must set clear policy to curb noise emissions for nearby residents, as part of its statutory duty to protect local public health.
- * A setback distance of 750m would help to reduce the noise impact from drilling and fracking.
- * Furthermore, there should therefore be no exceptions allowed for fracking within the proposed residential buffer zone, as this would contravene the guidelines in the NPPF.
- * The caveat that fracking within the buffer zone would be allowed 'in exceptional circumstances' is therefore legally unsound and should be removed.
- * A Health Impact Assessment should be required for all fracking operations, to establish current air quality and noise levels, and what might be acceptable depending on the distance the fracking well-site is from the nearest home.

Air quality impacts

This area (Rydale and Scarborough CCG) suffers from health inequalities, air and noise pollution would make this worse.

- * There is now clear evidence that the air quality impacts from fracking have been shown to pose risks to health.
- A number of chemicals routinely released during fracking, such as benzene, are known carcinogens. <http://www.ucdenver.edu/about/newsroom/newsreleases/Pages/health-impacts-of-fracking-emissions.aspx>
- Note that these are not chemicals that are injected into the ground as part of the fracking process, but are released from the ground as a consequence of fracking (and therefore cannot be controlled by the producer, or regulated by the Environment Agency).
- * Fumes from the drilling process can also cause fine diesel soot particles, which can penetrate lungs and cause severe health risks.
- * Planning Practice Guidance states, *"It is important that the potential impact of new development on air quality is taken into account in planning where the national assessment indicates that relevant limits have been exceeded or are near the limit"*.
- * Paragraph 109 of the NPPF states that the planning system should prevent *"... both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability;"*¹
- * There is therefore a clear legal requirement for the MWJP to consider air pollution when developing planning policy.
- * The proposal to include setback distances for what is termed 'sensitive receptors' is welcomed. The MWJP's definition of 'sensitive receptors' includes residential institutions, such as residential care homes, children's homes, social services homes, hospitals and non-residential institutions such as schools.
- * However, the setback distance of 500m appears to be rather arbitrary, and no reason is given for choosing this distance. There is no evidence that this setback distance is safe for residents, either in terms of air quality or other negative aspects of fracking production.
- * Experiences of residents in the USA show that a setback distance of 500m is not sufficient, and research in Colorado has resulted in a proposal for setback distances from fracking well sites to be extended to 750m from any place where people live. [https://ballotpedia.org/Colorado_Mandatory_Setback_from_Oil_and_Gas_Development_Amendment_\(2016\)](https://ballotpedia.org/Colorado_Mandatory_Setback_from_Oil_and_Gas_Development_Amendment_(2016))
- * The recommendation is therefore that the setback distance from 'sensitive receptors' should be a **minimum** of 750m to ensure that the negative health impacts of fracking, including air quality, are reduced.
- * There is a strong argument that setback distances from places which house vulnerable people, such as schools, residential homes and hospitals, should be increased to 1km.
- * Note that this is still less than the setback distance recommended by Kevin Hollinrake MP, who is pro fracking, on his return from his 'fact-finding' mission in the USA, when he recommended a minimum setback distance of 1 mile from schools.
- * Baseline Health Impact assessments should be undertaken prior to any work being carried out, to ascertain the impact of fracking on human health.

Biodiversity impacts

- * Given that SSSIs are sensitive nationally protected areas, often containing rare and protected species, this is a contradictory and unsound approach. This clause should therefore be removed.
- * Noise is a particular danger for resident and migrating birds, and nocturnal creatures

such as bats. Not enough consideration has been given to the impact of noise from fracking well-sites situated near a designated protected area such as an SSSI.

- * As many SSSIs are relatively small in area, the noise, light and air pollution from a fracking well-site close by could have a devastating impact on wildlife populations, even if they are just outside the borders of the protected area.
- * The MWJP includes a 3.5 km 'buffer zone' around National Parks and AONBs, so that the impact of fracking on the boundaries of these protected areas is reduced.
- * The same consideration should be extended to SSSIs, so that fracking wells are not allowed to be established near the boundaries of these highly sensitive and nationally protected areas.
- * In non-designated areas, the current policy wording should be more explicit in its requirements to demonstrate that significant effects to biodiversity and habitat impacts will not result.

Water impacts

- * The impacts of fracking on water are well known, and there are multiple instances of water being contaminated by the fracking process, either from spills on the ground or under-surface contamination.
- * It is therefore the Planning authorities' legal duty to ensure that water contamination will not occur in North Yorkshire. .
- * The British Geological Survey has previously highlighted the risks that fracking can contaminate water. saying, *“Groundwater may be potentially contaminated by extraction of shale gas both from the constituents of shale gas itself, from the formulation and deep injection of water containing a cocktail of additives used for hydraulic fracturing and from flowback water which may have a high content of saline formation water.”* <http://nora.nerc.ac.uk/16467/>
- * The British Geological Survey is also not confident that current methods to monitor groundwater pollution are adequate, due to the depth that fracking takes place, the volumes of water required to frack, and the uncertainty regarding how much water returns to the surface: *“The existing frameworks and supporting risk-based tools provide a basis for regulating the industry but there is limited experience of their suitability for large scale on-shore activities that exploit the deep sub-surface. The tools for assessing risks may not be adequate as many have been designed to consider the risks from surface activities.”*
- In order to be legally sound, the policy therefore needs to be reworded so that fracking companies must have to demonstrate beyond scientific doubt that there would be no impact on the water supply.

Highways and traffic impacts

Appleton Le Moors has one road through it to gain access to the A170. When repairs closed this road earlier this year the village faced a 15-20min detour and a great deal of disruption.

- * Fracking is very likely to cause a large increase in traffic movements, as trucks bring water, chemicals and sand to the well-site, and to remove contaminated waste water (often containing Naturally Occurring Radioactive Material), solid waste, and possibly gas if there is no nearby pipeline.
- * It has been estimated that each individual borehole will require between 2,000 and 7,000 truck movements, and there are plans for up to 40 or 50 wells per fracking site.
- * The rural road network in Yorkshire is ill-suited to deal with this exponential increase in traffic.
- * Paragraph 144 of the NPPF states that local authorities should ensure that there: *“are no*

unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites”.

- * There appears to be little in the MWJP to guarantee the safety of other users of the road network, including non-vehicle users (cyclists, walkers, people on horseback, etc.). This must be included in the Plan.
- * The huge increase in HGV traffic will also adversely affect the air quality along the designated routes, particularly if they pass ‘sensitive receptors’ such as schools, hospitals and old people’s homes.
- * The MWJP is therefore unsound as it does not adequately include restrictions to prohibit fracking HGV traffic from impacting on the air quality on these receptors. Policy M17 therefore needs to be amended to include these concerns and if necessary, impose restrictions.
- * This would ensure compliance with concerns of Public Health England, which has been raising this issue with minerals applications in other parts of the UK.

Cumulative impact

- * One of the biggest concerns regarding fracking is that the industry will require thousands of wells in the next twenty years to be financially viable. Most fracking wells are unprofitable after the first year, and 84% are unprofitable after 3 years. Therefore fracking companies will need to continually drill more wells, and establish more well sites, just to survive. This endless proliferation is the aspect of fracking that raises fears of the industrialisation of the countryside in Yorkshire, and is one of residents’ greatest concerns.
- * The cumulative impact of fracking wells could have very damaging impacts on the road network, biodiversity, climate change, water use, water contamination, air pollution, noise and light pollution, soil contamination, human health and traditional rural industries such as agriculture and tourism.
- * The MWJP suggests that an ‘acceptable’ cumulative impact can be achieved by a density of 10 well-pads per 10x10 km² PEDL licence block. It is noted that each well-pad can contain as many as 40 or 50 individual wells, by the industry’s own admission, meaning that a 10x10 km² PEDL licence block could contain up to 500 fracking wells.
- * Bearing in mind that each well requires 60-100 hours drilling, many more hours fracking, produces millions of gallons of waste water, generates thousands of HGV truck movements, generates toxic air pollution near the site and many other impacts such as noise and light pollution, the proposed density would be condemning people who live in this area to a lifetime of noise, traffic problems, health issues and stress.
- * Furthermore, there is no guidance given on the separation distance between each well-site. Kevin Hollinrake MP suggested that these should be at least six miles apart, which would be incompatible with the current plan of 10 well-pads per PEDL licence block.
- * However, the lack of any separation distance in the MWJP is a significant failing in terms of soundness, and a minimum separation distance of at least 3 miles should be included in the plan. This would avoid all the allowed well-sites in one PEDL licence area to be ‘bunched up’ in one place, causing unacceptable impact for the local community.
- * Furthermore, the MWJP says *“For PEDLs located within the Green Belt or where a relatively high concentration of other land use constraints exist, including significant access constraints, a lower density may be appropriate.* This should be amended to ‘will be appropriate’, as otherwise operators may still be allowed to have 10 well-pads located in a much smaller surface area.
- * There is also an absence of transport impacts relating to this density of well sites, particularly in terms of how this is monitored, which needs to be addressed.

The Precautionary Principle

- * To abide by legal guidelines, the precautionary principle should be applied to the issue of cumulative impact. The precautionary principle is a means of restricting development where there is a lack of scientific evidence to demonstrate that significant effects would not otherwise occur.
- * Planning practice guidance also refers to the precautionary principle in relation to Environmental Impact Assessment (EIA): *“the local planning authority must have regard to the amount of information available, the precautionary principle and the degree of uncertainty in relation to the environmental impact.”*
- * The precautionary principle is also reflected in the NPPF, saying, *“Ensuring policy is developed and implemented on the basis of strong scientific evidence, whilst taking into account scientific uncertainty (through the precautionary principle) as well as public attitudes and values.”*
- * In order to comply with current legislation (see above), the precautionary principle should be included in the MWJP, so that new developments are not permitted unless it can be proved that there will be no unacceptable cumulative effects.
- * The MWJP should therefore be amended so that an Environmental Impact Assessment should always be required to assess the potential cumulative effects from an additional fracking development and ensure that in determining planning applications, final decisions are based on a scientific certainty that all potential issues can be overcome.

Waste management and re-injection wells

- * Paragraph 5.156 states incorrectly, with reference to re-injecting waste water from fracking, that *“A specific issue sometimes associated with this form of development is the potential for re-injected water to act as a trigger for the activation of geological fault movements, potentially leading to very small scale induced seismic activity”*.
- * The assumption that any seismic activity resulting from re-injection of waste water from fracking operations is ‘small scale’ is incorrect, and drastically underestimates the damage that fracking waste water re-injection wells are causing elsewhere, particularly in the USA.
- * A recent earthquake in Oklahoma registered at 5.7 on the Richter Scale. and was felt from Texas to Illinois. This resulted in the state regulator shutting down 37 waste-water re-injection wells.
<https://www.bloomberg.com/news/articles/2016-09-04/oklahoma-quake-matches-record-even-as-fracking-waste-restricted>
- * These earthquakes, and many others like it, are not ‘very small scale induced seismic activity’, as described in Paragraph 5.156. They have caused serious structural damage to roads, buildings and water supplies, and the impact on the underlying geology has not been fully assessed.
- * The threat to North Yorkshire may be even more severe if fracking waste water was allowed to be re-injected at the scale required for the fracking industry to expand, due to the much more faulted geology of the area.
- * The MWJP therefore has a statutory duty to invoke the precautionary principle regarding re-injecting fracking waste fluid in North Yorkshire, and ensure that re-injection is not permitted until it can be proved beyond doubt that this process can be conducted safely.

mwjointplan@northyorks.gov.uk

mwjointplan

From: Ian Berry <appletonparishcouncil@gmail.com>
Sent: 14 December 2016 21:57
To: mwjointplan
Subject: Mineral joint plan
Attachments: MINERAL-AND-WASTE-JOINT-PLAN-CONSULTATION-GUIDELINES.pdf

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APPLETON LE MOORS PARISH COUNCIL

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Chair: **Gary Hush** | appletonparishcouncil@gmail.com |

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Sarah Houlston
Chair, Great and Little Barugh
Parish Council
Northfields Farm
Great Barugh
Malton
YO17 6XF

The Planning Officers
Planning Services
County Hall
Racecourse Lane
Northallerton
DL7 8AH

15/12/16

Dear Sirs

Joint Minerals and Waste Plan Publication Draft Response

Further to our consultation submission of the 15th January 2016 Great and Little Barugh Parish Council wish to express concern and raise questions regarding areas included in our initial response. As a Parish directly affected by the recently approved application to hydraulically fracture, we are concerned on many levels.

Since the release of the preferred options consultation, there have been key changes. The first being the amendments to the Infrastructure Act, secondly the government ratifying the Paris Agreement on Climate Change and the release of the new PEDL licences which now encompass the entirety of the Vale of Pickering, Wolds and foot of the North Yorkshire Moors and lastly some of the Policies included in the documentation have not been through the consultation stage. We feel for a plan that will take effect until 2030, further consultation should be obtained. It is a complex document that affects a wide population.

Firstly, our previous comments regarding the visual impact on the Vale of Pickering do appear to have been ignored. Policy SP13 of the Ryedale Local Plan does not appear to have been taken into account and we believe this must be a material consideration. This particular policy relates to the protection of landscape character for future development. Large scale development for Shale Gas Exploration within the Vale of Pickering would most certainly contravene Policy SP13. The Vale of Pickering and Wolds should be protected from large scale development not exploited, for these reasons we feel the plan in its current form to be unsound as it conflicts with the Ryedale Local Plan. We feel that the Vale Of Pickering and Yorkshire Wolds under Policy M16 (b) (i) should be included as one of the areas where hydraulic fracturing would not be permitted.

Secondly, we are very concerned about Buffer Zones and permitted distances from residences/properties. The 3.5km zone from National Parks and AONB's is supported however we fail to see how even at 3.5km (2 miles) buffer zone will not impact the protected areas, particularly as the companies will be allowed to drill underneath the protected area and there will be industrial complexes at the edge of National Parks and AONB's. There would be additional noise, traffic movements, light pollution, and the potential pollution of water and air. Again the negative impact on the landscape should be taken into account in accordance with Policy SP13 of the Ryedale Local Plan. Therefore in order to legally comply with the National Planning Policy Framework, and the relevant Local Plans, the MWJP should simply prohibit hydraulic fracturing in these buffer zones.

The cumulative impact of unconventional exploration should be a serious consideration. Policy M17, paragraph 5.137 sets the density in broad terms as 10 production sites every 100 square kilometres PEDL licence block. It is noted that each well-pad can contain as many as 40-50 individual wells. Therefore a 100 square kilometres (6.6 x 6.6 miles) PEDL licence block could contain up to 500 fracking wells. Kevin Hollinrake MP suggested that these production sites should be at least 6 miles apart, which would be incompatible with the current plan of 10 well pads per 10x10 km square PEDL licence area. The lack of separation distance between well sites is a significant failing in terms of soundness, and a minimum separation distance of at least 3 miles should be included in the plan. There is also an absence of transport impacts relating to this density of well sites, particularly in terms of how it is monitored. Within our Parish there are narrow country roads with passing places, we cannot imagine how the road network could cope with the high volumes of HGV movements needed. It has been estimated that each borehole will require between 2000 and 7000 truck movements.

There appears to be little in the MWJP to guarantee the safety of other road users, including cyclists, walkers and people on horseback. These must be added to the plan. The MWJP also fails to adequately include restrictions to prohibit fracking HGV traffic from impacting on the air quality of 'sensitive receptors', such as schools, hospitals and old people's homes. Public Health England have been raising air quality concerns with minerals applications in other parts of the UK.

Our Parish is in a rural location and enjoys very low noise levels, particularly at night. Paragraph 5.107 of the plan states that the exploratory stage for hydraulic fracturing exploratory drilling, a 24 hour process, may take considerably longer than the 12-25 week timeframe required for conventional drilling. The well at KM8 took 100 days to drill, although new estimates put forward by the industry state 60-70 days. Therefore if a well pad had 40 wells it would take 6.5 years of continuous drilling. Shale gas extraction can therefore not be considered a short term activity for the purpose of planning law. Paragraph 144 of the NPPF states that when considering new mineral developments, local authorities should, "ensure unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties". Fracking exploration is, by the MWJP's own definition, a medium term activity at best, and therefore paragraph 144 of the NPPF must apply.

Our Parish Council welcomes the proposal of setback distances for 'sensitive receptors'. However we feel that the setback distance of 500m is not enough and no reason is given for choosing this distance. There is no evidence that this setback distance is safe for residents. We would like to see a recommendation of a 750m setback distance which is still less than the setback distance recommended by Kevin Hollinrake MP on his return from his fact finding mission in the USA, when he called for a setback distance of 1 mile from schools. We would also like to see baseline health impact assessments undertaken before any work is carried out, something that to date has been ignored.

The British Geological Survey states that, "Groundwater may be potentially contaminated by extraction of shale gas both from the constituents of shale gas itself, from the formulation and deep injection of water containing a cocktail of additives used for hydraulic fracturing and from flowback water which may have a high content of saline formation water". The BGS are not confident that current methods to monitor groundwater pollution are adequate, due to the depth that fracking takes place, the volumes of water required to frack and the uncertainty regarding how much water returns to the surface. We therefore ask that the MWJP should incorporate the precautionary principle, which would mean that unless the fracking company can demonstrate beyond scientific doubt that there would be no impact on the water supply fracking should not be allowed to go ahead.

Great and Little Barugh Parish Council object to the draft minerals plan in its current form for the reasons set out above.

The Parish Council gives notice of its intention to be represented at the Oral Examination.

Yours faithfully

Sarah Houlston

Chair, Great and Little Barugh Parish Council.

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title: MR	Initial(s): C.H.
Surname: STRATTON		
Organisation (if applicable): South Hambleton Shale Gas Advisory Group, Also representing Coxwold ,Crayke and Husthwaite Parish Councils , Oulston Parish Meeting & Helmsley Town Council		
Address:	Bank Farm	
	Oulston	
	York	
Post Code: YO61 3 RA		
Telephone: 01347 868854		
Email: chstratton50@gmail.com		

Agent contact details (if applicable)

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in separate guidance notes. You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.

A separate Part B form **MUST** be produced for each separate representation you wish to make. After this stage, further submissions will only be at the invitation of the inspector who will conduct an Examination in Public of the Joint Plan, based on the matters they identify during the Examination.

All responses should be returned by 5pm on Wednesday 21st December 2016. Please note that representations cannot be received after this deadline.

Responses can be returned by email to: mwjointplan@northyorks.gov.uk or by post using the address below:

Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	SHSGAG. With Coxwold, Crayke, and Hustwaite PCs, Oulston Parish Meeting & Helmsley Town Council
------------------------	-------------------------------------------------------------------------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	D06	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to attached Critique Paragraph 3 (b) & (d)

(b) *It is obviously desirable, indeed essential, to eliminate small inconsistencies and ambiguities.*

(d) *Words such as "inappropriate" and "unacceptable" are imprecise and subjective. They are therefore capable of ambiguous interpretation and application. As may be seen in the next paragraph, far preferable and objective are "effective" and "adverse".*

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [REDACTED]	Date:17 th December 2016
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Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	SHSGAG. With Coxwold, Crayke, and Husthwaite PCs, Oulston Parish Meeting & Helmsley Town Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M16	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="text"/>	No	<input checked="" type="text"/>
2.(2) Sound	Yes	<input type="text"/>	No	<input checked="" type="text"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared	Yes	<input type="text"/>	No	<input type="text"/>	Justified	Yes	<input type="text"/>	No	<input type="text"/>
Effective	Yes	<input type="text"/>	No	<input type="text"/>	Consistent with National Policy	Yes	<input type="text"/>	No	<input checked="" type="text"/>

2 (3) Complies with the Duty to co-operate	Yes	x	<input type="text"/>	No	<input type="text"/>
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3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to the attached Critique Para 3 (a) & (c)

- (a) In line with the NPPFs presumption in favour of development it is appreciated why so many of the draft policies begin "will be permitted" but then reservations need invariably to follow the word "unless" or "only".
- (c) **Buffer zones.** We welcome the inclusion of buffer zones to safeguard National Parks and AONBs and strongly support the proposed distance of 3.5km. However a significant discrepancy presently exists between Policy M16 b) (i) and d) (i). As drafted, in b) (i) an absolute prohibition is proposed against all surface development involving hydraulic fracturing in National Parks, AONBs.....Fountains Abbey/Studley Royal World Heritage Site and accompanying buffer zone etc. ; yet in d) (i) all kinds of surface development is anticipated within a National Park or an AONB or associated 3.5km buffer zone with the requirement only of a detailed assessment supporting any application, and permission forthcoming where acceptable harm arises. We

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please refer to the attached Critique

Paragraphs 4 Proposed Amendments 1, 2 &3

1. *Page 84 Policy M16, b) (i), lines 4 and 5: for "and accompanying zone" substitute "(each with accompanying zones of 3.5km)."*
2. *Page 84 Policy M16 d): delete para (i) entirely but retain para (ii) but without its number.*
3. *Page 87, para 5.125, line 1: for "appropriate" substitute "effective".*

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :

SHSGAG. With Coxwold, Crayke, and Hustwaite PCs, Oulston
Parish Meeting & Helmsley Town Council

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site
Allocation Reference No.

Policy No.

M17

Policies Map

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant

Yes

No

2.(2) Sound

Yes

No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared

Yes

No

Justified

Yes

No

Effective

Yes

No

Consistent with National Policy

Yes

No

2 (3) Complies with the
Duty to co-operate

Yes

No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to attached Critique

Paragraph 3 (d),(e), and (f)

- (d) *Words such as "inappropriate" and "unacceptable" are imprecise and subjective. They are therefore capable of ambiguous interpretation and application. As may be seen in the next paragraph, far preferable and objective are "effective" and "adverse".*
- (e) *Vehicular access. While "direct" access to a well pad from a classified A or B road is clearly understood, "indirect access" is capable of a variety of meanings including the use of classified C or even unclassified roads, the use of which by a large number of tankers and other plant and machinery would be highly undesirable. If there must be indirect access we suggest it should be contained within 1km of any A or B road. In addition we strongly support the requirement for a Traffic Management Plan to be included in any planning application*
- (f) *Separation from habitation. A general distance rule of 500m ignores the different heights from which development or activity may be seen, and while a 2 ha well pad of 10 drilling masts, properly screened,*

3018

surface hydrocarbon development, particularly those involving hydraulic fracturing, will not be permitted between within 500m of one or two isolated residential buildings and other sensitive receptors or 1.5km of any residential settlement of 3 or more dwellings at the same or similar height above sea level or 3km where such settlement overlooks such activity from a height of 50m or more, the effective distance then being assessed in each case by the Local Planning Authority to take into account topographical variation“.

9. Page 91 para 5.131 line 15: for “and businesses” substitute “businesses or the environment.”
10. Page 92 para 5.136 line 9: Add “Landscape Character Assessments and Capacity Studies will be of positive help in this respect, when the extent of the resource is better known, to determine the capacity of any given area to accommodate further drilling sites. The MPA will produce Supplementary Planning Guidance to this effect.”
11. Page 94 para 5.146 line 19: between “reasonable” and “distance” insert “minimum” and (line 23) between “perceived impact.” and “For the purpose” insert “While the ‘protected building’ principle is applicable in this context the nature and extent of activity together with the particular nature of the county’s terrain and the dispersed nature of its settlements demand a discrete approach. Thus nearby activity may be acceptable in some isolated or relatively isolated situations on the same or similar level where effective screening is possible, but the same may not be acceptable when viewed from a greater distance and from a greater height. Accordingly a sliding scale of separation distance is needed commensurate with elevation.”

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	SHSGAG. With Coxwold, Crayke, and Husthwaite PCs, Oulston Parish Meeting & Helmsley Town Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M18	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to attached Critique Paragraph 3 (g)

(g) **Financial Security.** To ensure the satisfactory restoration of any drilling or extraction site to its previous state requires a much greater degree of financial security than that which a commercial energy company, or group of companies could provide by simple guarantee. Either a bond lodged with the MPA, commensurate with each permitted activity or a 3rd party guarantee by a UK registered bank or insurer of equal standing is needed.

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To amplify the above

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: 

Date: 17th December 2016

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	SHSGAG. With Coxwold, Crayke, and Hushwaite PCs, Oulston Parish Meeting & Helmsley Town Council
------------------------	-------------------------------------------------------------------------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M19	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to attached Critique Paragraph 3(b) and (d)

3(b) *It is obviously desirable, indeed essential, to eliminate small inconsistencies and ambiguities.*

3(d) *Words such as "inappropriate" and "unacceptable" are imprecise and subjective. They are therefore capable of ambiguous interpretation and application. As may be seen in the next paragraph, far preferable and objective are "effective" and "adverse".*

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [REDACTED]	Date: 17 th December 2016
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**CRITIQUE OF NORTH YORKSHIRE COUNTY COUNCIL'S
MINERALS AND WASTE JOINT PLAN (OCTOBER 2016)
BY SOUTH HAMBLETON SHALE GAS ADVISORY GROUP**

1. Introduction

The South Hambleton Shale Gas Advisory Group comprises technical and professional disciplines. It is non-partisan, and over the past 12 months and more has sought to inform ourselves, the public and local parish councils on shale gas exploration and extraction. We offer this critique by way of constructive criticism, confining ourselves to the legal and procedural compliance or soundness of the final draft plan, including its conformity and the duty to cooperate. We are keen to ensure the final plan will be sufficiently robust and of such clarity as to withstand the scrutiny and challenges it will face at the Examination in Public and subsequent planning appeals. This paper is drafted by a professional planner and a lawyer, each with long and extensive experience in our respective fields, having advised and acted for and against Government and planning authorities over many years.

2. General Comment

It must be said at the outset that since the initial consultative draft Minerals and Waste Joint Plan was published a great deal of thought and detailed work have gone into the preparation of the draft plan now in final consultation. The overall strategy of general principles covering all aspects of minerals and waste in North Yorkshire, leading to their specific application, is a matter for congratulation. Although this critique is concerned solely with shale gas we must observe that such an integrated approach serves only to strengthen the particular aspects upon which it then focuses. We fully endorse the great body of principle and criteria, following both those principles set out in the National Planning Policy Framework document and the fundamental needs of the county. En passant, it is both gratifying and encouraging to note the extent to which the consultee responses to the original document have been recognized and imported into the joint plan now under consideration. Save therefore for a very few substantive matters of detail, this paper seeks to clarify and thereby strengthen some of the language employed in the Joint Plan. We would add, however, that as hinted at

in the present draft Joint Plan (e.g. para. 5.136) Supplementary Planning Guidance will probably be needed to deal with, for example, Landscape Character Assessments when the extent of the shale gas resource is better known. That would determine the capacity of each given area to accommodate further drilling sites. We note that Hambleton District Council have recently produced (May 2016) an LCA which would be an excellent basis for such a capacity study. Likewise it may be both prudent and beneficial to the community at large, as well of advantage to energy companies, for such further Guidance to include Preferred Sites, as the Joint Plan presently provides with regard to other resources such as gravel.

3. General Points

This paragraph contains the argument for and justification of the changes to the draft Joint Plan which we propose. To avoid repetition we discuss the different points with which we take issue or make suggestion, and where they recur in the Joint Plan deal with them compendiously. In the following paragraph we list with page, Policy, paragraph and line reference the specific amendments which then arise.

- (a) In line with the NPPF's presumption in favour of development it is appreciated why so many of the draft Policies begin "will be permitted" but then reservations need invariably to follow the word "unless" or "only".
- (b) It is obviously desirable, indeed essential, to eliminate small inconsistencies and ambiguities.
- (c) **Buffer zones.** We welcome the inclusion of buffer zones to safeguard National Parks and AONBs and strongly support the proposed distance of 3.5km. However a significant discrepancy presently exists between Policy M16 b) (i) and d) (i). As drafted, in b) (i) an absolute prohibition is proposed against all surface development involving hydraulic fracturing in National Parks, AONBs.....Fountains Abbey/Studley Royal World Heritage Site and accompanying buffer zone etc. ; yet in d) (i) all kinds of surface development is anticipated within a National Park or an AONB or associated 3.5km buffer zone with the requirement only of a detailed assessment supporting any application, and

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permission forthcoming where acceptable harm arises. We strongly advocate the absolute prohibition in b) (i) for a National Park or AONB together with a 3.5km buffer zone. There seems little if any difference between the justification for a buffer zone for the World Heritage Site and the needs of a National Park or AONB. The National Trust/English Heritage submission (February 2012) relied upon visual setting, integrity and views and vistas. The Harrogate District Local Plan (May 2013) added the need to increase certainty in managing change. These criteria apply with equal force to our National Park and AONB.

But if, and only if that is unacceptable to Government we submit, as a fall-back position, for the same reasons which justify the World Heritage Site which is in neither a National Park nor AONB there should be at least some absolute prohibition of surface development which involves hydraulic fracturing within a National Park, AONBs with a lesser buffer zone of, say, 1.5km, with the other provisions contained in d) (i) applying to a wider zone of 3.5km, and a strengthening of its wording by substituting 'significant' for "unacceptable" harm.

As currently drafted we do not consider that M16(d) (i) to be compliant with the absolute prohibition of surface unconventional shale gas development in National Parks and AONBs provided for by section 50 of the Infrastructure Act 2015. Therefore we do not regard the Mineral and Waste Joint plan as being legally compliant.

- (d) Words such as "inappropriate" and "unacceptable" are imprecise and subjective. They are therefore capable of ambiguous interpretation and application. As may be seen in the next paragraph, far preferable and objective are "effective" and "adverse".
- (e) **Vehicular access.** While "direct" access to a well pad from a classified A or B road is clearly understood, "indirect access" is capable of a variety of meanings including the use of classified C or even unclassified roads, the use of which by a large number of tankers and other plant and machinery would be highly undesirable. If there must be indirect access we suggest it should be contained within 1km of any A or B road. In addition we strongly support the requirement for a Traffic Management

Plan to be included in any planning application.

- (f) **Separation from habitation.** A general distance rule of 500m ignores the different heights from which development or activity may be seen, and while a 2 ha well pad of 10 drilling masts, properly screened, may be acceptable to the occupier of an isolated farmhouse on whose land the activity occurs, it would not be so to the inhabitants of a village of 300 people whose homes enjoy extensive views from a height of 100m or more above the same activity, such as those with distant views over the Vales of York and Mowbray from settlements on the South and West flanks of the Howardian and Hambleton Hills respectively. We suggest that 500m should be stated as a minimum, the effective distance then being assessed in each case by the Local Planning Authority so that topographical variation can be taken into account.
- (g) **Financial Security.** To ensure the satisfactory restoration of any drilling or extraction site to its previous state requires a much greater degree of financial security than that which a commercial energy company, or group of companies could provide by simple guarantee. Either a bond lodged with the MPA, commensurate with each permitted activity or a 3rd party guarantee by a UK registered bank or insurer of equal standing is needed.

4. Proposed Amendments

1. *Page 84 Policy M16, b) (i), lines 4 and 5:* for “and accompanying zone” substitute “(each with accompanying zones of 3.5km).”
2. *Page 84 Policy M16 d):* delete para (i) entirely but retain para (ii) but without its number.
3. *Page 87, para 5.125, line 1:* for “appropriate” substitute “effective”.
4. *Page 88 Policy M17 1) i) line 2:* delete “or indirect” and for “and” substitute “and only”.

5. *Page 89 Policy M17 2) i) line 2:* for "unacceptable" substitute "an adverse".
6. *Page 90 Policy M17 4) i) line 2:* for "unacceptable" substitute "an adverse".
7. *Page 90 Policy M17 4) i) line 3:* for "Adequate separation distances should" substitute " Adequate separation distances, including those specified below, must".
8. *Page 90 Policy M17 4) i) lines 8 – 12:* delete the last sentence beginning "Proposals for surface hydrocarbon" and substitute " Proposals for surface hydrocarbon development, particularly those involving hydraulic fracturing, will not be permitted between within 500m of one or two isolated residential buildings and other sensitive receptors or 1.5km of any residential settlement of 3 or more dwellings at the same or similar height above sea level or 3km where such settlement overlooks such activity from a height of 50m or more, the effective distance then being assessed in each case by the Local Planning Authority to take into account topographical variation".
9. *Page 91 para 5.131 line 15:* for "and businesses" substitute "businesses or the environment."
10. *Page 92 para 5.136 line 9:* Add "Landscape Character Assessments and Capacity Studies will be of positive help in this respect, when the extent of the resource is better known, to determine the capacity of any given area to accommodate further drilling sites. The MPA will produce Supplementary Planning Guidance to this effect."
11. *Page 94 para 5.146 line 19:* between "reasonable" and "distance" insert "minimum" and *(line 23)* between "perceived impact." and "For the purpose" insert "While the 'protected building' principle is applicable in this context the nature and extent of activity together with the particular nature of the county's terrain and the dispersed nature of its settlements demand a

discrete approach. Thus nearby activity may be acceptable in some isolated or relatively isolated situations on the same or similar level where effective screening is possible, but the same may not be acceptable when viewed from a greater distance and from a greater height. Accordingly a sliding scale of separation distance is needed commensurate with elevation."

12. *Page 95 and 96 Policy M18 1) Waste Management and reinjection wells i) line 1 and 2) Decommissioning and restoration line 2:* after "permitted" insert "only".
13. *Page 96 Policy M18 2) iii) line 2:* for "may" substitute "will" and after "guarantee" insert "including that of a 3rd party approved by the MPA such as a UK registered bank or insurer of similar standing."
14. *Page 98 Policy M19 ii):* for "unacceptable" substitute "adverse".
15. *Page 170 Policy D06 1) line 3, 2) line 4 and 3) line 3:* for "unacceptable" substitute "adverse".

5. Conclusion

The precise wording of these proposals are by way only of suggestion but we hope that the sense and purpose of each is clear. Should they find favour with the Authorities the Group which we represent would give full hearted support at the Examination in Public.

Christopher Stratton OBE, DipLA, FLI, MRTPI

Peter Fox QC, LLD

**For and on behalf of the SHSGAG,
also endorsed and adopted by the following Local Councils:**

**Coxwold
Crayke
Husthwaite
Oulston Parish Meeting
Helmsley Town Council**

December 2016

mwjointplan

From: Chris Stratton <chstratton50@gmail.com>
Sent: 21 December 2016 10:23
To: mwjointplan
Subject: NYCC Mineral and Waste Joint Plan _response by South Hambleton Shale Gas Advisory Group FAO James Whiteley
Attachments: Letter NYCC .pdf; Response Form Part A .pdf; Response Form Part B D06.pdf; Response Form Part B M16. docx.pdf; Response Form Part B M17.pdf; Response Form Part B M18.pdf; Response Form Part B M19.pdf; CRITIQUE OF NORTH YORKSHIRE COUNTY COUNCIL'S.pdf

Dear Sirs,

I refer to the hard copies of our response which I handed to James Whiteley at County Hall yesterday afternoon As agreed I now attach pdf digital copies of all the documents, namely:

- The covering letter
- Form A
- Forms B (5no)
- Our Critique

There is one important difference to note between the hard copies I deposited with you yesterday and the digital submission today.

Last night we learnt that Helmsley Town Council had endorsed and adopted this submission, so we have added their name to all the forms A&B and the critique.

There are no other changes.

If you have any queries that it would be helpful to discuss as you process the documentation for the EIP please contact me.

I would be grateful if you could acknowledge receipt of this email.

Yours faithfully

Christopher Stratton

Chairman
South Hambleton Shale Gas Advisory Group

BANK FARM
OULSTON
NORTH YORKSHIRE
YO6 13RA

TEL: 01347 868854
E mail: chstratton50@gmail.com

Dec 21st 2016

Dear Sirs,
North Yorkshire Minerals and Waste Joint Plan 2016 - Publication Stage Response

I attach the response in digitised format that has been prepared by the South Hambleton Shale Gas Advisory Group on behalf of Hushwaite, Crayke, Coxwold parish councils, Oulston Parish Meeting and Helmsley Town Council.

Please note that since I submitted hard copies of Forms A&B to County Hall yesterday, Helmsley Town Council have discussed and adopted the SHSGAG response so are added to the list above.

In order to comply as far as possible with your request that we use your forms A & B. we have completed Five B forms which deal, with those specific points of policy that we wish to bring to the EIP.

Other points of amendment which arise from the justification and explanatory paras of the plan are also contained in a Critique which is attached. This document also explains who we are, and deals with general points. It also sets out our qualified support for the Oct 2016 version of the plan.

We hope that you will find merit in our suggestions and indicate your support prior to the EIP for we would like to be able to attend the hearing and lend our support to an amended Joint Mineral and Waste Plan.

Yours faithfully

Christopher Stratton
Chairman
South Hambleton Shale Gas Advisory Group

Mineral Planning Team
North Yorkshire County Council
County Hall
Northallerton

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title: MR	Initial(s): C.H.
Surname: STRATTON		
Organisation (if applicable): South Hambleton Shale Gas Advisory Group, Also representing Coxwold ,Crayke and Husthwaite Parish Councils , Oulston Parish Meeting & Helmsley Town Council		
Address:	Bank Farm	
	Oulston	
	York	
Post Code: YO61 3 RA		
Telephone: 01347 868854		
Email: chstratton50@gmail.com		

Agent contact details (if applicable)

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in separate guidance notes. You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.

A separate Part B form **MUST** be produced for each separate representation you wish to make. After this stage, further submissions will only be at the invitation of the inspector who will conduct an Examination in Public of the Joint Plan, based on the matters they identify during the Examination.

All responses should be returned by 5pm on Wednesday 21st December 2016. Please note that representations cannot be received after this deadline.

Responses can be returned by email to: mwjointplan@northyorks.gov.uk or by post using the address below:

Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	SHSGAG. With Coxwold, Crayke, and Hustwaite PCs, Oulston Parish Meeting & Helmsley Town Council
------------------------	-------------------------------------------------------------------------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	D06	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to attached Critique Paragraph 3 (b) & (d)

(b) *It is obviously desirable, indeed essential, to eliminate small inconsistencies and ambiguities.*

(d) *Words such as "inappropriate" and "unacceptable" are imprecise and subjective. They are therefore capable of ambiguous interpretation and application. As may be seen in the next paragraph, far preferable and objective are "effective" and "adverse".*

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [REDACTED]	Date: 17 th December 2016
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Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	SHSGAG. With Coxwold, Crayke, and Husthwaite PCs, Oulston Parish Meeting & Helmsley Town Council
------------------------	--------------------------------------------------------------------------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M16	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="text"/>	No	<input checked="" type="text"/>
2.(2) Sound	Yes	<input type="text"/>	No	<input checked="" type="text"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared	Yes	<input type="text"/>	No	<input type="text"/>	Justified	Yes	<input type="text"/>	No	<input type="text"/>
Effective	Yes	<input type="text"/>	No	<input type="text"/>	Consistent with National Policy	Yes	<input type="text"/>	No	<input checked="" type="text"/>

2 (3) Complies with the Duty to co-operate	Yes	x	<input type="text"/>	No	<input type="text"/>
--------------------------------------------	-----	---	----------------------	----	----------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to the attached Critique Para 3 (a) & (c)

- (a) In line with the NPPFs presumption in favour of development it is appreciated why so many of the draft policies begin "will be permitted" but then reservations need invariably to follow the word "unless" or "only".
- (c) **Buffer zones.** We welcome the inclusion of buffer zones to safeguard National Parks and AONBs and strongly support the proposed distance of 3.5km. However a significant discrepancy presently exists between Policy M16 b) (i) and d) (i). As drafted, in b) (i) an absolute prohibition is proposed against all surface development involving hydraulic fracturing in National Parks, AONBs.....Fountains Abbey/Studley Royal World Heritage Site and accompanying buffer zone etc. ; yet in d) (i) all kinds of surface development is anticipated within a National Park or an AONB or associated 3.5km buffer zone with the requirement only of a detailed assessment supporting any application, and permission forthcoming where acceptable harm arises. We

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please refer to the attached Critique

Paragraphs 4 Proposed Amendments 1, 2 &3

1. *Page 84 Policy M16, b) (i), lines 4 and 5: for "and accompanying zone" substitute "(each with accompanying zones of 3.5km)."*
2. *Page 84 Policy M16 d): delete para (i) entirely but retain para (ii) but without its number.*
3. *Page 87, para 5.125, line 1: for "appropriate" substitute "effective".*

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :

SHSGAG. With Coxwold, Crayke, and Hustwaite PCs, Oulston
Parish Meeting & Helmsley Town Council

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site
Allocation Reference No.

Policy No.

M17

Policies Map

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant

Yes

No

2.(2) Sound

Yes

No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared

Yes

No

Justified

Yes

No

Effective

Yes

No

Consistent with National Policy

Yes

No

2 (3) Complies with the
Duty to co-operate

Yes

No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to attached Critique
Paragraph 3 (d),(e), and (f)

- (d) *Words such as "inappropriate" and "unacceptable" are imprecise and subjective. They are therefore capable of ambiguous interpretation and application. As may be seen in the next paragraph, far preferable and objective are "effective" and "adverse".*
- (e) *Vehicular access. While "direct" access to a well pad from a classified A or B road is clearly understood, "indirect access" is capable of a variety of meanings including the use of classified C or even unclassified roads, the use of which by a large number of tankers and other plant and machinery would be highly undesirable. If there must be indirect access we suggest it should be contained within 1km of any A or B road. In addition we strongly support the requirement for a Traffic Management Plan to be included in any planning application*
- (f) *Separation from habitation. A general distance rule of 500m ignores the different heights from which development or activity may be seen, and while a 2 ha well pad of 10 drilling masts, properly screened,*

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surface hydrocarbon development, particularly those involving hydraulic fracturing, will not be permitted between within 500m of one or two isolated residential buildings and other sensitive receptors or 1.5km of any residential settlement of 3 or more dwellings at the same or similar height above sea level or 3km where such settlement overlooks such activity from a height of 50m or more, the effective distance then being assessed in each case by the Local Planning Authority to take into account topographical variation“.

9. Page 91 para 5.131 line 15: for “and businesses” substitute “businesses or the environment.”
10. Page 92 para 5.136 line 9: Add “Landscape Character Assessments and Capacity Studies will be of positive help in this respect, when the extent of the resource is better known, to determine the capacity of any given area to accommodate further drilling sites. The MPA will produce Supplementary Planning Guidance to this effect.”
11. Page 94 para 5.146 line 19: between “reasonable” and “distance” insert “minimum” and (line 23) between “perceived impact.” and “For the purpose” insert “While the ‘protected building’ principle is applicable in this context the nature and extent of activity together with the particular nature of the county’s terrain and the dispersed nature of its settlements demand a discrete approach. Thus nearby activity may be acceptable in some isolated or relatively isolated situations on the same or similar level where effective screening is possible, but the same may not be acceptable when viewed from a greater distance and from a greater height. Accordingly a sliding scale of separation distance is needed commensurate with elevation.”

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	SHSGAG. With Coxwold, Crayke, and Husthwaite PCs, Oulston Parish Meeting & Helmsley Town Council
------------------------	--------------------------------------------------------------------------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M18	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to attached Critique Paragraph 3 (g)

(g) **Financial Security.** To ensure the satisfactory restoration of any drilling or extraction site to its previous state requires a much greater degree of financial security than that which a commercial energy company, or group of companies could provide by simple guarantee. Either a bond lodged with the MPA, commensurate with each permitted activity or a 3rd party guarantee by a UK registered bank or insurer of equal standing is needed.

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To amplify the above

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature:

[REDACTED]

Date: 17th December 2016

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	SHSGAG. With Coxwold, Crayke, and Hushwaite PCs, Oulston Parish Meeting & Helmsley Town Council
------------------------	-------------------------------------------------------------------------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M19	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

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2.(1) Legally compliant Yes No

2.(2) Sound Yes No

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Positively Prepared Yes No Justified Yes No

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Please refer to attached Critique Paragraph 3(b) and (d)

3(b) *It is obviously desirable, indeed essential, to eliminate small inconsistencies and ambiguities.*

3(d) *Words such as "inappropriate" and "unacceptable" are imprecise and subjective. They are therefore capable of ambiguous interpretation and application. As may be seen in the next paragraph, far preferable and objective are "effective" and "adverse".*

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Signature: [REDACTED]	Date: 17 th December 2016
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**CRITIQUE OF NORTH YORKSHIRE COUNTY COUNCIL'S
MINERALS AND WASTE JOINT PLAN (OCTOBER 2016)
BY SOUTH HAMBLETON SHALE GAS ADVISORY GROUP**

1. Introduction

The South Hambleton Shale Gas Advisory Group comprises technical and professional disciplines. It is non-partisan, and over the past 12 months and more has sought to inform ourselves, the public and local parish councils on shale gas exploration and extraction. We offer this critique by way of constructive criticism, confining ourselves to the legal and procedural compliance or soundness of the final draft plan, including its conformity and the duty to cooperate. We are keen to ensure the final plan will be sufficiently robust and of such clarity as to withstand the scrutiny and challenges it will face at the Examination in Public and subsequent planning appeals. This paper is drafted by a professional planner and a lawyer, each with long and extensive experience in our respective fields, having advised and acted for and against Government and planning authorities over many years.

2. General Comment

It must be said at the outset that since the initial consultative draft Minerals and Waste Joint Plan was published a great deal of thought and detailed work have gone into the preparation of the draft plan now in final consultation. The overall strategy of general principles covering all aspects of minerals and waste in North Yorkshire, leading to their specific application, is a matter for congratulation. Although this critique is concerned solely with shale gas we must observe that such an integrated approach serves only to strengthen the particular aspects upon which it then focuses. We fully endorse the great body of principle and criteria, following both those principles set out in the National Planning Policy Framework document and the fundamental needs of the county. En passant, it is both gratifying and encouraging to note the extent to which the consultee responses to the original document have been recognized and imported into the joint plan now under consideration. Save therefore for a very few substantive matters of detail, this paper seeks to clarify and thereby strengthen some of the language employed in the Joint Plan. We would add, however, that as hinted at

in the present draft Joint Plan (e.g. para. 5.136) Supplementary Planning Guidance will probably be needed to deal with, for example, Landscape Character Assessments when the extent of the shale gas resource is better known. That would determine the capacity of each given area to accommodate further drilling sites. We note that Hambleton District Council have recently produced (May 2016) an LCA which would be an excellent basis for such a capacity study. Likewise it may be both prudent and beneficial to the community at large, as well of advantage to energy companies, for such further Guidance to include Preferred Sites, as the Joint Plan presently provides with regard to other resources such as gravel.

3. General Points

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- (b) It is obviously desirable, indeed essential, to eliminate small inconsistencies and ambiguities.
- (c) **Buffer zones.** We welcome the inclusion of buffer zones to safeguard National Parks and AONBs and strongly support the proposed distance of 3.5km. However a significant discrepancy presently exists between Policy M16 b) (i) and d) (i). As drafted, in b) (i) an absolute prohibition is proposed against all surface development involving hydraulic fracturing in National Parks, AONBs.....Fountains Abbey/Studley Royal World Heritage Site and accompanying buffer zone etc. ; yet in d) (i) all kinds of surface development is anticipated within a National Park or an AONB or associated 3.5km buffer zone with the requirement only of a detailed assessment supporting any application, and

96

permission forthcoming where acceptable harm arises. We strongly advocate the absolute prohibition in b) (i) for a National Park or AONB together with a 3.5km buffer zone. There seems little if any difference between the justification for a buffer zone for the World Heritage Site and the needs of a National Park or AONB. The National Trust/English Heritage submission (February 2012) relied upon visual setting, integrity and views and vistas. The Harrogate District Local Plan (May 2013) added the need to increase certainty in managing change. These criteria apply with equal force to our National Park and AONB.

But if, and only if that is unacceptable to Government we submit, as a fall-back position, for the same reasons which justify the World Heritage Site which is in neither a National Park nor AONB there should be at least some absolute prohibition of surface development which involves hydraulic fracturing within a National Park, AONBs with a lesser buffer zone of, say, 1.5km, with the other provisions contained in d) (i) applying to a wider zone of 3.5km, and a strengthening of its wording by substituting 'significant' for "unacceptable" harm.

As currently drafted we do not consider that M16(d) (i) to be compliant with the absolute prohibition of surface unconventional shale gas development in National Parks and AONBs provided for by section 50 of the Infrastructure Act 2015. Therefore we do not regard the Mineral and Waste Joint plan as being legally compliant.

- (d) Words such as "inappropriate" and "unacceptable" are imprecise and subjective. They are therefore capable of ambiguous interpretation and application. As may be seen in the next paragraph, far preferable and objective are "effective" and "adverse".
- (e) **Vehicular access.** While "direct" access to a well pad from a classified A or B road is clearly understood, "indirect access" is capable of a variety of meanings including the use of classified C or even unclassified roads, the use of which by a large number of tankers and other plant and machinery would be highly undesirable. If there must be indirect access we suggest it should be contained within 1km of any A or B road. In addition we strongly support the requirement for a Traffic Management

Plan to be included in any planning application.

- (f) **Separation from habitation.** A general distance rule of 500m ignores the different heights from which development or activity may be seen, and while a 2 ha well pad of 10 drilling masts, properly screened, may be acceptable to the occupier of an isolated farmhouse on whose land the activity occurs, it would not be so to the inhabitants of a village of 300 people whose homes enjoy extensive views from a height of 100m or more above the same activity, such as those with distant views over the Vales of York and Mowbray from settlements on the South and West flanks of the Howardian and Hambleton Hills respectively. We suggest that 500m should be stated as a minimum, the effective distance then being assessed in each case by the Local Planning Authority so that topographical variation can be taken into account.
- (g) **Financial Security.** To ensure the satisfactory restoration of any drilling or extraction site to its previous state requires a much greater degree of financial security than that which a commercial energy company, or group of companies could provide by simple guarantee. Either a bond lodged with the MPA, commensurate with each permitted activity or a 3rd party guarantee by a UK registered bank or insurer of equal standing is needed.

4. Proposed Amendments

1. *Page 84 Policy M16, b) (i), lines 4 and 5:* for “and accompanying zone” substitute “(each with accompanying zones of 3.5km).”
2. *Page 84 Policy M16 d):* delete para (i) entirely but retain para (ii) but without its number.
3. *Page 87, para 5.125, line 1:* for “appropriate” substitute “effective”.
4. *Page 88 Policy M17 1) i) line 2:* delete “or indirect” and for “and” substitute “and only”.

5. *Page 89 Policy M17 2) i) line 2:* for "unacceptable" substitute "an adverse".
6. *Page 90 Policy M17 4) i) line 2:* for "unacceptable" substitute "an adverse".
7. *Page 90 Policy M17 4) i) line 3:* for "Adequate separation distances should" substitute " Adequate separation distances, including those specified below, must".
8. *Page 90 Policy M17 4) i) lines 8 – 12:* delete the last sentence beginning "Proposals for surface hydrocarbon" and substitute " Proposals for surface hydrocarbon development, particularly those involving hydraulic fracturing, will not be permitted between within 500m of one or two isolated residential buildings and other sensitive receptors or 1.5km of any residential settlement of 3 or more dwellings at the same or similar height above sea level or 3km where such settlement overlooks such activity from a height of 50m or more, the effective distance then being assessed in each case by the Local Planning Authority to take into account topographical variation".
9. *Page 91 para 5.131 line 15:* for "and businesses" substitute "businesses or the environment."
10. *Page 92 para 5.136 line 9:* Add "Landscape Character Assessments and Capacity Studies will be of positive help in this respect, when the extent of the resource is better known, to determine the capacity of any given area to accommodate further drilling sites. The MPA will produce Supplementary Planning Guidance to this effect."
11. *Page 94 para 5.146 line 19:* between "reasonable" and "distance" insert "minimum" and *(line 23)* between "perceived impact." and "For the purpose" insert "While the 'protected building' principle is applicable in this context the nature and extent of activity together with the particular nature of the county's terrain and the dispersed nature of its settlements demand a

discrete approach. Thus nearby activity may be acceptable in some isolated or relatively isolated situations on the same or similar level where effective screening is possible, but the same may not be acceptable when viewed from a greater distance and from a greater height. Accordingly a sliding scale of separation distance is needed commensurate with elevation."

12. *Page 95 and 96 Policy M18 1) Waste Management and reinjection wells i) line 1 and 2) Decommissioning and restoration line 2:* after "permitted" insert "only".
13. *Page 96 Policy M18 2) iii) line 2:* for "may" substitute "will" and after "guarantee" insert "including that of a 3rd party approved by the MPA such as a UK registered bank or insurer of similar standing."
14. *Page 98 Policy M19 ii):* for "unacceptable" substitute "adverse".
15. *Page 170 Policy D06 1) line 3, 2) line 4 and 3) line 3:* for "unacceptable" substitute "adverse".

5. Conclusion

The precise wording of these proposals are by way only of suggestion but we hope that the sense and purpose of each is clear. Should they find favour with the Authorities the Group which we represent would give full hearted support at the Examination in Public.

Christopher Stratton OBE, DipLA, FLI, MRTPI

Peter Fox QC, LLD

**For and on behalf of the SHSGAG,
also endorsed and adopted by the following Local Councils:**

**Coxwold
Crayke
Hustwaite
Oulston Parish Meeting
Helmsley Town Council**

December 2016

mwjointplan

From: Chris Stratton <chstratton50@gmail.com>
Sent: 21 December 2016 10:23
To: mwjointplan
Subject: NYCC Mineral and Waste Joint Plan _response by South Hambleton Shale Gas Advisory Group FAO James Whiteley
Attachments: Letter NYCC .pdf; Response Form Part A .pdf; Response Form Part B D06.pdf; Response Form Part B M16. docx.pdf; Response Form Part B M17.pdf; Response Form Part B M18.pdf; Response Form Part B M19.pdf; CRITIQUE OF NORTH YORKSHIRE COUNTY COUNCIL'S.pdf

Dear Sirs,

I refer to the hard copies of our response which I handed to James Whiteley at County Hall yesterday afternoon As agreed I now attach pdf digital copies of all the documents, namely:

- The covering letter
- Form A
- Forms B (5no)
- Our Critique

There is one important difference to note between the hard copies I deposited with you yesterday and the digital submission today.

Last night we learnt that Helmsley Town Council had endorsed and adopted this submission, so we have added their name to all the forms A&B and the critique.

There are no other changes.

If you have any queries that it would be helpful to discuss as you process the documentation for the EIP please contact me.

I would be grateful if you could acknowledge receipt of this email.

Yours faithfully

Christopher Stratton

Chairman
 South Hambleton Shale Gas Advisory Group

BANK FARM
OULSTON
NORTH YORKSHIRE
YO6 13RA

TEL: 01347 868854
E mail: chstratton50@gmail.com

Dec 21st 2016

Dear Sirs,
North Yorkshire Minerals and Waste Joint Plan 2016 - Publication Stage Response

I attach the response in digitised format that has been prepared by the South Hambleton Shale Gas Advisory Group on behalf of Hushwaite, Crayke, Coxwold parish councils, Oulston Parish Meeting and Helmsley Town Council.

Please note that since I submitted hard copies of Forms A&B to County Hall yesterday, Helmsley Town Council have discussed and adopted the SHSGAG response so are added to the list above.

In order to comply as far as possible with your request that we use your forms A & B. we have completed Five B forms which deal, with those specific points of policy that we wish to bring to the EIP.

Other points of amendment which arise from the justification and explanatory paras of the plan are also contained in a Critique which is attached. This document also explains who we are, and deals with general points. It also sets out our qualified support for the Oct 2016 version of the plan.

We hope that you will find merit in our suggestions and indicate your support prior to the EIP for we would like to be able to attend the hearing and lend our support to an amended Joint Mineral and Waste Plan.

Yours faithfully

Christopher Stratton
Chairman
South Hambleton Shale Gas Advisory Group

Mineral Planning Team
North Yorkshire County Council
County Hall
Northallerton

MINERAL AND WASTE JOINT PLAN (PUBLICATION STAGE) Consultation response

TITLE	Mrs
INITIALS	J
SURNAME	White
ORGANISATION (if applicable)	Edstone Parish Meeting
ADDRESS	Hilltop House Great Edstone
POSTCODE	YO62 6NZ
TELEPHONE	
EMAIL	White1007@btinternet.com

No - I do not want to attend the Oral Examination of the Minerals & Waste Joint Plan (M&WJP).

The Edstone Parish formerly opposes any fracking in the parish. However, residents appreciate that the joint authorities have a duty to produce a minerals and waste development plan that includes the extraction of unconventional hydrocarbons, including fracking. We therefore make the following comments on this basis.

Policy M16 Key Spatial Principles Hydrocarbon Development

4) Specific local amenity considerations relevant to hydrocarbon development

A setback from dwellings is essential and this aspect of the plan is welcomed. However it is considered that the proposed 500m setback should be the **minimum setback distance** for the following reasons:

On any elevated site, such as the village of Great Edstone, there are unrestricted views in all directions. Indeed the view from the southern boundary of the village, across the Vale of Pickering is protected in the Ryedale Development Plan. Sites will be highly visible from any elevated location and a 500m setback would be wholly inadequate.

500m may also be inadequate in terms of safety and public health. There have been a number of documented fires and explosions on fracking sites in the US, such as in Greene County, Pennsylvania, where the fire burned uncontrollably for five days. Whilst this relates to the US, it would be wrong to ignore information regarding such incidents as these can occur in any country or location where fracking is taking place.

<http://www.dailymail.co.uk/news/article-2562431/Chevron-apologizes-residents-small-town-fracking-exploded-burned-five-days-leaving-one-dead-coupon-free-PIZZA.html>

In addition, studies from the US that have been peer reviewed, show that the safe distance for a set back has yet to be scientifically determined, but at an absolute minimum a setback should be circa 600m (2000 feet). The study below from the US should not be disregarded because - again these incidents and issues can occur wherever fracking takes place and are therefore relevant to ensuring public safety.

<http://ehp.niehs.nih.gov/15-10547/>

Policy M17 Other Spatial & locational criteria to hydrocarbon development

It is considered that the Plan over simplifies the “intermittent” nature of fracking and therefore underestimates the impact of HGVs and fracking related traffic e.g. paragraph 5.131 states that the bulk of the traffic will be at the start and the end of site operations.

Yet the scale of fracking is recognised in the Plan – as it states there may be up to 10 well pads, with multiple vertical wells on each pad and with several lateral extensions off each vertical well. Thus there can be hundreds of wells in a 10km PEDL area. This level of development constitutes literally years of drilling and fracking that would be potentially in excess of five years.

Furthermore, there is also the possibility of existing sites being re fracked after a 3 to 5 year period, which means residents will be subjected to further intensive disturbance and traffic. **Indeed Ineos stated publicly in November 2016 at an event in Easingwold that it is there intention to re frack their sites.** Currently in the US between 1% and 10% of sites are re fracked. This can potentially be considerable disturbance, when there are many hundreds/thousands of wells. The Plan does not adequately reflect the duration and impacts caused by HGVs/fracking traffic and the potential for re fracking on existing sites.

Shale plays in the US have shown that a considerable amount of water may be extracted with the gas and this has to be separated on site and the fluid stored in large flow back tanks. These tanks normally have to be emptied daily, throughout production, which means there could be HGVs visiting sites on a daily basis for many years. This would considerably impact communities and particularly if fracking traffic is permitted through settlements, located away from the strategic highway network. Again this aspect of fracking has not been identified in the Plan nor appropriately dealt with.

The Plan fails to take appropriate account of the medium and long-term HGV impacts and underestimates the duration and scale of impact that HGVs and fracking related traffic will have.

It is considered that the Plan should state that proposals will not normally be supported where a proposed traffic routes take traffic through the centre of a settlement, particularly any settlement that has a C class road, that is situated away from the strategic highway network/ Class A and B Roads. This provision would give greater clarity to developers and afford greater protection to communities against the longer and greater impacts that traffic generated from fracking will have.

The above is also important with regard to accurately assessing the cumulative impacts that fracking will have.

General Comments

The Plan does not appropriately deal with climate change. Specifically in relation to NPPF Paragraph 94.

Furthermore there is a statutory obligation under the Infrastructure Act for the extraction of shale gas to be considered against the UK’s climate change targets, budgets and policies and with specific reference to the Committee of Climate Change (CCC). The CCC has set out three key tests and other criteria that shale gas extraction must meet, prior to extraction, and the Plan does not set out how these tests and criteria will be met. The Plan needs to explicitly reference climate

change, set out how local decisions will relate to national carbon budgets, policies and requirements.

mwjointplan

From: Edstone Parish Council <edstoneparishcouncil@btinternet.com>
Sent: 20 December 2016 22:30
To: mwjointplan
Subject: Minerals & Waste Joint Plan Consultation Submission
Attachments: Edstone Parish M&WJP Consultation.docx

Dear Sirs

Please find attached the response to the consultation on the Minerals & Waste Joint Plan, submitted on behalf of Edstone Parish.

I look forward to receiving formal receipt.

Kind Regards

Mrs J White
Clerk to Edstone Parish

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title: Mrs	Initial(s): H
Surname: Guest		
Organisation (if applicable): (Clerk to) Escrick Parish Council		
Address:	40 Linden Way	
	Thorpe Willoughby	
	Selby	
Post Code: YO8 9ND		
Telephone:		
Email: clerk@escrick.org		

Agent contact details (if applicable)

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in separate **guidance notes**. **You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.**

A separate **Part B** form **MUST** be produced for each separate representation you wish to make. After this stage, further submissions will only be at the invitation of the inspector who will conduct an Examination in Public of the Joint Plan, based on the matters they identify during the Examination.

All responses should be returned by 5pm on Wednesday 21st December 2016. Please note that representations cannot be received after this deadline.

Responses can be returned by email to: mwjointplan@northyorks.gov.uk or by post using the address below:

Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

Data Protection:

North Yorkshire County Council, the North York Moors National Park Authority and the City of York Council are registered under the Data Protection Act 1998. For the purposes of the Data Protection Act legislation, your contact details and responses will only be retained for the preparation of the Minerals and Waste Joint Plan. Representations made at Publication stage cannot remain anonymous, but details will only be used in relation to the Minerals and Waste Joint Plan. Your response will be made available to view on the website and as part of the examination.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Escrick Parish Council
------------------------	------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="42"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	---------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

We support the objectives set out and in particular objectives 7, 8 and 9 which seek to locate mineral extraction and waste management in locations where the overall need for transportation is minimised and in particular where options other than road transport are available, such as rail, water, pipeline and underground conveyor systems can be utilised where practicable for longer distance and large scale movements; and; where such modes are not practicable, that locations for development are well-connected to suitable highways infrastructure and impacts on the road network minimised. This will minimise the affect on the local environment and communities where roads are already over-utilised and help meet wider sustainability and climate change objectives.

Signature: Helen Guest, Clerk to Escrick Parish Council

Date: 21.12.16

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Escrick Parish Council
------------------------	------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="MJP55"/>	Policy No.	<input type="text" value="M13"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="text" value="x"/>	No	<input type="text"/>
2.(2) Sound	Yes	<input type="text" value="x"/>	No	<input type="text"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Justified</i>	Yes	<input type="text"/>	No	<input type="text" value="x"/>
<i>Effective</i>	Yes	<input type="text"/>	No	<input type="text" value="x"/>	<i>Consistent with National Policy</i>	Yes	<input type="text"/>	No	<input type="text"/>

2 (3) Complies with the Duty to co-operate	Yes	<input type="text" value="x"/>	No	<input type="text"/>
--------------------------------------------	-----	--------------------------------	----	----------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

It is noted that in order to ensure the continuity of supply of clay, the Plan supports a Preferred Area on land adjacent to former Escrick Brickworks (MJP55)

It states that 'Development of reserves within this Preferred Area will only be permitted where it would follow the extraction of reserves within allocation MJP45 or it can be demonstrated that additional reserves are required to maintain an adequate longer term supply of clay to the Plasmor Blockworks site and subject to compliance with the development management policies in the Plan.'

The policy then says 'The site allocation at Hemingbrough is identified in the Joint Plan to help to meet the 25 year supply requirement for the Plasmor blockworks. This allocation provides a high level of certainty about the necessary resources being delivered. 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, to demonstrate how supply could be maintained if it is not practicable to provide sufficient reserves at the Hemingbrough site to meet the full 25 year national policy requirement. There are a number of significant constraints on 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 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.'

This confirms that there is no certainty as to whether any of site MJP55 will be required and, if it is, that only a small part will be required. Appendix 1 pages 77-80 show that the site could extend to as much as 112ha, with a huge detrimental affect on the local environment as set out in the analysis. The current allocation contains no controls on how much of the site could potentially be needed but it is obvious that only a much smaller part of the site could potentially be required. Leaving the area as currently proposed leaves the developer with little constraint to minimise the area to that realistically required for the Plan period. The area must be reviewed and reduced to the appropriate size in the optimum location before the Plan can be found sound. The Plan is prepared to provide certainty and this is not provided currently. I attach the fuller representations that Escrick Parish Council submitted on previous consultations for the Inspector to consider our full concerns.

(continue on a separate sheet/expand box if necessary)

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Escrick Parish Council
------------------------	------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="MJP06"/>	Policy No.	<input type="text" value="W05"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input checked="" type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	-------------------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

It is important to note that the proposals for landfill at sites WJP05 Land at Duttons Farm, Upper Poppleton and WJP06 Land adjacent to former Escrick Brickworks, Escrick will only be permitted as a means of enabling reclamation of any mineral workings developed in connection with allocations MJP52 and MJP55 as relevant.

Escrick Parish Council has already set out its objection to the scale of the Preferred Area currently shown for site MJP55 in its representation regarding the soundness of policy M13. The same comments regarding the scale of the proposed Preferred Area relates here. However, the policy statement that only the area required for to be reclaimed will be allowed to be filled with landfill is welcomed. Landfill is an accepted means of filling the hole excavated by clay extraction (so long as only inert and non toxic fill is used) so long as quality restoration of the site is guaranteed in the longer term immediately following the completion of all workings (or undertaken on a phased basis if practicable). However, we strongly object to the proposal that hazardous CD&E waste can be tipped without a full assessment being made of the underlying geology of the land – care would need to be taken to ensure that nothing toxic could pass into any local aquifer or watercourse and therefore we consider that the inclusion of hazardous waste is inappropriate in this location.

I attach the fuller representations that Escrick Parish Council submitted on previous consultations for the Inspector to consider our full concerns.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Escrick Parish Council
------------------------	------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="WJP02"/>	Policy No.	<input type="text" value="W11"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

We support in principle Policy W11 and its prioritisation of previously developed land, industrial and employment land for the use of waste treatment facilities – including anaerobic digestion.

Para 3 of the policy states: '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 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 other appropriate on-farm locations will also be acceptable in principle.'

In particular we strongly object to the allocation of site WJP02 North Selby Mine - see site assessment in Appendix 1 pages 140-143. Whilst it is appreciated that the site already has a valid planning consent, this has not yet been implemented and we are not aware of any agreement still in place for the glasshouses (which cover a huge tranche of land) and the deliverability and viability of the site is currently uncertain. There was strong opposition to the site's proposals at that time as they undermined the original principle that the previous permission for the mine was granted on the basis that the site would be restored to agricultural use. Because of non enforcement by NYCC, this then became questioned by the applicant who tried to state that the land was a brownfield site. York Council was forced to reappraise the application and conceded that the site is within the York Green Belt, which has now been confirmed by their latest Local Plan document. The allocation of this site as an AD facility within the York Green Belt is totally contrary to Policy W11 which requires sites to meet the stated locational criteria which this site does not. Neither is the site a brownfield site nor were any assurances made at the application stage that the waste would be locally sourced and produced. Therefore, apart from compounding the 'mistake' of a previous non implemented consent, there is no valid planning reason or policy support within the Plan for this site to be allocated should the existing consent expire shortly in April 2017. As the Plan will not be adopted by April, if the site's permission has not been implemented, then the land's future should be allowed to be determined by normal Green Belt principles in accordance with Government Policy.

(continue on a separate sheet/expand box if necessary)

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Escrick Parish Council
------------------------	------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.129"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input checked="" type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	-------------------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Para 5.129 correctly states, when considering the potential affect of hydrocarbon development, that 'Although the City of York is not protected in the same way as National Parks and AONBs, the historic character and setting of the City is a key reason for having designated the York Green Belt, one of only six cities in England where this reason applies, and the historic City as a whole does not benefit from any other specific national policy protection. The relatively flat and low lying landscape around York allows for long distance views of the Minster and other landmark buildings which are integral to the setting of the City. For these reasons, applicants will need to consider carefully the historic character and setting of the City when siting and designing proposals for surface hydrocarbons development within the City of York Green Belt. Where necessary, mitigation measures should be provided to prevent any unacceptable impact. Further details on the Green Belt can be found in Policy D05.'

Escrick Parish Council supports the recognition that the City of York and its historic character and setting are a key reason for having the York Green Belt. The Plan statement in this paragraph reflects good Green Belt practice. However, we consider that this important sentiment should be equally applied to other minerals and waste uses in the Plan where this protection and consideration must equally be applied. Where there may have been inappropriate development approved but not yet implemented in the past (such as the North Selby Mine site – ref WJP02 – which was originally intended to be restored to agriculture use to preserve its Green Belt character and important function for the setting of the City of York), this same York Green Belt consideration should be applied. Therefore we require that this same criteria be applied to other policies as appropriate for each of the uses under consideration in the Plan before any of the proposed Allocations or Preferred Areas are confirmed.

Furthermore, the cumulative impact of their proposals and their traffic and transport implications should also be considered, in line with the objectives set out in paragraph 42, on a particular road network if only road transport is available (see our response on para 42) – eg the A19 between Selby and York is already overloaded and congested and further proposals using large numbers of HGVs will have massive implications for the local road network and environment for local communities and climate change objectives.

ESCRICK PARISH COUNCIL

Representation on the Planning Application Reference 12/03385/FULM, North Selby Mine, New Road, Deighton, York.

"Demolition of existing buildings and re-profiling of bunds and areas of the former mine, construction of an anaerobic digestion combined heat and power facility and horticultural greenhouse and associated infrastructure and works."
(reconsidered application following quashing of approval)

Notification of the Decision of the Parish Council

The Parish Council reconfirms its **OBJECTION** to the proposal which is located within the civil Parish of Wheldrake on the planning grounds set out below:

Introduction

The Parish of Escrick lies immediately adjacent to the Parish of Wheldrake. Whilst the North Selby Mine is located in Wheldrake Parish, it should be noted that the main access road to the site is located immediately north of the village of Escrick, off the A19, and the village is a significant settlement within close proximity of the site. Any development here would therefore have a significant impact on the residents of our village.

The Parish Council acknowledges that there are National and Local requirements to deal with waste materials in a way which are sustainable and minimise the impact on the environment, and understands that such requirements are already being planned for elsewhere by the Council. The Parish Council also recognises the need to reduce carbon emissions resulting from the production of electricity and heat. However, we are concerned about the impact the proposed development would have on the Green Belt where 'very special circumstances' have to be demonstrated for any development to be permitted; we do not believe that these have been shown in any way that would override the presumption against major developments in the Green Belt. We also believe there would be various significant amenity implications for our residents including those of visual amenity, noise, smells, light and, most importantly, traffic.

We note the recent quashing of the previous decision on the basis that the Council should have considered the application on the basis of a 'cleared site' (as the applicant's appeal against the Enforcement Action quite rightly taken by the Council to clear the site is still pending). However, we also believe that the Council's consideration of this application should treat the proposals as one inter-linked planning use, on the basis that the AD power to be generated is to be used for the heating and lighting of the proposed agricultural use and not transported into the National Grid, and therefore their uses are inter-related and inter-reliant.

Grounds of Objection

1. The Parish Council welcomes the reconsideration of this application but retains its assertion that the proposal would be inappropriate development within the Green Belt and that the 'very special circumstances' required to

permit the development have not been demonstrated. The proposed buildings would be on an industrial scale and include tall structures (tanks and stacks) and huge massing (A.D. plant and greenhouse building). The associated lighting and noise emission will also be of an industrial scale in a rural environment. We respectively submit that the suggestion from officers that the use of blinds in the Glasshouses in sensitive areas will mitigate light spillage and sky glow during hours of darkness is naive – how will this be monitored and enforced? There are no special circumstances as to why this development is appropriate or needed within the Green Belt and not within a more suitable location, apart from the fact that the owners do not wish to reinstate the site to agricultural use as they previously promised to do when originally granted planning consent. . This scale of development is totally inappropriate in a rural area and especially not within the York Green Belt.

2. The Parish Council considers further that there remains a big question relating to the principle of the development and the Council's assessment on whether the development amounts to inappropriate development in the Green Belt have regard to the NPPF and policies of the LDF. When the application was previously considered, they treated the proposal as two planning units with two separate uses. They said that the horticultural aspect is one of the Green Belt exceptions and is therefore appropriate development (the same as agricultural buildings). This element is then taken out of the site assessment and the basis for assessing the AD facility is whether it would have a greater impact than the existing facility. Since the proposed AD buildings are grouped closer together and overall smaller footprint they concluded it is appropriate development which has no greater impact on the Green Belt. However, this is one proposal on one site for a mixed use facility and should be treated as one planning unit. The two uses are linked together as one scheme. The assessment in terms of previously developed sites should consider the scheme as a whole. The glasshouse will use heat from the AD and is therefore linked. Taken together the proposal is massively greater in footprint than the existing proposal and has a far greater impact on the Green Belt than the current development (ie. an increase from 10,363m² to 57,405m², more than five times larger!). As such it is clearly inappropriate development in the Green Belt. Harm to the Green Belt results from the substantial increase in built form, the heights of the structure, the visual impact on the surrounding area and the intensification of the use. There are clear grounds for rejection on this basis. The height of some of the structures at 22.5m (nearly 74 ft), 18m, 2 x 15m, 2 x 12 m will be widely visible from the surrounding countryside and compound the harm to the Green Belt.

3. There is also no certainty provided about the sources of suitable waste materials needed to power the operation of the AD plant, a large proportion of which is likely to originate from outside the local area. Assumptions are made about the availability of suitable waste from Hull and East Yorkshire and Leeds and West Yorkshire with no commitment to only source from these extensive areas; it is highly probable that some will come from further afield which must increasingly question the sustainability credentials of the proposals and the CO₂ emissions that will emanate from vehicles travelling long distances. We do not believe that it is appropriate to import feedstock and other waste materials

predominantly from outside the York and Selby area, with the impact that will have on the transport infrastructure, and particularly on the A19 through Escrick. It is also not sustainable for these materials to be transported long distances when it would be far more appropriate and sustainable to locate the plant close to the source of these materials, which is also more compatible with Government advice.

The proposal indicates that a large proportion of the waste feedstock would originate via the M62 corridor. We understand that a site search indicated that the best site was Kellingley Colliery. Peel Environmental previously started the consultation process for a large 'energy from waste' facility to be developed at Kellingley which is well located to receive feedstock via the M62 corridor. The Parish Council considers that the AD facility would be better located at the large Kellingley site or an alternative site near the M62 corridor which has road, rail and/or canal direct links. These are not Green Belt locations, are close to the strategic road network and therefore are far more appropriate locations for such a development.

4. The proposed facility would require significant movement of vehicles to import waste feedstock, remove residual products and transport employees. Whilst the submitted traffic surveys indicate that the vehicle movements generated by the development would not have a significant effect on the overall traffic movements on the A19, the Parish Council believes that the A19 corridor is already highly congested and experience significant delays both at peak times and at weekends. You will no doubt be aware that there were never previously any significant levels of traffic associated with North Selby Mine as employees operated a shift system and all coal was transported underground. The proposed net increase of traffic will exacerbate the already congested highway network and will make travel for local residents even more difficult. In addition the Parish Council is concerned about the routing of "merchants" vehicles which will be uncontrolled until they enter the site access road. This could result in a high proportion approaching via the Escrick Parish. We believe that a large proportion of traffic will travel through Escrick, coming from the M62 corridor. In any event, the A19 is already congested going both north to York and the A64 and south towards Selby and the M62, with significant delays experienced which the proposed additional traffic will severely add to. As a minimum, conditions should be imposed restricting HGVs from travelling through Escrick Village (via Skipwith Road) and the local rural road network.

5. The inter-relationship between the AD facility and the glasshouses is constantly emphasised throughout the application, with the power emanating from the AD plant to be used to power Plant Raisers Ltd's operation. There is no surplus proposed to be transferred to the National Grid nor local energy provided to the local community, despite the aspirations and conditional support from York Environment Forum on this basis. Moreover, the assumption that new jobs will benefit the local economy is also questionable. The future occupier and beneficiary of the glasshouse operation is stated as Plant Raisers Ltd, a company currently located some 17 miles away at Howden and '3 km away from the M62 (J37) and within 30 minutes from the M1 with excellent access to the UK and

ports' (according to their website). Also the Travel Plan says that some employees will be transported in minibuses to the new site as local public transport is poor and inaccessible. There appear to be no exceptional circumstances why a major development in the Green Belt should be permitted which is being justified by the translocation of a business close to the M62 corridor which is a far more suitable location for both the AD facility and the glasshouses.

6. There is also no information proposed regarding the eventual decommissioning of the plant and equipment, any measures for decontamination of the site and its following use or status. Please advise how these measures will be dealt with in an enforceable way.

Concluding comments

The Parish Council recognises that a semi-derelict site exists at the former North Selby Coal mine and that action needs to be taken. We have strongly urged City of York Council to enforce the planning conditions attached to the original consent for the mine which require the site to be restored to agricultural use, as was originally agreed by the vendor in exchange for the original planning consent, which is an appropriate Green Belt function.

There have been a number of public exhibitions and consultations within our village undertaken by the applicant where the overwhelming majority of attendees strongly objected to the proposals.

The view of Escrick residents is that the site must be restored to agricultural use in accordance with the previous consent. The York Green Belt has historically performed an important function in preserving the setting of the City of York and there have been no exceptional circumstances demonstrated in this application to overturn this principal. We strongly **object** to the application and request that it be refused.

We look forward to hearing from you further in due course in response to the above. I would also be obliged if you would advise us of City of York Council's decision on the application in due course.

Linda Reader, Clerk

on behalf of Escrick Parish Council

November 2013

Escrick Parish Council

NYCC Minerals and Waste Consultation Response

DATE : 17 FEBRUARY 2016

Review site Ref	MJP 55 Extraction and WJP 06 Filling with Waste
Address	Land adjacent to former Escrick Brickworks

PARISH COUNCIL RESPONSE BY THE CLERK

Signed :	Date :
Comments prepared by working group on	Date: 17 February 2016

COMMENTS ON MINERALS AND WASTE JOINT PLAN

Having not been advised of the consultation on the Preferred Options, despite having made representations on previous stages of consultations and having such a massive site of 59 ha (almost 146 acres!) being proposed within its Parish, Escrick Parish Council thanks NYCC for the extension on the consultation offered to allow it to be considered at the recent Parish Council meeting and would like the following comments to be considered in relation to the above Consultation references.

Notwithstanding the following comments provided on the proposed allocation of the land adjacent to the former Escrick Brickworks and taking into account the Council's own assessment of timing as advised by the applicants, we would advise that we consider that the scale of the proposals is totally at odds with the timescale of the Plan Period itself. The Plan Period for the Minerals and Waste Joint Plan is to cover the period up to 2030. Yet the estimated date of commencement of the proposals of this site (given that there are existing reserves still to be worked on the adjacent land that already has consent) is 2025, with a subsequent 27 years working period (taking the period under consideration to beyond 2050). Should this site be deemed to be a suitable location for an extension, then there is therefore only a need to find enough land for a further 5 years period or so and therefore it would only be appropriate for a substantially smaller site to be allocated at this stage. The site under consideration therefore needs to be substantially reduced if it is to be found 'sound' and meet the needs of the Plan Period.

These comments apply to both numbers of the site above.

- 1. To protect and enhance biodiversity and geodiversity and improve habitat connectivity:** The assessment accepts that there is likely to be an important impact due to the close proximity of international / national and local designations and key features, including a Natura 2000 site and SINC which are important environments and amenity areas to the local area and cannot be easily replaced. Whilst the report says that there *may* be opportunities to bring 'long term benefits', there is no certainty of this and these would only be once restoration is complete and into the 2nd half of this century, beyond 2050 at the earliest. In the interim, on-site habitats and associated

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species – included some protected species – would be lost for a substantial period of time. In our view, the losses in the short term would not outweigh the only vague possible benefits in the very long term future.

2. **To enhance or maintain water quality and improve efficiency of water:** There are various potential impacts noted in the assessment, including removal and storage of overburden and fuel spills on site which could release pollutants which could make their way into the 'Riccall Dam Catchment' RBMP water body. Compaction by vehicles may also be an issue on site which may create pathways for on-site run off.
3. **To reduce transport miles and associated emissions from transport and encourage the use of sustainable modes of transportation:** We note that the assessment considers that the site would generate 50 two way HGV movements a day and 7 light vehicle movements accessed via the road that services Escrick Business park and then via the A19. The A19 is already a very heavily traffic road, especially at peak times. Lorries either removing excavated materials or bring waste fill would further compound the traffic delays being experienced on this busy commuter road. Recently approved development sites such as the North Selby Mine, major proposed housing allocations in Riccall, Barlby and Selby (including the strategic Olympia Park site) will further compound the traffic congestion already experienced on a daily basis on the A19. At peak times, traffic can already queue as far back as to Riccall from the Designer Outlet. With the ever increasing build up of traffic on the A19, the current long term nature of the proposed operations - a 27 years period - and consequential increase in traffic from the operations must pose the question whether this is a sustainable site in the longer term. We submit that more appropriate locations for mineral / clay extraction would be those strategically located neared to the motorway and trunk road network and NYCC should allocate sites that better meet these criteria elsewhere.

Furthermore, the assessment notes that the site would be likely to have dust /noise impacts on the nearby Escrick Business Park and bisects the Trans Pennine Trail and that consequently mitigation would be required. Thus the proposed operations would have a potential impact on the amenity of existing private residences in the vicinity of the land, as well as two Farms and also the businesses on the currently expanding Escrick Business Park. In particular, there is a Children's Day Nursery with an outside play area, and there could be environmental health issues (eg from dust) arising from the site's proximity of residents, employees and children in this area. Therefore the suitability of the site must be questioned due to the potential health and amenity implications for those already living and working nearby, including children.

In addition, the assessment totally ignores the longer term implications and likely impact on usage of the Trans Pennine Trail, apart from noting that that the proposals would pass through, surround and bisects the Trail which is currently a well used pedestrian and cyclist route. It is part of the National Cycle Network as well as part of European walking route E8 and therefore must be protected. It is the only route for

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pedestrians and cycles linking York and Selby away from the A19, which has no pedestrian and cycle facility along its route. Should the northern site be developed / excavated, a minimum of one road would need to be created and this would bisect the Trail, which would create a conflict between the two uses and would have serious detrimental impact on the amenity of users and would discourage its use. And this totally ignoring the emissions and amenity affects outlined in the assessment. To destroy that environment and thus discourage usage of the Trans Pennine Trail is totally in conflict with the aims and objectives of the policy which is *'to reduce transport miles and associated emissions from transport and encourage the use of sustainable modes of transportation'*.

4. **To protect and improve air quality:** The assessment notes that HGV traffic may generate dust in dry conditions and that there will be local negative effects from dust and air pollution that may affect the adjacent industrial estate and users of the Trans Pennine Trail. As several settlements lie close to the A19 and en route to the brickworks, it states that these receptors may see slightly raised air pollution levels, though not at a 'significant level'. Again we draw your attention to the comments above where we raise concerns for those living and working nearby. The amenity of existing nearby houses (such as Brickworks House) and the children's nursery, as well as nearby settlements, must be protected.
5. **To use soil and land efficiently and safeguard or enhance their quality:** The assessment notes that possibly 59 ha of the best and most versatile land will be lost; a major negative until restoration. National policy requires that the best and most versatile land should be protected, for good sustainable reasons. The site concerned comprises good quality agricultural arable land which is in an attractive area of Escrick Parish. It is currently tenanted and in food production, all of which would be lost should the site be developed as proposed. This would be a loss of employment for those farmers concerned and the loss of good quality local food production, again currently meeting local and national sustainability objectives, which must be a material consideration when considering the suitability of this site against other competing sites for clay production and inert waste disposal.
6. **Reduce the causes of climate change:** The assessment notes that areas of habitat would be lost, and neighbouring priority woodland may be deleteriously affected by changes to hydrology (e.g. a changed surface water regime). Moreover, this site would eventually shift 5 million tonnes of clay off site (over 25 years) and also ship in significant waste for landfill (see WJP06). **This would over time result in a significant and permanent release to the atmosphere.** This would conflict with international, national, regional and local objectives to reduce climate change and cannot be ignored. Due to the huge size of the site proposed, this would have longer term implications for the local environment which are not acceptable.
7. **To respond and adapt to the effects of climate change:** The assessment states that flooding will be an issue with a moderate risk from future river flooding and a low risk

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from surface flooding (but with patches of high risk). This will require an appropriate FRA and emergency planning procedure to be put in place and suitable application of an on-site sequential approach. It should be noted that extensive areas of fields surrounding the A19 between Escrick and Selby were under water for a substantial period of time following the recent floods in December 2016; the Flood Zone maps and sequential test should be updated to reflect this as it would be highly detrimental and totally contrary to Government policy if further flooding took place as a consequence of the proposals.

- 8. To conserve or enhance the historic environment and its setting, cultural heritage and character:** The assessment acknowledges that there is high archaeological potential for the survival of archaeological remains within the site from the later prehistoric period onwards and, although the site has not been archaeologically evaluated, it is assumed that allocating this site would be likely to cause the loss of these archaeological remains if the site is extracted without mitigation. The archaeological impact will occur throughout the duration of extraction. It is assumed that excavation will result in the **total destruction** of the archaeological remains. As archaeology is a finite, irreplaceable resource, the impact of loss of this massive site will therefore be significant.

It notes that also of significance is the site's proximity to the Escrick Conservation Area. Therefore there would need to be an evaluation of any impact on the Conservation Area and parkland (Escrick Estate). The site concerned is in an attractive area of Escrick Parish, of which in particular that between the Trans Pennine Trail and the A19 trunk road is of high quality landscape value with attractive hedges and mature trees and is of no doubt also ecological significance. The loss of the massive northern area in particular would have a serious detrimental impact on the historic environment of Escrick and its setting, cultural heritage and character, and this part of the Vale of York seen from the A19 and the Trans Pennine Trail.

- 9. To protect and enhance the quality and character of landscapes and townscapes:** The assessment states that the site is not within a locally protected landscape, but it would be visible from the Trans Pennine Trail. The site is about 1.5-2 km from Escrick and is visible from the A19 on the approach from the south. This area would also be sensitive to change due to the proximity to Escrick Park. These are all important environmental factors and the proposals – in particular the massive northern site that abuts both the A19 and the Trans Pennine Trail - would totally destroy the environment for those using these routes.

It acknowledges that the site is currently countryside degraded by large scale hedgerow and hedgerow tree loss as it is in intensive agricultural use (see 5 above), but it is relatively unspoilt by development and within a landscape influenced by the Escrick Estate. Larger scale mineral extraction would represent a significant change. The existing brickworks site is isolated from other similar development and is not currently conspicuous from the A19 although it would be from the Trans Pennine Trail.

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Therefore the two sites proposed should be separately considered in this and in many other regards.

The assessment acknowledges that there is a need to establish the landscape sensitivity of this area and asks the crucial question '*Is the site too big for this landscape, or could it be phased?*' An evaluation of the impact on Escrick Conservation Area & the designed landscape of Escrick Park is required. We fundamentally agree with this question and respond that yes, for all of the reasons outlined, the site is too big and must be reconsidered further.

- 10. Achieve sustainable economic growth and create and support jobs:** The assessment (12) acknowledges that the clay may need to travel to another facility to actually make the bricks (possibly 20 km away), even if the actual bricks are eventually used locally, of which there is no guarantee. Most larger housebuilders will have a national purchasing agreement and will not buy locally sourced materials, and smaller builders will order and purchase from wherever is most economic. Therefore there is no known sustainability advantage of the location. Whilst there may be a limited number of jobs gained from the extraction operation, there will be a consequential loss of farming jobs. Likewise, the encouragement of jobs created by lorries travelling long distance has poor environmental, climate change and sustainability credentials. Therefore we fail to see the positives cited.
- 11. Maintain and enhance the viability and vitality of local communities:** The assessment seeks to justify the location and extent of the site due to the fact that the site is located close to several villages where some small developments may be permitted (Escrick is one of the smaller Designated Service Villages in the District) and Secondary Villages where only the occasional infill plot may be developed. However, for the reasons outlined in 10 above, it is extremely unlikely that any bricks will be used locally; neither do the timescales of the materials being produced match with when such properties may be developed as these would only become available towards the end of the Local Plan period. The effect on the amenity and amenity value to Escrick Park Estate and the Trans Pennine Trail as well as the wider Vale of York along the A19 is totally ignored and undervalued.
- 12. To provide opportunities to enable recreation, leisure and learning:** As per 11 above, the effect on these areas (14) is totally ignored and undervalued. Users of the Trans Pennine Trail would experience major visual intrusion, as well as noise and dust impacts (including from any movement that might take place on the bridge across the Trans Pennine Trail), if the large northern site which surrounds the trail for an extensive area is allowed to be developed. Although not a National Trail, this is a nationally significant trans regional route. Significant investment has taken place to create a valuable well used resource and this should not be allowed to be compromised purely to facilitate a development that is far too large and not required for this Plan period.

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- 13. To protect and improve the wellbeing, health and safety of local communities:** Again the local impact is ignored in favour of regional impact (15). The majority of users make local journeys; the majority of cycle and pedestrian journeys take place between York and Selby, in order to avoid the A19 where there is no alternative safe cycle or pedestrian route (as there is no continuous footpath or cycle link along the majority of the A19). Therefore users of the Trans Pennine Trail will have the 'choice' of either finding that an extensive section of this walking / cycling route changes detrimentally in terms of character, noise, dust and smell for a significant period of time (25 years), or they will have to walk or cycle along the already dangerous heavily traffic A19 which has not been designed for this purpose. Again the Parish Council objects to the analysis whereby the impacts are considered 'insignificant' and 'minor negative' with no negative scoring, given that there will be an adverse effect on their wellbeing, health and safety for a substantial period if the site as a whole is developed.

In conclusion, there is a huge difference to the Parish of Escrick and many surrounding settlements and the wider environment as to whether the whole of this site is considered further as a Preferred Option or only part, which the report does consider and would be more compliant with the Plan Period. In our view, we would have considerably less concerns and could potentially support the allocation of the substantially smaller parcel of land immediately to the west of Glade Farm and to the south of the existing extraction area only, but NOT the substantially larger parcel to the north. This smaller parcel, if considered suitable, would provide a continuation for the existing business and its employees and would provide more than enough material for the foreseeable future. It would allow a reasonable timescale of production of many years into the medium term and fit within the Plan Period and beyond.

However, in our view, the huge area to the north surrounding Mount Farm, and which is crossed by the Trans Pennine Trail, should NOT be allocated. This site is far too large, would be for the Period well beyond 2030 and potentially up to 2050 (the following Plan Period) and therefore is premature for even consideration at this time. The site concerned comprises good quality agricultural arable land which is in an attractive area of Escrick Parish. The land particularly between the Trans Pennine Trail and the A19 trunk road is of high quality landscape value with attractive hedges and mature trees and is of no doubt ecological significance. The extraction of clay from the larger area cannot be supported and even worse, the subsequent tipping would be readily visible.

It goes without saying that any site that may be allocated should have all of the necessary safeguards for the protection of amenity for all nearby residents and businesses during the extraction, filling and restoration period and full restoration following completion to a suitably high environmental standard (so that the recent problems regarding North Selby Mine are not repeated in the future and where restoration could not be enforced, despite the 'safeguards' and promises at the time that the land was granted consent.) We would expect that if any planning permission is granted in the future, that it include a S106 Agreement guaranteeing that the restoration is to a suitable high environmental standard to reinstate the high quality of this sensitive landscape in the Vale of York.

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Thus the assessment's question *'Is the site too big for this landscape, or could it be phased?'* is the correct one. Escrick Parish Council fundamentally agrees with this question and respond that yes, for all of the reasons outlined, the site is too big. When considering the Plan Period, there is fundamentally no requirement for such a large allocation that would totally destroy the local environment, have significant effects on climate change, and would have massive amenity and economic implications for those affected by the proposals. We consider that the assessments should be re-undertaken for the smaller area immediately to the west of the existing workings near Escrick Brickworks / Glebe Farm only, where a far lesser adverse impact will arise.

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A single line of handwritten text, possibly a signature or a closing.

mwjointplan

From: Victoria Pitts <esk.ugg@googlemail.com>
Sent: 06 December 2016 20:25
To: mwjointplan
Subject: Re: Minerals and Waste Joint Plan - Publication Stage

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Team

It was resolved not to comment on this plan at the meeting of Eskdaleside cum Ugglebarnby Parish Council on the 5/12/16.

Regards

Victoria Pitts
Clerk
Eskdaleside cum Ugglebarnby Parish Council
Davison Farm
Egton
North Yorkshire
YO21 1UA

Tel: 07791889737
Email: esk.ugg@gmail.com

On 9 November 2016 at 13:36, mwjointplan <mwjointplan@northyorks.gov.uk> wrote:

Dear Parish Clerk,

Minerals and Waste Joint Plan – Publication

North Yorkshire County Council, City of York Council and the North York Moors National Park Authority are working together to produce a Minerals and Waste Joint Plan covering all three planning authority areas. When finalised the new Joint Plan will help the three authorities take decisions on planning applications for minerals and waste development up to 31 December 2030. A number of public consultations have already taken place to help develop the new Plan, including an 'Issues and Options' consultation in 2014 and a 'Preferred Options' consultation in 2015.

A final draft of the Joint Plan has now been prepared and is being published for a six week period to allow for representations to be made, before it is submitted for examination in public by an independent planning inspector. At this stage only representations relating to the legal

compliance and soundness of the Joint Plan are required. More information about this is contained in the guidance notes attached with this email.

The formal publication period commences on **Wednesday 9th November 2016** and will close on **Wednesday 21st December 2016**. All responses must be received by **5pm** on that day. Please note we will be unable to accept responses after this deadline.

The Joint Plan and supporting documents are available to view on the Joint Plan Website: www.northyorks.gov.uk/mwconsult . Paper copies of the Joint Plan and main supporting documents, including a response form and guidance notes, are available to view during normal opening hours at all public libraries in the area covered by the Joint Plan, including mobile libraries and at all main offices of the three Authorities, as well as at District and Borough Council main offices and the National Park Centres.

Please see attached to this email:

- Formal Publication Letter,
- Statement of Representations Procedure,
- Response Form (Part A & Part B) and
- Guidance Notes

For further information about the Minerals and Waste Joint Plan please visit our website: www.northyorks.gov.uk/mwconsult

Yours faithfully

Minerals and Waste Joint Plan Team

On behalf of:

North Yorkshire County Council, City of York Council and North York Moors National Park Authority

This email has been sent on behalf of North Yorkshire County Council (NYCC), City of York Council (CYC) and North York Moors National Park Authority (NYMNPA).

WARNING

Any opinions or statements expressed in this e-mail are those of the individual and not necessarily those of NYCC, CYC or NYMNPA.

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North Yorkshire County Council

City of York Council

North York Moors National Park Authority

RECEIVED 19 DEC 2016

Response to Minerals and Waste Document

Dear Sir,

We represent Gilling East Parish Council and wish to comment on policies M16, M17 and M18 relating to unconventional oil and gas developments. Although Gilling East is situated in the Howardian Hills AONB, we feel that all proposals in the plan apply to us as 'national interest' appears to remove the protection we have as a specially designated area.

Despite the fact that the consultation is limited to legal compliance and adherence to the tests of soundness in the NPPF, Policy M16 appears to have changed considerably since the preferred options consultation. Therefore the scope of the consultation should be widened to accommodate more general commentary, as per the Town and Country (local planning) England Regulation 2012. This does not limit the scope of the consultation at the Regulation 19 (publication) consultation stage.

Climate Change.

Gilling East is a village prone to flooding and is therefore acutely aware of the impact of climate change. Policies as a whole must contribute to the mitigation and adaptation of climate change (Planning and Compulsory Purchase Act 2004). Policy M16 needs to give special consideration to the issues of burning fossil fuels and methane leakage.

Local Impacts on Environment and Health

Gilling East would face a large range of impacts, including landscapes and visual, health and wellbeing, water, biodiversity and especially highways. The village is astride the B1363. It is difficult to see any protection for the village if the proposal to use 'B' roads were to proceed.

Cumulative Impacts

The Minerals Planning Authority should adopt the precautionary principle in terms of unconventional gas extraction's known environmental effects, especially with regard to water.

Objections

We object to policies M16, M17 and M18 for the following reasons:

- Failure to take account of the need to tackle the causes of climate change in terms of the reduction of greenhouse gas emissions caused by burning extracted fossil fuel, in line with the national policy.
- The Vale of Pickering and the Yorkshire Wolds are not included in the 'protected areas' stipulated in Policy M17. These are sensitive and precious landscapes and should be treated as such.
- The proposed 500 metre buffer zone in policy M17 is insufficient. No rationale is given for it and it is unlikely to substantially limit impacts on air quality and noise. It should be increased to at least 750 metres, a distance supported by evidence from

the United States. Similarly, the proposed buffer zone of 3.5k should be absolute and not dependent on visibility from the protected area.

- As many of the impacts of unconventional oil and gas (exploration, appraisal and production) are unknown, the precautionary principle should be adopted.
- The plan does not take into account the impacts of unconventional oil and gas developments in terms of highway safety and vehicle emissions. Because of the nature of settlement development on a linear model in Ryedale, all 'B' roads should be excluded from consideration.

Key Policy Amendments:

Policy M16 pt (b) (regarding climate change requirements, precautionary approach and cumulative impacts)

...b) [INSERT] Proposals will only be considered where they can demonstrate by appropriate evidence and assessment that they can be delivered in a safe and sustainable way and that adverse impacts can be avoided – either alone or in combination with other developments. Consideration should include:-

- **It being demonstrated that greenhouse gases associated with fugitive and end-user emissions will not lead to unacceptable adverse environmental impacts or compromise the planning authority's duties in relation to reducing greenhouse gas emissions.**
- **a precautionary approach to unconventional oil and gas development in requiring environmental impact assessment;**
- **cumulative impacts for such development including issues such as (and not limited to):**

-water, air and soil quality; habitats and ecology; highway movements and highway safety; landscape impact; noise; and GHG emissions;

Policy M16 pt (c) (regarding inclusion of Yorkshire Wolds and Vale of Pickering landscape areas)

c)...

i) Surface proposals for these forms of hydrocarbon development will [INSERT] not be permitted [INSERT] unless they would be outside [INSERT] and respect the setting of the following designated areas: National Park, AONB's, 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, [INSERT] The Vale of Pickering and the Yorkshire Wolds, Special Protection Areas, Special Areas of Conservation, Ramsar sites and Sites of Special Scientific Interest.

Policy M17 part 1 (regarding highway impacts)

...i) Hydrocarbon development will [INSERT] not be permitted in locations [INSERT] without suitable direct or indirect access to classified A roads and where it can be demonstrated

through a Transport Assessment [INSERT] either singularly or cumulatively with other schemes 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 communities [INSERT] including indirect impacts linked to air quality (re Air Quality Management Areas), 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 [INSERT] away from sensitive areas and receptors; and

M17 pt 3 (regarding the local economy)

...Hydrocarbon development will [INSERT] not be permitted [INSERT] unless it can be demonstrated that a very 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.

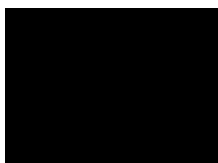
M17 pt 4 (regarding amenity)

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 [INSERT] 750m of residential buildings and other sensitive receptors, are unlikely to be consistent with this requirement and will [INSERT] not be permitted...

iii) Proposals involving hydraulic fracturing should be accompanied by an air quality monitoring plan and Health Impact Assessment [INSERT] which includes consideration of the baseline and how the development will mitigate effectively to maintain these levels enjoyed by local residents. Where it cannot be demonstrated these levels can be maintained, then development will not be supported.

Gill Smith (chairperson)



Peter Allen (Parish Councillor)



JOINT MINERALS AND WASTE PLAN

Report by Councillor Paul Andrews

The Joint Minerals and Waste Plan has been prepared by the City of York, North Yorkshire County Council and the National Park. It has been published as a consultation draft, and the time limit for receiving representations is 21st December. The plan can be inspected on www.northyorks.gov.uk/mwconsult. The part of the plan which is most controversial and directly affects all settlements within the Vale of Pickering, including Malton is the Section on "Hydrocarbons (oil and gas)" on pp 75 -99. This includes hydraulic fracturing (fracking).

The draft plan is not concerned with the general issue as to whether or not fracking should be banned, as it takes its authority from national government policy.

The draft plan is not concerned with operational safety or the enforcement of regulations as this is covered by national agencies. Its task is to set policies which, inter alia, will establish where this kind of development should be allowed and the density of development.

As regards fracking, Policy M16 excludes surface sites in certain areas (eg, National Parks, AONB's, Protected Groundwater Source areas, world heritage sites and buffer zones, Scheduled monuments, historic battlefields, Areas which protect the Historic Character and Setting of York, Special Protection Areas, Special Areas of Conservation, Ramsar sites and SSSI's).

As regards density, Policy M17 purports to limit the density of production sites (well pads) so as to ensure that the development will not give rise to unacceptable cumulative impact. However, para. 5.137 sets the density in broad terms as 10 production sites (well pads) every hundred square kilometres. 100 square kilometres equates to 38.6 square miles which is an area just larger than six miles by six miles. In other words, what the plan sanctions (if pads are spaced out at equal intervals) is one production site approximately every three miles in every direction. NB: there is no requirement for well pads to be spaced out evenly within each 100square kilometre area. Para. 5.146 states that there should be a separation distance of 500m between well pads and the nearest residence. I can find no reference to a separation distance between well pads and schools or the boundaries of settlements.

Para 5.134 indicates that a typical production site (well pad) will have a surface area of 2ha and "several individual well heads".

Members should consider whether development of this kind and at this density would completely change the character of the town and the district in which we live. I set out as an appendix my understanding of what fracking involves.

The draft minerals plan makes no reference to the Ryedale Plan, which I believe must be a material planning consideration. The Key Diagram on Page 42 of the Ryedale Plan shows the entire Vale of Pickering, The Yorkshire Wolds and the Ryedale part of the Vale of York as "Landscape of Local Value and Areas of High Landscape Value." Ryedale's policies in regard to these areas is set out in Policy SP13 of the Ryedale Plan. These can be summarised as the protection and enhancement of distinctive elements of landscape character that are the result of historical and cultural influences, natural features and aesthetic qualities.

It is therefore difficult to understand why the Vale of Pickering and the Yorkshire Wolds should be treated any differently from, say, "Areas which protect the Historic Character and Setting of the City of York" which are protected by Policy M16 of the draft minerals plan.

The only objections to the draft plan which will be considered at this stage are those which are material to the "soundness" of the draft minerals plan. "Soundness" is given a restricted definition, which includes a requirement that "the plan should enable the delivery of sustainable development in accordance with the policies of the National Planning and Policy Framework" (NPPF).

The Ryedale Plan is an adopted local plan which has statutory force and has been made in accordance with the requirements of the NPPF. It follows that the draft minerals plan could be unsound, if it fails to take proper account of Policy SP13 of the Ryedale Plan.

It is therefore **recommended** that the Council gives notice of its intention to be represented at the Examination in Public to the draft minerals plan and objects to it on the following grounds :

"The draft joint waste and minerals plan is unsound because the section on Hydrocarbons (paras 5.93 – 5.161) is inconsistent with National Policy in that it fails to take into account Policy SP13 of the Ryedale Plan which is an adopted Statutory Plan made in accordance with the NPPF in the following respects:

- 1. The failure to include the Vale of Pickering and the Yorkshire Wolds under Policy M16 (b)(i) as one of the areas where hydraulic fracturing would not be permitted;**
- 2. The scale and density of well pads proposed in regard to the SP13 policy objective of the protecting and enhancing distinctive elements of landscape character that are the result of historical and cultural influences, natural features and aesthetic qualities.**

The Council therefore requests:

- a) the insertion of the words 'land shown on the Key Diagram of the Ryedale Plan as landscape of local value and Areas of high landscape value' after the words 'Areas which Protect the Historic Character and Setting of York' in Policy M16(b)(i)**
- b) The modification of para 5.137 by substituting '10 well pads per 1,300 square kilometers' for 'ten well pads per 100 square miles' "**

APPENDIX

I understand it takes about one hundred days, drilling day and night, to drill each borehole. The drilling is noisy and the rig is let up like a Christmas tree at night. Once started, the operation cannot stop until the bore is completed. If there is going to be only one drilling rig on each well pad, and the pad is to have 50 boreholes, the drilling could go on continuously for as many as fifteen years without stopping. In fact, there are statements made by the fracking industry which make it clear they expect each production site to have a life of 20 – 25 years.

However, that is not the end of the process. I understand that the drilling rig would have to be in place during the fracking operation, and again this will be noisy. Further, during production there will have to be compressors in operation. These too are noisy. Flaring may also be necessary.

The process of production is not a single frack for each bore. It is a succession of fracks. The first frack takes place at the furthest end of the bore. It is an underground explosion followed by the injection of fluid containing toxic chemicals under extreme pressure. Once the gas has been extracted, there has to be another frack further back along the bore and the process is

completed all the way back to where the bore becomes vertical etc. I am not sure of the distance between fracks, but I've heard from some sources that the frack has to be repeated every 60 feet and from other sources that the fracks have to be repeated every 200 feet.

The vibration from each frack can cause tremors, which although minor, can damage the foundations of buildings and the concrete casings and steel pipes of the bore and of other nearby or adjacent bores, thus giving rise to risk of pollution to water supplies etc.

After an area has been fracked, the fracking company can repeat the process with new bores and "refrack".

The safety of the process is monitored by an "independent" examiner who is appointed and paid by the fracking company and therefore is not truly independent.

COUNCILLOR PAUL ANDREWS

19TH November 2016

Joan Jackson

From: nicky@magellason.co.uk
Sent: 20 December 2016 09:04
To: mwjointplan
Cc: steve@environmental-art.co.uk
Subject: Waste and Minerals Joint Plan Consultation Submission
Attachments: report to council on JWWMP191116.docx

Nicky Mason
Clerk of Great Habton Parish Council
7 Beech view
Great Habton
YO17 6TX

nicky@magellason.co.uk

01653 669326

I am submitting this on behalf of Great Habton Parish Council.

Please submit this report by our chairman as the response to the Waste and Minerals joint Plan. Great Habton Parish Council would like to have representation when the plan goes for public examination

Yours sincerely

Nicky Mason

Clerk

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title: MR	Initial(s): C.H.
Surname: STRATTON		
Organisation (if applicable): South Hambleton Shale Gas Advisory Group, Also representing Coxwold ,Crayke and Husthwaite Parish Councils , Oulston Parish Meeting & Helmsley Town Council		
Address:	Bank Farm	
	Oulston	
	York	
Post Code: YO61 3 RA		
Telephone: 01347 868854		
Email: chstratton50@gmail.com		

Agent contact details (if applicable)

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in separate guidance notes. You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.

A separate Part B form MUST be produced for each separate representation you wish to make. After this stage, further submissions will only be at the invitation of the inspector who will conduct an Examination in Public of the Joint Plan, based on the matters they identify during the Examination.

All responses should be returned by 5pm on Wednesday 21st December 2016. Please note that representations cannot be received after this deadline.

Responses can be returned by email to: mwjointplan@northyorks.gov.uk or by post using the address below:

Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	SHSGAG. With Coxwold, Crayke, and Hustwaite PCs, Oulston Parish Meeting & Helmsley Town Council
------------------------	-------------------------------------------------------------------------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	D06	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to attached Critique Paragraph 3 (b) & (d)

(b) *It is obviously desirable, indeed essential, to eliminate small inconsistencies and ambiguities.*

(d) *Words such as "inappropriate" and "unacceptable" are imprecise and subjective. They are therefore capable of ambiguous interpretation and application. As may be seen in the next paragraph, far preferable and objective are "effective" and "adverse".*

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [REDACTED]	Date: 17 th December 2016
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Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	SHSGAG. With Coxwold, Crayke, and Husthwaite PCs, Oulston Parish Meeting & Helmsley Town Council
------------------------	--------------------------------------------------------------------------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M16	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="text"/>	No	<input checked="" type="text"/>
2.(2) Sound	Yes	<input type="text"/>	No	<input checked="" type="text"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared	Yes	<input type="text"/>	No	<input type="text"/>	Justified	Yes	<input type="text"/>	No	<input type="text"/>
Effective	Yes	<input type="text"/>	No	<input type="text"/>	Consistent with National Policy	Yes	<input type="text"/>	No	<input checked="" type="text"/>

2 (3) Complies with the Duty to co-operate	Yes	x	<input type="text"/>	No	<input type="text"/>
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3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to the attached Critique Para 3 (a) & (c)

- (a) In line with the NPPFs presumption in favour of development it is appreciated why so many of the draft policies begin "will be permitted" but then reservations need invariably to follow the word "unless" or "only".
- (c) **Buffer zones.** We welcome the inclusion of buffer zones to safeguard National Parks and AONBs and strongly support the proposed distance of 3.5km. However a significant discrepancy presently exists between Policy M16 b) (i) and d) (i). As drafted, in b) (i) an absolute prohibition is proposed against all surface development involving hydraulic fracturing in National Parks, AONBs.....Fountains Abbey/Studley Royal World Heritage Site and accompanying buffer zone etc. ; yet in d) (i) all kinds of surface development is anticipated within a National Park or an AONB or associated 3.5km buffer zone with the requirement only of a detailed assessment supporting any application, and permission forthcoming where acceptable harm arises. We

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please refer to the attached Critique

Paragraphs 4 Proposed Amendments 1, 2 &3

1. *Page 84 Policy M16, b) (i), lines 4 and 5: for "and accompanying zone" substitute "(each with accompanying zones of 3.5km)."*
2. *Page 84 Policy M16 d): delete para (i) entirely but retain para (ii) but without its number.*
3. *Page 87, para 5.125, line 1: for "appropriate" substitute "effective".*

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	SHSGAG. With Coxwold, Crayke, and Hustwaite PCs, Oulston Parish Meeting & Helmsley Town Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M17	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to attached Critique
Paragraph 3 (d),(e), and (f)

- (d) *Words such as "inappropriate" and "unacceptable" are imprecise and subjective. They are therefore capable of ambiguous interpretation and application. As may be seen in the next paragraph, far preferable and objective are "effective" and "adverse".*
- (e) ***Vehicular access.** While "direct" access to a well pad from a classified A or B road is clearly understood, "indirect access" is capable of a variety of meanings including the use of classified C or even unclassified roads, the use of which by a large number of tankers and other plant and machinery would be highly undesirable. If there must be indirect access we suggest it should be contained within 1km of any A or B road. In addition we strongly support the requirement for a Traffic Management Plan to be included in any planning application*
- (f) ***Separation from habitation.** A general distance rule of 500m ignores the different heights from which development or activity may be seen, and while a 2 ha well pad of 10 drilling masts, properly screened,*

3018

surface hydrocarbon development, particularly those involving hydraulic fracturing, will not be permitted between within 500m of one or two isolated residential buildings and other sensitive receptors or 1.5km of any residential settlement of 3 or more dwellings at the same or similar height above sea level or 3km where such settlement overlooks such activity from a height of 50m or more, the effective distance then being assessed in each case by the Local Planning Authority to take into account topographical variation“.

9. Page 91 para 5.131 line 15: for “and businesses” substitute “businesses or the environment.”
10. Page 92 para 5.136 line 9: Add “Landscape Character Assessments and Capacity Studies will be of positive help in this respect, when the extent of the resource is better known, to determine the capacity of any given area to accommodate further drilling sites. The MPA will produce Supplementary Planning Guidance to this effect.”
11. Page 94 para 5.146 line 19: between “reasonable” and “distance” insert “minimum” and (line 23) between “perceived impact.” and “For the purpose” insert “While the ‘protected building’ principle is applicable in this context the nature and extent of activity together with the particular nature of the county’s terrain and the dispersed nature of its settlements demand a discrete approach. Thus nearby activity may be acceptable in some isolated or relatively isolated situations on the same or similar level where effective screening is possible, but the same may not be acceptable when viewed from a greater distance and from a greater height. Accordingly a sliding scale of separation distance is needed commensurate with elevation.”

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	SHSGAG. With Coxwold, Crayke, and Husthwaite PCs, Oulston Parish Meeting & Helmsley Town Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M18	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to attached Critique Paragraph 3 (g)

(g) **Financial Security.** To ensure the satisfactory restoration of any drilling or extraction site to its previous state requires a much greater degree of financial security than that which a commercial energy company, or group of companies could provide by simple guarantee. Either a bond lodged with the MPA, commensurate with each permitted activity or a 3rd party guarantee by a UK registered bank or insurer of equal standing is needed.

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To amplify the above

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: 

Date: 17th December 2016

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	SHSGAG. With Coxwold, Crayke, and Hushwaite PCs, Oulston Parish Meeting & Helmsley Town Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M19	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to attached Critique Paragraph 3(b) and (d)

3(b) *It is obviously desirable, indeed essential, to eliminate small inconsistencies and ambiguities.*

3(d) *Words such as "inappropriate" and "unacceptable" are imprecise and subjective. They are therefore capable of ambiguous interpretation and application. As may be seen in the next paragraph, far preferable and objective are "effective" and "adverse".*

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [REDACTED]	Date: 17 th December 2016
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**CRITIQUE OF NORTH YORKSHIRE COUNTY COUNCIL'S
MINERALS AND WASTE JOINT PLAN (OCTOBER 2016)
BY SOUTH HAMBLETON SHALE GAS ADVISORY GROUP**

1. Introduction

The South Hambleton Shale Gas Advisory Group comprises technical and professional disciplines. It is non-partisan, and over the past 12 months and more has sought to inform ourselves, the public and local parish councils on shale gas exploration and extraction. We offer this critique by way of constructive criticism, confining ourselves to the legal and procedural compliance or soundness of the final draft plan, including its conformity and the duty to cooperate. We are keen to ensure the final plan will be sufficiently robust and of such clarity as to withstand the scrutiny and challenges it will face at the Examination in Public and subsequent planning appeals. This paper is drafted by a professional planner and a lawyer, each with long and extensive experience in our respective fields, having advised and acted for and against Government and planning authorities over many years.

2. General Comment

It must be said at the outset that since the initial consultative draft Minerals and Waste Joint Plan was published a great deal of thought and detailed work have gone into the preparation of the draft plan now in final consultation. The overall strategy of general principles covering all aspects of minerals and waste in North Yorkshire, leading to their specific application, is a matter for congratulation. Although this critique is concerned solely with shale gas we must observe that such an integrated approach serves only to strengthen the particular aspects upon which it then focuses. We fully endorse the great body of principle and criteria, following both those principles set out in the National Planning Policy Framework document and the fundamental needs of the county. En passant, it is both gratifying and encouraging to note the extent to which the consultee responses to the original document have been recognized and imported into the joint plan now under consideration. Save therefore for a very few substantive matters of detail, this paper seeks to clarify and thereby strengthen some of the language employed in the Joint Plan. We would add, however, that as hinted at

in the present draft Joint Plan (e.g. para. 5.136) Supplementary Planning Guidance will probably be needed to deal with, for example, Landscape Character Assessments when the extent of the shale gas resource is better known. That would determine the capacity of each given area to accommodate further drilling sites. We note that Hambleton District Council have recently produced (May 2016) an LCA which would be an excellent basis for such a capacity study. Likewise it may be both prudent and beneficial to the community at large, as well of advantage to energy companies, for such further Guidance to include Preferred Sites, as the Joint Plan presently provides with regard to other resources such as gravel.

3. General Points

This paragraph contains the argument for and justification of the changes to the draft Joint Plan which we propose. To avoid repetition we discuss the different points with which we take issue or make suggestion, and where they recur in the Joint Plan deal with them compendiously. In the following paragraph we list with page, Policy, paragraph and line reference the specific amendments which then arise.

- (a) In line with the NPPF's presumption in favour of development it is appreciated why so many of the draft Policies begin "will be permitted" but then reservations need invariably to follow the word "unless" or "only".
- (b) It is obviously desirable, indeed essential, to eliminate small inconsistencies and ambiguities.
- (c) **Buffer zones.** We welcome the inclusion of buffer zones to safeguard National Parks and AONBs and strongly support the proposed distance of 3.5km. However a significant discrepancy presently exists between Policy M16 b) (i) and d) (i). As drafted, in b) (i) an absolute prohibition is proposed against all surface development involving hydraulic fracturing in National Parks, AONBs.....Fountains Abbey/Studley Royal World Heritage Site and accompanying buffer zone etc. ; yet in d) (i) all kinds of surface development is anticipated within a National Park or an AONB or associated 3.5km buffer zone with the requirement only of a detailed assessment supporting any application, and

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permission forthcoming where acceptable harm arises. We strongly advocate the absolute prohibition in b) (i) for a National Park or AONB together with a 3.5km buffer zone. There seems little if any difference between the justification for a buffer zone for the World Heritage Site and the needs of a National Park or AONB. The National Trust/English Heritage submission (February 2012) relied upon visual setting, integrity and views and vistas. The Harrogate District Local Plan (May 2013) added the need to increase certainty in managing change. These criteria apply with equal force to our National Park and AONB.

But if, and only if that is unacceptable to Government we submit, as a fall-back position, for the same reasons which justify the World Heritage Site which is in neither a National Park nor AONB there should be at least some absolute prohibition of surface development which involves hydraulic fracturing within a National Park, AONBs with a lesser buffer zone of, say, 1.5km, with the other provisions contained in d) (i) applying to a wider zone of 3.5km, and a strengthening of its wording by substituting 'significant' for "unacceptable" harm.

As currently drafted we do not consider that M16(d) (i) to be compliant with the absolute prohibition of surface unconventional shale gas development in National Parks and AONBs provided for by section 50 of the Infrastructure Act 2015. Therefore we do not regard the Mineral and Waste Joint plan as being legally compliant.

- (d) Words such as "inappropriate" and "unacceptable" are imprecise and subjective. They are therefore capable of ambiguous interpretation and application. As may be seen in the next paragraph, far preferable and objective are "effective" and "adverse".
- (e) **Vehicular access.** While "direct" access to a well pad from a classified A or B road is clearly understood, "indirect access" is capable of a variety of meanings including the use of classified C or even unclassified roads, the use of which by a large number of tankers and other plant and machinery would be highly undesirable. If there must be indirect access we suggest it should be contained within 1km of any A or B road. In addition we strongly support the requirement for a Traffic Management

Plan to be included in any planning application.

- (f) **Separation from habitation.** A general distance rule of 500m ignores the different heights from which development or activity may be seen, and while a 2 ha well pad of 10 drilling masts, properly screened, may be acceptable to the occupier of an isolated farmhouse on whose land the activity occurs, it would not be so to the inhabitants of a village of 300 people whose homes enjoy extensive views from a height of 100m or more above the same activity, such as those with distant views over the Vales of York and Mowbray from settlements on the South and West flanks of the Howardian and Hambleton Hills respectively. We suggest that 500m should be stated as a minimum, the effective distance then being assessed in each case by the Local Planning Authority so that topographical variation can be taken into account.
- (g) **Financial Security.** To ensure the satisfactory restoration of any drilling or extraction site to its previous state requires a much greater degree of financial security than that which a commercial energy company, or group of companies could provide by simple guarantee. Either a bond lodged with the MPA, commensurate with each permitted activity or a 3rd party guarantee by a UK registered bank or insurer of equal standing is needed.

4. Proposed Amendments

1. *Page 84 Policy M16, b) (i), lines 4 and 5:* for “and accompanying zone” substitute “(each with accompanying zones of 3.5km).”
2. *Page 84 Policy M16 d):* delete para (i) entirely but retain para (ii) but without its number.
3. *Page 87, para 5.125, line 1:* for “appropriate” substitute “effective”.
4. *Page 88 Policy M17 1) i) line 2:* delete “or indirect” and for “and” substitute “and only”.

5. *Page 89 Policy M17 2) i) line 2:* for "unacceptable" substitute "an adverse".
6. *Page 90 Policy M17 4) i) line 2:* for "unacceptable" substitute "an adverse".
7. *Page 90 Policy M17 4) i) line 3:* for "Adequate separation distances should" substitute " Adequate separation distances, including those specified below, must".
8. *Page 90 Policy M17 4) i) lines 8 – 12:* delete the last sentence beginning "Proposals for surface hydrocarbon" and substitute " Proposals for surface hydrocarbon development, particularly those involving hydraulic fracturing, will not be permitted between within 500m of one or two isolated residential buildings and other sensitive receptors or 1.5km of any residential settlement of 3 or more dwellings at the same or similar height above sea level or 3km where such settlement overlooks such activity from a height of 50m or more, the effective distance then being assessed in each case by the Local Planning Authority to take into account topographical variation".
9. *Page 91 para 5.131 line 15:* for "and businesses" substitute "businesses or the environment."
10. *Page 92 para 5.136 line 9:* Add "Landscape Character Assessments and Capacity Studies will be of positive help in this respect, when the extent of the resource is better known, to determine the capacity of any given area to accommodate further drilling sites. The MPA will produce Supplementary Planning Guidance to this effect."
11. *Page 94 para 5.146 line 19:* between "reasonable" and "distance" insert "minimum" and *(line 23)* between "perceived impact." and "For the purpose" insert "While the 'protected building' principle is applicable in this context the nature and extent of activity together with the particular nature of the county's terrain and the dispersed nature of its settlements demand a

discrete approach. Thus nearby activity may be acceptable in some isolated or relatively isolated situations on the same or similar level where effective screening is possible, but the same may not be acceptable when viewed from a greater distance and from a greater height. Accordingly a sliding scale of separation distance is needed commensurate with elevation."

12. *Page 95 and 96 Policy M18 1) Waste Management and reinjection wells i) line 1 and 2) Decommissioning and restoration line 2:* after "permitted" insert "only".
13. *Page 96 Policy M18 2) iii) line 2:* for "may" substitute "will" and after "guarantee" insert "including that of a 3rd party approved by the MPA such as a UK registered bank or insurer of similar standing."
14. *Page 98 Policy M19 ii):* for "unacceptable" substitute "adverse".
15. *Page 170 Policy D06 1) line 3, 2) line 4 and 3) line 3:* for "unacceptable" substitute "adverse".

5. Conclusion

The precise wording of these proposals are by way only of suggestion but we hope that the sense and purpose of each is clear. Should they find favour with the Authorities the Group which we represent would give full hearted support at the Examination in Public.

Christopher Stratton OBE, DipLA, FLI, MRTPI

Peter Fox QC, LLD

**For and on behalf of the SHSGAG,
also endorsed and adopted by the following Local Councils:**

**Coxwold
Crayke
Husthwaite
Oulston Parish Meeting
Helmsley Town Council**

December 2016

mwjointplan

From: Chris Stratton <chstratton50@gmail.com>
Sent: 21 December 2016 10:23
To: mwjointplan
Subject: NYCC Mineral and Waste Joint Plan _response by South Hambleton Shale Gas Advisory Group FAO James Whiteley
Attachments: Letter NYCC .pdf; Response Form Part A .pdf; Response Form Part B D06.pdf; Response Form Part B M16. docx.pdf; Response Form Part B M17.pdf; Response Form Part B M18.pdf; Response Form Part B M19.pdf; CRITIQUE OF NORTH YORKSHIRE COUNTY COUNCIL'S.pdf

Dear Sirs,

I refer to the hard copies of our response which I handed to James Whiteley at County Hall yesterday afternoon As agreed I now attach pdf digital copies of all the documents, namely:

- The covering letter
- Form A
- Forms B (5no)
- Our Critique

There is one important difference to note between the hard copies I deposited with you yesterday and the digital submission today.

Last night we learnt that Helmsley Town Council had endorsed and adopted this submission, so we have added their name to all the forms A&B and the critique.

There are no other changes.

If you have any queries that it would be helpful to discuss as you process the documentation for the EIP please contact me.

I would be grateful if you could acknowledge receipt of this email.

Yours faithfully

Christopher Stratton

Chairman
 South Hambleton Shale Gas Advisory Group

BANK FARM
OULSTON
NORTH YORKSHIRE
YO6 13RA

TEL: 01347 868854
E mail: chstratton50@gmail.com

Dec 21st 2016

Dear Sirs,
North Yorkshire Minerals and Waste Joint Plan 2016 - Publication Stage Response

I attach the response in digitised format that has been prepared by the South Hambleton Shale Gas Advisory Group on behalf of Hushwaite, Crayke, Coxwold parish councils, Oulston Parish Meeting and Helmsley Town Council.

Please note that since I submitted hard copies of Forms A&B to County Hall yesterday, Helmsley Town Council have discussed and adopted the SHSGAG response so are added to the list above.

In order to comply as far as possible with your request that we use your forms A & B. we have completed Five B forms which deal, with those specific points of policy that we wish to bring to the EIP.

Other points of amendment which arise from the justification and explanatory paras of the plan are also contained in a Critique which is attached. This document also explains who we are, and deals with general points. It also sets out our qualified support for the Oct 2016 version of the plan.

We hope that you will find merit in our suggestions and indicate your support prior to the EIP for we would like to be able to attend the hearing and lend our support to an amended Joint Mineral and Waste Plan.

Yours faithfully

Christopher Stratton
Chairman
South Hambleton Shale Gas Advisory Group

Mineral Planning Team
North Yorkshire County Council
County Hall
Northallerton

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title: Ms	Initial(s): V F
Surname: Ellis		
Organisation (if applicable): Helmsley Town Council		
Address:	The Old Vicarage	
	Bondgate, Helmsley	
	York	
Post Code: YO62 5BP		
Telephone: 01439 772572		
Email: helmsleytc@gmail.com		

Agent contact details (if applicable)

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in separate guidance notes. You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.

A separate Part B form **MUST** be produced for each separate representation you wish to make. After this stage, further submissions will only be at the invitation of the inspector who will conduct an Examination in Public of the Joint Plan, based on the matters they identify during the Examination.

All responses should be returned by 5pm on Wednesday 21st December 2016. Please note that representations cannot be received after this deadline.

Responses can be returned by email to: mwjjointplan@northyorks.gov.uk or by post using the address below:

Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

Data Protection:

North Yorkshire County Council, the North York Moors National Park Authority and the City of York Council are registered under the Data Protection Act 1998. For the purposes of the Data Protection Act legislation, your contact details and responses will only be retained for the preparation of the Minerals and Waste Joint Plan. Representations made at Publication stage cannot remain anonymous, but details will only be used in relation to the Minerals and Waste Joint Plan. Your response will be made available to view on the website and as part of the examination.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Helmsley Town Council
------------------------	-----------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.93-5.161"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	-----------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The draft joint waste and minerals plan is unsound because the section on Hydrocarbons (paras 5.93 – 5.161) is inconsistent with National Policy in that it fails to take into account Policy SP13 of the Ryedale Plan which is an adopted Statutory Plan made in accordance with the NPPF in the following respects:

- The failure to include the Vale of Pickering and the Yorkshire Wolds under Policy M16 (b)(i) as one of the areas where hydraulic fracturing would not be permitted;**
- The scale and density of well pads proposed in regard to the SP13 policy objective of the protecting and enhancing distinctive elements of landscape character that are the result of historical and cultural influences, natural features and aesthetic qualities.**

Joan Jackson

From: Helmsley Town Council <helmsleytc@gmail.com>
Sent: 20 December 2016 11:27
To: mwjointplan
Subject: Helmsley Town Council - Response to Minerals and Waste Joint Plan - Publication
Attachments: MWJP Publication - Response Form Part A.docx; MWJP Publication - Response Form Part B.docx

Hi

Following the council's meeting on the 19th December 2016, please find attached Response Forms A and B, 2 in total.

Best regards
Victoria

Ms Victoria Ellis
Clerk to Helmsley Town Council
Helmsley Town Council
The Old Vicarage
Bondgate
Helmsley
YO62 5BP

Office Hours Monday and Tuesday 9:30am-12:30pm. Emails are checked Monday to Thursday.

Tel: 01439 772572
Website: www.helmsleytowncouncil.co.uk

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As a public body, the Council may be required to disclose this e-mail (or any response to it) under the Freedom of Information Act 2000, unless the information in it is covered by one of the exemptions in the Act.

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title: MR	Initial(s): C.H.
Surname: STRATTON		
Organisation (if applicable): South Hambleton Shale Gas Advisory Group, Also representing Coxwold ,Crayke and Husthwaite Parish Councils , Oulston Parish Meeting & Helmsley Town Council		
Address:	Bank Farm	
	Oulston	
	York	
Post Code: YO61 3 RA		
Telephone: 01347 868854		
Email: chstratton50@gmail.com		

Agent contact details (if applicable)

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in separate guidance notes. You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.

A separate Part B form **MUST** be produced for each separate representation you wish to make. After this stage, further submissions will only be at the invitation of the inspector who will conduct an Examination in Public of the Joint Plan, based on the matters they identify during the Examination.

All responses should be returned by 5pm on Wednesday 21st December 2016. Please note that representations cannot be received after this deadline.

Responses can be returned by email to: mwjointplan@northyorks.gov.uk or by post using the address below:

Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	SHSGAG. With Coxwold, Crayke, and Hustwaite PCs, Oulston Parish Meeting & Helmsley Town Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	D06	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="text"/>	No	<input checked="" type="text"/>
2.(2) Sound	Yes	<input type="text"/>	No	<input checked="" type="text"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared	Yes	<input type="text"/>	No	<input type="text"/>	Justified	Yes	<input type="text"/>	No	<input type="text"/>
Effective	Yes	<input type="text"/>	No	<input checked="" type="text"/>	Consistent with National Policy	Yes	<input type="text"/>	No	<input type="text"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="text"/>	No	<input type="text"/>
--------------------------------------------	-----	---------------------------------	----	----------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to attached Critique Paragraph 3 (b) & (d)

- (b) *It is obviously desirable, indeed essential, to eliminate small inconsistencies and ambiguities.*
- (d) *Words such as "inappropriate" and "unacceptable" are imprecise and subjective. They are therefore capable of ambiguous interpretation and application. As may be seen in the next paragraph, far preferable and objective are "effective" and "adverse".*

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [REDACTED]	Date: 17 th December 2016
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Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	SHSGAG. With Coxwold, Crayke, and Husthwaite PCs, Oulston Parish Meeting & Helmsley Town Council
------------------------	--------------------------------------------------------------------------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M16	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="text"/>	No	<input checked="" type="text"/>
2.(2) Sound	Yes	<input type="text"/>	No	<input checked="" type="text"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared	Yes	<input type="text"/>	No	<input type="text"/>	Justified	Yes	<input type="text"/>	No	<input type="text"/>
Effective	Yes	<input type="text"/>	No	<input type="text"/>	Consistent with National Policy	Yes	<input type="text"/>	No	<input checked="" type="text"/>

2 (3) Complies with the Duty to co-operate	Yes	x	<input type="text"/>	No	<input type="text"/>
--------------------------------------------	-----	---	----------------------	----	----------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to the attached Critique Para 3 (a) & (c)

- (a) In line with the NPPFs presumption in favour of development it is appreciated why so many of the draft policies begin "will be permitted" but then reservations need invariably to follow the word "unless" or "only".
- (c) **Buffer zones.** We welcome the inclusion of buffer zones to safeguard National Parks and AONBs and strongly support the proposed distance of 3.5km. However a significant discrepancy presently exists between Policy M16 b) (i) and d) (i). As drafted, in b) (i) an absolute prohibition is proposed against all surface development involving hydraulic fracturing in National Parks, AONBs.....Fountains Abbey/Studley Royal World Heritage Site and accompanying buffer zone etc. ; yet in d) (i) all kinds of surface development is anticipated within a National Park or an AONB or associated 3.5km buffer zone with the requirement only of a detailed assessment supporting any application, and permission forthcoming where acceptable harm arises. We

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please refer to the attached Critique

Paragraphs 4 Proposed Amendments 1, 2 &3

1. *Page 84 Policy M16, b) (i), lines 4 and 5: for "and accompanying zone" substitute "(each with accompanying zones of 3.5km)."*
2. *Page 84 Policy M16 d): delete para (i) entirely but retain para (ii) but without its number.*
3. *Page 87, para 5.125, line 1: for "appropriate" substitute "effective".*

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :

SHSGAG. With Coxwold, Crayke, and Hustwaite PCs, Oulston
Parish Meeting & Helmsley Town Council

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site
Allocation Reference No.

Policy No.

M17

Policies Map

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant

Yes

No

2.(2) Sound

Yes

No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared

Yes

No

Justified

Yes

No

Effective

Yes

No

Consistent with National Policy

Yes

No

2 (3) Complies with the
Duty to co-operate

Yes

No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to attached Critique
Paragraph 3 (d),(e), and (f)

- (d) *Words such as "inappropriate" and "unacceptable" are imprecise and subjective. They are therefore capable of ambiguous interpretation and application. As may be seen in the next paragraph, far preferable and objective are "effective" and "adverse".*
- (e) *Vehicular access. While "direct" access to a well pad from a classified A or B road is clearly understood, "indirect access" is capable of a variety of meanings including the use of classified C or even unclassified roads, the use of which by a large number of tankers and other plant and machinery would be highly undesirable. If there must be indirect access we suggest it should be contained within 1km of any A or B road. In addition we strongly support the requirement for a Traffic Management Plan to be included in any planning application*
- (f) *Separation from habitation. A general distance rule of 500m ignores the different heights from which development or activity may be seen, and while a 2 ha well pad of 10 drilling masts, properly screened,*

3018

surface hydrocarbon development, particularly those involving hydraulic fracturing, will not be permitted between within 500m of one or two isolated residential buildings and other sensitive receptors or 1.5km of any residential settlement of 3 or more dwellings at the same or similar height above sea level or 3km where such settlement overlooks such activity from a height of 50m or more, the effective distance then being assessed in each case by the Local Planning Authority to take into account topographical variation“.

9. Page 91 para 5.131 line 15: for “and businesses” substitute “businesses or the environment.”
10. Page 92 para 5.136 line 9: Add “Landscape Character Assessments and Capacity Studies will be of positive help in this respect, when the extent of the resource is better known, to determine the capacity of any given area to accommodate further drilling sites. The MPA will produce Supplementary Planning Guidance to this effect.”
11. Page 94 para 5.146 line 19: between “reasonable” and “distance” insert “minimum” and (line 23) between “perceived impact.” and “For the purpose” insert “While the ‘protected building’ principle is applicable in this context the nature and extent of activity together with the particular nature of the county’s terrain and the dispersed nature of its settlements demand a discrete approach. Thus nearby activity may be acceptable in some isolated or relatively isolated situations on the same or similar level where effective screening is possible, but the same may not be acceptable when viewed from a greater distance and from a greater height. Accordingly a sliding scale of separation distance is needed commensurate with elevation.”

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	SHSGAG. With Coxwold, Crayke, and Husthwaite PCs, Oulston Parish Meeting & Helmsley Town Council
------------------------	--------------------------------------------------------------------------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M18	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to attached Critique Paragraph 3 (g)

(g) **Financial Security.** To ensure the satisfactory restoration of any drilling or extraction site to its previous state requires a much greater degree of financial security than that which a commercial energy company, or group of companies could provide by simple guarantee. Either a bond lodged with the MPA, commensurate with each permitted activity or a 3rd party guarantee by a UK registered bank or insurer of equal standing is needed.

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To amplify the above

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature:

[REDACTED]

Date: 17th December 2016

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	SHSGAG. With Coxwold, Crayke, and Hushwaite PCs, Oulston Parish Meeting & Helmsley Town Council
------------------------	-------------------------------------------------------------------------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M19	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to attached Critique Paragraph 3(b) and (d)

3(b) *It is obviously desirable, indeed essential, to eliminate small inconsistencies and ambiguities.*

3(d) *Words such as "inappropriate" and "unacceptable" are imprecise and subjective. They are therefore capable of ambiguous interpretation and application. As may be seen in the next paragraph, far preferable and objective are "effective" and "adverse".*

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [REDACTED]	Date: 17 th December 2016
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**CRITIQUE OF NORTH YORKSHIRE COUNTY COUNCIL'S
MINERALS AND WASTE JOINT PLAN (OCTOBER 2016)
BY SOUTH HAMBLETON SHALE GAS ADVISORY GROUP**

1. Introduction

The South Hambleton Shale Gas Advisory Group comprises technical and professional disciplines. It is non-partisan, and over the past 12 months and more has sought to inform ourselves, the public and local parish councils on shale gas exploration and extraction. We offer this critique by way of constructive criticism, confining ourselves to the legal and procedural compliance or soundness of the final draft plan, including its conformity and the duty to cooperate. We are keen to ensure the final plan will be sufficiently robust and of such clarity as to withstand the scrutiny and challenges it will face at the Examination in Public and subsequent planning appeals. This paper is drafted by a professional planner and a lawyer, each with long and extensive experience in our respective fields, having advised and acted for and against Government and planning authorities over many years.

2. General Comment

It must be said at the outset that since the initial consultative draft Minerals and Waste Joint Plan was published a great deal of thought and detailed work have gone into the preparation of the draft plan now in final consultation. The overall strategy of general principles covering all aspects of minerals and waste in North Yorkshire, leading to their specific application, is a matter for congratulation. Although this critique is concerned solely with shale gas we must observe that such an integrated approach serves only to strengthen the particular aspects upon which it then focuses. We fully endorse the great body of principle and criteria, following both those principles set out in the National Planning Policy Framework document and the fundamental needs of the county. En passant, it is both gratifying and encouraging to note the extent to which the consultee responses to the original document have been recognized and imported into the joint plan now under consideration. Save therefore for a very few substantive matters of detail, this paper seeks to clarify and thereby strengthen some of the language employed in the Joint Plan. We would add, however, that as hinted at

in the present draft Joint Plan (e.g. para. 5.136) Supplementary Planning Guidance will probably be needed to deal with, for example, Landscape Character Assessments when the extent of the shale gas resource is better known. That would determine the capacity of each given area to accommodate further drilling sites. We note that Hambleton District Council have recently produced (May 2016) an LCA which would be an excellent basis for such a capacity study. Likewise it may be both prudent and beneficial to the community at large, as well of advantage to energy companies, for such further Guidance to include Preferred Sites, as the Joint Plan presently provides with regard to other resources such as gravel.

3. General Points

This paragraph contains the argument for and justification of the changes to the draft Joint Plan which we propose. To avoid repetition we discuss the different points with which we take issue or make suggestion, and where they recur in the Joint Plan deal with them compendiously. In the following paragraph we list with page, Policy, paragraph and line reference the specific amendments which then arise.

- (a) In line with the NPPF's presumption in favour of development it is appreciated why so many of the draft Policies begin "will be permitted" but then reservations need invariably to follow the word "unless" or "only".
- (b) It is obviously desirable, indeed essential, to eliminate small inconsistencies and ambiguities.
- (c) **Buffer zones.** We welcome the inclusion of buffer zones to safeguard National Parks and AONBs and strongly support the proposed distance of 3.5km. However a significant discrepancy presently exists between Policy M16 b) (i) and d) (i). As drafted, in b) (i) an absolute prohibition is proposed against all surface development involving hydraulic fracturing in National Parks, AONBs.....Fountains Abbey/Studley Royal World Heritage Site and accompanying buffer zone etc. ; yet in d) (i) all kinds of surface development is anticipated within a National Park or an AONB or associated 3.5km buffer zone with the requirement only of a detailed assessment supporting any application, and

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permission forthcoming where acceptable harm arises. We strongly advocate the absolute prohibition in b) (i) for a National Park or AONB together with a 3.5km buffer zone. There seems little if any difference between the justification for a buffer zone for the World Heritage Site and the needs of a National Park or AONB. The National Trust/English Heritage submission (February 2012) relied upon visual setting, integrity and views and vistas. The Harrogate District Local Plan (May 2013) added the need to increase certainty in managing change. These criteria apply with equal force to our National Park and AONB.

But if, and only if that is unacceptable to Government we submit, as a fall-back position, for the same reasons which justify the World Heritage Site which is in neither a National Park nor AONB there should be at least some absolute prohibition of surface development which involves hydraulic fracturing within a National Park, AONBs with a lesser buffer zone of, say, 1.5km, with the other provisions contained in d) (i) applying to a wider zone of 3.5km, and a strengthening of its wording by substituting 'significant' for "unacceptable" harm.

As currently drafted we do not consider that M16(d) (i) to be compliant with the absolute prohibition of surface unconventional shale gas development in National Parks and AONBs provided for by section 50 of the Infrastructure Act 2015. Therefore we do not regard the Mineral and Waste Joint plan as being legally compliant.

- (d) Words such as "inappropriate" and "unacceptable" are imprecise and subjective. They are therefore capable of ambiguous interpretation and application. As may be seen in the next paragraph, far preferable and objective are "effective" and "adverse".
- (e) **Vehicular access.** While "direct" access to a well pad from a classified A or B road is clearly understood, "indirect access" is capable of a variety of meanings including the use of classified C or even unclassified roads, the use of which by a large number of tankers and other plant and machinery would be highly undesirable. If there must be indirect access we suggest it should be contained within 1km of any A or B road. In addition we strongly support the requirement for a Traffic Management

Plan to be included in any planning application.

- (f) **Separation from habitation.** A general distance rule of 500m ignores the different heights from which development or activity may be seen, and while a 2 ha well pad of 10 drilling masts, properly screened, may be acceptable to the occupier of an isolated farmhouse on whose land the activity occurs, it would not be so to the inhabitants of a village of 300 people whose homes enjoy extensive views from a height of 100m or more above the same activity, such as those with distant views over the Vales of York and Mowbray from settlements on the South and West flanks of the Howardian and Hambleton Hills respectively. We suggest that 500m should be stated as a minimum, the effective distance then being assessed in each case by the Local Planning Authority so that topographical variation can be taken into account.
- (g) **Financial Security.** To ensure the satisfactory restoration of any drilling or extraction site to its previous state requires a much greater degree of financial security than that which a commercial energy company, or group of companies could provide by simple guarantee. Either a bond lodged with the MPA, commensurate with each permitted activity or a 3rd party guarantee by a UK registered bank or insurer of equal standing is needed.

4. Proposed Amendments

1. *Page 84 Policy M16, b) (i), lines 4 and 5:* for “and accompanying zone” substitute “(each with accompanying zones of 3.5km).”
2. *Page 84 Policy M16 d):* delete para (i) entirely but retain para (ii) but without its number.
3. *Page 87, para 5.125, line 1:* for “appropriate” substitute “effective”.
4. *Page 88 Policy M17 1) i) line 2:* delete “or indirect” and for “and” substitute “and only”.

5. *Page 89 Policy M17 2) i) line 2:* for "unacceptable" substitute "an adverse".
6. *Page 90 Policy M17 4) i) line 2:* for "unacceptable" substitute "an adverse".
7. *Page 90 Policy M17 4) i) line 3:* for "Adequate separation distances should" substitute " Adequate separation distances, including those specified below, must".
8. *Page 90 Policy M17 4) i) lines 8 – 12:* delete the last sentence beginning "Proposals for surface hydrocarbon" and substitute " Proposals for surface hydrocarbon development, particularly those involving hydraulic fracturing, will not be permitted between within 500m of one or two isolated residential buildings and other sensitive receptors or 1.5km of any residential settlement of 3 or more dwellings at the same or similar height above sea level or 3km where such settlement overlooks such activity from a height of 50m or more, the effective distance then being assessed in each case by the Local Planning Authority to take into account topographical variation".
9. *Page 91 para 5.131 line 15:* for "and businesses" substitute "businesses or the environment."
10. *Page 92 para 5.136 line 9:* Add "Landscape Character Assessments and Capacity Studies will be of positive help in this respect, when the extent of the resource is better known, to determine the capacity of any given area to accommodate further drilling sites. The MPA will produce Supplementary Planning Guidance to this effect."
11. *Page 94 para 5.146 line 19:* between "reasonable" and "distance" insert "minimum" and *(line 23)* between "perceived impact." and "For the purpose" insert "While the 'protected building' principle is applicable in this context the nature and extent of activity together with the particular nature of the county's terrain and the dispersed nature of its settlements demand a

discrete approach. Thus nearby activity may be acceptable in some isolated or relatively isolated situations on the same or similar level where effective screening is possible, but the same may not be acceptable when viewed from a greater distance and from a greater height. Accordingly a sliding scale of separation distance is needed commensurate with elevation."

12. *Page 95 and 96 Policy M18 1) Waste Management and reinjection wells i) line 1 and 2) Decommissioning and restoration line 2:* after "permitted" insert "only".
13. *Page 96 Policy M18 2) iii) line 2:* for "may" substitute "will" and after "guarantee" insert "including that of a 3rd party approved by the MPA such as a UK registered bank or insurer of similar standing."
14. *Page 98 Policy M19 ii):* for "unacceptable" substitute "adverse".
15. *Page 170 Policy D06 1) line 3, 2) line 4 and 3) line 3:* for "unacceptable" substitute "adverse".

5. Conclusion

The precise wording of these proposals are by way only of suggestion but we hope that the sense and purpose of each is clear. Should they find favour with the Authorities the Group which we represent would give full hearted support at the Examination in Public.

Christopher Stratton OBE, DipLA, FLI, MRTPI

Peter Fox QC, LLD

**For and on behalf of the SHSGAG,
also endorsed and adopted by the following Local Councils:**

**Coxwold
Crayke
Husthwaite
Oulston Parish Meeting
Helmsley Town Council**

December 2016

mwjointplan

From: Chris Stratton <chstratton50@gmail.com>
Sent: 21 December 2016 10:23
To: mwjointplan
Subject: NYCC Mineral and Waste Joint Plan _response by South Hambleton Shale Gas Advisory Group FAO James Whiteley
Attachments: Letter NYCC .pdf; Response Form Part A .pdf; Response Form Part B D06.pdf; Response Form Part B M16. docx.pdf; Response Form Part B M17.pdf; Response Form Part B M18.pdf; Response Form Part B M19.pdf; CRITIQUE OF NORTH YORKSHIRE COUNTY COUNCIL'S.pdf

Dear Sirs,

I refer to the hard copies of our response which I handed to James Whiteley at County Hall yesterday afternoon As agreed I now attach pdf digital copies of all the documents, namely:

- The covering letter
- Form A
- Forms B (5no)
- Our Critique

There is one important difference to note between the hard copies I deposited with you yesterday and the digital submission today.

Last night we learnt that Helmsley Town Council had endorsed and adopted this submission, so we have added their name to all the forms A&B and the critique.

There are no other changes.

If you have any queries that it would be helpful to discuss as you process the documentation for the EIP please contact me.

I would be grateful if you could acknowledge receipt of this email.

Yours faithfully

Christopher Stratton

Chairman
South Hambleton Shale Gas Advisory Group

BANK FARM
OULSTON
NORTH YORKSHIRE
YO6 13RA

TEL: 01347 868854
E mail: chstratton50@gmail.com

Dec 21st 2016

Dear Sirs,
North Yorkshire Minerals and Waste Joint Plan 2016 - Publication Stage Response

I attach the response in digitised format that has been prepared by the South Hambleton Shale Gas Advisory Group on behalf of Hushwaite, Crayke, Coxwold parish councils, Oulston Parish Meeting and Helmsley Town Council.

Please note that since I submitted hard copies of Forms A&B to County Hall yesterday, Helmsley Town Council have discussed and adopted the SHSGAG response so are added to the list above.

In order to comply as far as possible with your request that we use your forms A & B. we have completed Five B forms which deal, with those specific points of policy that we wish to bring to the EIP.

Other points of amendment which arise from the justification and explanatory paras of the plan are also contained in a Critique which is attached. This document also explains who we are, and deals with general points. It also sets out our qualified support for the Oct 2016 version of the plan.

We hope that you will find merit in our suggestions and indicate your support prior to the EIP for we would like to be able to attend the hearing and lend our support to an amended Joint Mineral and Waste Plan.

Yours faithfully

Christopher Stratton
Chairman
South Hambleton Shale Gas Advisory Group

Mineral Planning Team
North Yorkshire County Council
County Hall
Northallerton

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title: MR	Initial(s): C.H.
Surname: STRATTON		
Organisation (if applicable): South Hambleton Shale Gas Advisory Group, Also representing Coxwold ,Crayke and Husthwaite Parish Councils , Oulston Parish Meeting & Helmsley Town Council		
Address:	Bank Farm	
	Oulston	
	York	
Post Code: YO61 3 RA		
Telephone: 01347 868854		
Email: chstratton50@gmail.com		

Agent contact details (if applicable)

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in separate guidance notes. You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.

A separate Part B form **MUST** be produced for each separate representation you wish to make. After this stage, further submissions will only be at the invitation of the inspector who will conduct an Examination in Public of the Joint Plan, based on the matters they identify during the Examination.

All responses should be returned by 5pm on Wednesday 21st December 2016. Please note that representations cannot be received after this deadline.

Responses can be returned by email to: mwjointplan@northyorks.gov.uk or by post using the address below:

Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	SHSGAG. With Coxwold, Crayke, and Hustwaite PCs, Oulston Parish Meeting & Helmsley Town Council
------------------------	-------------------------------------------------------------------------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	D06	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to attached Critique Paragraph 3 (b) & (d)

(b) *It is obviously desirable, indeed essential, to eliminate small inconsistencies and ambiguities.*

(d) *Words such as "inappropriate" and "unacceptable" are imprecise and subjective. They are therefore capable of ambiguous interpretation and application. As may be seen in the next paragraph, far preferable and objective are "effective" and "adverse".*

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [REDACTED]	Date:17 th December 2016
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Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	SHSGAG. With Coxwold, Crayke, and Husthwaite PCs, Oulston Parish Meeting & Helmsley Town Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M16	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="text"/>	No	<input checked="" type="text"/>
2.(2) Sound	Yes	<input type="text"/>	No	<input checked="" type="text"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared	Yes	<input type="text"/>	No	<input type="text"/>	Justified	Yes	<input type="text"/>	No	<input type="text"/>
Effective	Yes	<input type="text"/>	No	<input type="text"/>	Consistent with National Policy	Yes	<input type="text"/>	No	<input checked="" type="text"/>

2 (3) Complies with the Duty to co-operate	Yes	x	<input type="text"/>	No	<input type="text"/>
--------------------------------------------	-----	---	----------------------	----	----------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to the attached Critique Para 3 (a) & (c)

- (a) In line with the NPPFs presumption in favour of development it is appreciated why so many of the draft policies begin "will be permitted" but then reservations need invariably to follow the word "unless" or "only".
- (c) **Buffer zones.** We welcome the inclusion of buffer zones to safeguard National Parks and AONBs and strongly support the proposed distance of 3.5km. However a significant discrepancy presently exists between Policy M16 b) (i) and d) (i). As drafted, in b) (i) an absolute prohibition is proposed against all surface development involving hydraulic fracturing in National Parks, AONBs.....Fountains Abbey/Studley Royal World Heritage Site and accompanying buffer zone etc. ; yet in d) (i) all kinds of surface development is anticipated within a National Park or an AONB or associated 3.5km buffer zone with the requirement only of a detailed assessment supporting any application, and permission forthcoming where acceptable harm arises. We

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please refer to the attached Critique

Paragraphs 4 Proposed Amendments 1, 2 &3

1. *Page 84 Policy M16, b) (i), lines 4 and 5: for "and accompanying zone" substitute "(each with accompanying zones of 3.5km)."*
2. *Page 84 Policy M16 d): delete para (i) entirely but retain para (ii) but without its number.*
3. *Page 87, para 5.125, line 1: for "appropriate" substitute "effective".*

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :

SHSGAG. With Coxwold, Crayke, and Hustwaite PCs, Oulston
Parish Meeting & Helmsley Town Council

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site
Allocation Reference No.

Policy No.

M17

Policies Map

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant

Yes

No

2.(2) Sound

Yes

No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared

Yes

No

Justified

Yes

No

Effective

Yes

No

Consistent with National Policy

Yes

No

2 (3) Complies with the
Duty to co-operate

Yes

No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to attached Critique

Paragraph 3 (d),(e), and (f)

- (d) *Words such as "inappropriate" and "unacceptable" are imprecise and subjective. They are therefore capable of ambiguous interpretation and application. As may be seen in the next paragraph, far preferable and objective are "effective" and "adverse".*
- (e) ***Vehicular access.** While "direct" access to a well pad from a classified A or B road is clearly understood, "indirect access" is capable of a variety of meanings including the use of classified C or even unclassified roads, the use of which by a large number of tankers and other plant and machinery would be highly undesirable. If there must be indirect access we suggest it should be contained within 1km of any A or B road. In addition we strongly support the requirement for a Traffic Management Plan to be included in any planning application*
- (f) ***Separation from habitation.** A general distance rule of 500m ignores the different heights from which development or activity may be seen, and while a 2 ha well pad of 10 drilling masts, properly screened,*

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surface hydrocarbon development, particularly those involving hydraulic fracturing, will not be permitted between within 500m of one or two isolated residential buildings and other sensitive receptors or 1.5km of any residential settlement of 3 or more dwellings at the same or similar height above sea level or 3km where such settlement overlooks such activity from a height of 50m or more, the effective distance then being assessed in each case by the Local Planning Authority to take into account topographical variation“.

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10. Page 92 para 5.136 line 9: Add “Landscape Character Assessments and Capacity Studies will be of positive help in this respect, when the extent of the resource is better known, to determine the capacity of any given area to accommodate further drilling sites. The MPA will produce Supplementary Planning Guidance to this effect.”
11. Page 94 para 5.146 line 19: between “reasonable” and “distance” insert “minimum” and (line 23) between “perceived impact.” and “For the purpose” insert “While the ‘protected building’ principle is applicable in this context the nature and extent of activity together with the particular nature of the county’s terrain and the dispersed nature of its settlements demand a discrete approach. Thus nearby activity may be acceptable in some isolated or relatively isolated situations on the same or similar level where effective screening is possible, but the same may not be acceptable when viewed from a greater distance and from a greater height. Accordingly a sliding scale of separation distance is needed commensurate with elevation.”

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	SHSGAG. With Coxwold, Crayke, and Husthwaite PCs, Oulston Parish Meeting & Helmsley Town Council
------------------------	--------------------------------------------------------------------------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M18	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to attached Critique Paragraph 3 (g)

(g) **Financial Security.** To ensure the satisfactory restoration of any drilling or extraction site to its previous state requires a much greater degree of financial security than that which a commercial energy company, or group of companies could provide by simple guarantee. Either a bond lodged with the MPA, commensurate with each permitted activity or a 3rd party guarantee by a UK registered bank or insurer of equal standing is needed.

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To amplify the above

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature:

[REDACTED]

Date: 17th December 2016

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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M19	Policies Map	<input type="text"/>
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Please refer to attached Critique Paragraph 3(b) and (d)

3(b) *It is obviously desirable, indeed essential, to eliminate small inconsistencies and ambiguities.*

3(d) *Words such as "inappropriate" and "unacceptable" are imprecise and subjective. They are therefore capable of ambiguous interpretation and application. As may be seen in the next paragraph, far preferable and objective are "effective" and "adverse".*

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2. General Comment

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- (c) **Buffer zones.** We welcome the inclusion of buffer zones to safeguard National Parks and AONBs and strongly support the proposed distance of 3.5km. However a significant discrepancy presently exists between Policy M16 b) (i) and d) (i). As drafted, in b) (i) an absolute prohibition is proposed against all surface development involving hydraulic fracturing in National Parks, AONBs.....Fountains Abbey/Studley Royal World Heritage Site and accompanying buffer zone etc. ; yet in d) (i) all kinds of surface development is anticipated within a National Park or an AONB or associated 3.5km buffer zone with the requirement only of a detailed assessment supporting any application, and

96

permission forthcoming where acceptable harm arises. We strongly advocate the absolute prohibition in b) (i) for a National Park or AONB together with a 3.5km buffer zone. There seems little if any difference between the justification for a buffer zone for the World Heritage Site and the needs of a National Park or AONB. The National Trust/English Heritage submission (February 2012) relied upon visual setting, integrity and views and vistas. The Harrogate District Local Plan (May 2013) added the need to increase certainty in managing change. These criteria apply with equal force to our National Park and AONB.

But if, and only if that is unacceptable to Government we submit, as a fall-back position, for the same reasons which justify the World Heritage Site which is in neither a National Park nor AONB there should be at least some absolute prohibition of surface development which involves hydraulic fracturing within a National Park, AONBs with a lesser buffer zone of, say, 1.5km, with the other provisions contained in d) (i) applying to a wider zone of 3.5km, and a strengthening of its wording by substituting 'significant' for "unacceptable" harm.

As currently drafted we do not consider that M16(d) (i) to be compliant with the absolute prohibition of surface unconventional shale gas development in National Parks and AONBs provided for by section 50 of the Infrastructure Act 2015. Therefore we do not regard the Mineral and Waste Joint plan as being legally compliant.

- (d) Words such as "inappropriate" and "unacceptable" are imprecise and subjective. They are therefore capable of ambiguous interpretation and application. As may be seen in the next paragraph, far preferable and objective are "effective" and "adverse".
- (e) **Vehicular access.** While "direct" access to a well pad from a classified A or B road is clearly understood, "indirect access" is capable of a variety of meanings including the use of classified C or even unclassified roads, the use of which by a large number of tankers and other plant and machinery would be highly undesirable. If there must be indirect access we suggest it should be contained within 1km of any A or B road. In addition we strongly support the requirement for a Traffic Management

Plan to be included in any planning application.

- (f) **Separation from habitation.** A general distance rule of 500m ignores the different heights from which development or activity may be seen, and while a 2 ha well pad of 10 drilling masts, properly screened, may be acceptable to the occupier of an isolated farmhouse on whose land the activity occurs, it would not be so to the inhabitants of a village of 300 people whose homes enjoy extensive views from a height of 100m or more above the same activity, such as those with distant views over the Vales of York and Mowbray from settlements on the South and West flanks of the Howardian and Hambleton Hills respectively. We suggest that 500m should be stated as a minimum, the effective distance then being assessed in each case by the Local Planning Authority so that topographical variation can be taken into account.
- (g) **Financial Security.** To ensure the satisfactory restoration of any drilling or extraction site to its previous state requires a much greater degree of financial security than that which a commercial energy company, or group of companies could provide by simple guarantee. Either a bond lodged with the MPA, commensurate with each permitted activity or a 3rd party guarantee by a UK registered bank or insurer of equal standing is needed.

4. Proposed Amendments

1. *Page 84 Policy M16, b) (i), lines 4 and 5:* for “and accompanying zone” substitute “(each with accompanying zones of 3.5km).”
2. *Page 84 Policy M16 d):* delete para (i) entirely but retain para (ii) but without its number.
3. *Page 87, para 5.125, line 1:* for “appropriate” substitute “effective”.
4. *Page 88 Policy M17 1) i) line 2:* delete “or indirect” and for “and” substitute “and only”.

5. *Page 89 Policy M17 2) i) line 2:* for "unacceptable" substitute "an adverse".
6. *Page 90 Policy M17 4) i) line 2:* for "unacceptable" substitute "an adverse".
7. *Page 90 Policy M17 4) i) line 3:* for "Adequate separation distances should" substitute " Adequate separation distances, including those specified below, must".
8. *Page 90 Policy M17 4) i) lines 8 – 12:* delete the last sentence beginning "Proposals for surface hydrocarbon" and substitute " Proposals for surface hydrocarbon development, particularly those involving hydraulic fracturing, will not be permitted between within 500m of one or two isolated residential buildings and other sensitive receptors or 1.5km of any residential settlement of 3 or more dwellings at the same or similar height above sea level or 3km where such settlement overlooks such activity from a height of 50m or more, the effective distance then being assessed in each case by the Local Planning Authority to take into account topographical variation".
9. *Page 91 para 5.131 line 15:* for "and businesses" substitute "businesses or the environment."
10. *Page 92 para 5.136 line 9:* Add "Landscape Character Assessments and Capacity Studies will be of positive help in this respect, when the extent of the resource is better known, to determine the capacity of any given area to accommodate further drilling sites. The MPA will produce Supplementary Planning Guidance to this effect."
11. *Page 94 para 5.146 line 19:* between "reasonable" and "distance" insert "minimum" and *(line 23)* between "perceived impact." and "For the purpose" insert "While the 'protected building' principle is applicable in this context the nature and extent of activity together with the particular nature of the county's terrain and the dispersed nature of its settlements demand a

discrete approach. Thus nearby activity may be acceptable in some isolated or relatively isolated situations on the same or similar level where effective screening is possible, but the same may not be acceptable when viewed from a greater distance and from a greater height. Accordingly a sliding scale of separation distance is needed commensurate with elevation."

12. *Page 95 and 96 Policy M18 1) Waste Management and reinjection wells i) line 1 and 2) Decommissioning and restoration line 2:* after "permitted" insert "only".
13. *Page 96 Policy M18 2) iii) line 2:* for "may" substitute "will" and after "guarantee" insert "including that of a 3rd party approved by the MPA such as a UK registered bank or insurer of similar standing."
14. *Page 98 Policy M19 ii):* for "unacceptable" substitute "adverse".
15. *Page 170 Policy D06 1) line 3, 2) line 4 and 3) line 3:* for "unacceptable" substitute "adverse".

5. Conclusion

The precise wording of these proposals are by way only of suggestion but we hope that the sense and purpose of each is clear. Should they find favour with the Authorities the Group which we represent would give full hearted support at the Examination in Public.

Christopher Stratton OBE, DipLA, FLI, MRTPI

Peter Fox QC, LLD

**For and on behalf of the SHSGAG,
also endorsed and adopted by the following Local Councils:**

**Coxwold
Crayke
Hustwaite
Oulston Parish Meeting
Helmsley Town Council**

December 2016

mwjointplan

From: Chris Stratton <chstratton50@gmail.com>
Sent: 21 December 2016 10:23
To: mwjointplan
Subject: NYCC Mineral and Waste Joint Plan _response by South Hambleton Shale Gas Advisory Group FAO James Whiteley
Attachments: Letter NYCC .pdf; Response Form Part A .pdf; Response Form Part B D06.pdf; Response Form Part B M16. docx.pdf; Response Form Part B M17.pdf; Response Form Part B M18.pdf; Response Form Part B M19.pdf; CRITIQUE OF NORTH YORKSHIRE COUNTY COUNCIL'S.pdf

Dear Sirs,

I refer to the hard copies of our response which I handed to James Whiteley at County Hall yesterday afternoon As agreed I now attach pdf digital copies of all the documents, namely:

- The covering letter
- Form A
- Forms B (5no)
- Our Critique

There is one important difference to note between the hard copies I deposited with you yesterday and the digital submission today.

Last night we learnt that Helmsley Town Council had endorsed and adopted this submission, so we have added their name to all the forms A&B and the critique.

There are no other changes.

If you have any queries that it would be helpful to discuss as you process the documentation for the EIP please contact me.

I would be grateful if you could acknowledge receipt of this email.

Yours faithfully

Christopher Stratton

Chairman
 South Hambleton Shale Gas Advisory Group

BANK FARM
OULSTON
NORTH YORKSHIRE
YO6 13RA

TEL: 01347 868854
E mail: chstratton50@gmail.com

Dec 21st 2016

Dear Sirs,
North Yorkshire Minerals and Waste Joint Plan 2016 - Publication Stage Response

I attach the response in digitised format that has been prepared by the South Hambleton Shale Gas Advisory Group on behalf of Hushwaite, Crayke, Coxwold parish councils, Oulston Parish Meeting and Helmsley Town Council.

Please note that since I submitted hard copies of Forms A&B to County Hall yesterday, Helmsley Town Council have discussed and adopted the SHSGAG response so are added to the list above.

In order to comply as far as possible with your request that we use your forms A & B. we have completed Five B forms which deal, with those specific points of policy that we wish to bring to the EIP.

Other points of amendment which arise from the justification and explanatory paras of the plan are also contained in a Critique which is attached. This document also explains who we are, and deals with general points. It also sets out our qualified support for the Oct 2016 version of the plan.

We hope that you will find merit in our suggestions and indicate your support prior to the EIP for we would like to be able to attend the hearing and lend our support to an amended Joint Mineral and Waste Plan.

Yours faithfully

Christopher Stratton
Chairman
South Hambleton Shale Gas Advisory Group

Mineral Planning Team
North Yorkshire County Council
County Hall
Northallerton

mwjointplan

From: Howard <howardmountain1@btinternet.com>
Sent: 20 December 2016 10:43
To: mwjointplan
Cc: Mike Hurford
Subject: Minerals and Waste Joint Plan

Dear Sirs,

Kirkby Malzeard, Laverton and Dallowgill Parish Council have considered the Joint Plan and wish to make the following comment:

'We would not wish to see any safeguarding of mineral or coal deposits which would affect normal development within the Parish. It is felt that the extraction of both sand/gravel or coal would be detrimental to the nature of the area, particularly given the AONB status.'

If you require any further information please let me know.

Yours faithfully,

Mr Howard Mountain,
Chairman and Acting Clerk,
Kirkby Malzeard, Laverton and Dallowgill Parish Council

Contact details:
Mount Pleasant, Laverton, Ripon HG4 3RH
Tel: 01765 658838
E-mail: howardmountain1@btinternet.com

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Leavening Parish Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	Policy No.	Policies Map
----------------------------------------------	------------	--------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	No
2.(2) Sound	Yes	No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	No	<i>Justified</i>	Yes	No
<i>Effective</i>	Yes	No	<i>Consistent with National Policy</i>	Yes	No

2 (3) Complies with the Duty to co-operate	Yes	No
--------------------------------------------	-----	----

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

On close reading of the draft Minerals and Waste Joint Plan, there are internal inconsistencies between the two of the Plan's Policies, which render the intent of some aspects of the plan ambiguous and therefore unworkable. This is specifically in relation to the intention expressed in the introductory paragraphs of the Joint Plan, and Policy D09 (Water Environment) that designated Principal Aquifers "need additional protection" (para 2.18), and that "a very high level of protection will be applied to principal aquifers and groundwater Source Protection Zones" (Policy D09, 2). Policy M16 (Key spatial principles for hydrocarbon development) section (b)(i) refers directly to Protected Groundwater Source Areas, but does not refer to the Principal Aquifers which para 2.18 and Policy D09 promise the same "very high level of protection". For Policy D09 to be Effective and Justified, the list of designated areas referred to in M16 must explicitly include principal aquifers, which are required by Policy D09 to be afforded the same "very high level of protection" as Protected Groundwater Source Areas (which are included in the list of designated areas).

(continue on a separate sheet/expand box if neces-

sary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

We specifically request an amendment to Policy M16 (Key spatial principles for hydrocarbon development) to the affect that section (b)(i) reads:

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 including Principal Aquifers, 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.*

This amendment would render the intent behind policy D09 workable across the Minerals and Waste Joint Plan and the Policy would be internally consistent, and would enable to planning authority to exercise its duties in relation to the Water Framework Directive.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Nominated representatives of the Parish Council would be happy to participate in the oral examination, to ensure that the Council's representations are heard and understood, particularly as this issue is of high interest to our local residents.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: Peter Bosson, Clerk to Leavening Parish Council

Date: 20th December 2016



Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Leavening Parish Council
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<i>Effective</i>	Yes	No	<i>Consistent with National Policy</i>	Yes	No

2 (3) Complies with the Duty to co-operate	Yes	No
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We believe the Plan to be unsound on the grounds that is unjustified in relation to Policy M17.

Para. 5.146 of the Draft Plan states that there should be a separation distance of 500m between well pads and the nearest residence. We believe this is of significant concern, as no rationale or reason is given for the 500m minimum distance. Information about hydraulic fracturing processes informs us that drilling operations on a well pad run continuously 24 hours a day for extended periods of time with resultant noise and light pollution. We also know that higher volumes of heavy goods traffic are required to transport wastewater and collected gas away from well sites.

Increased hydrocarbons development close to residences and communities poses an obvious increased risk to pedestrians, cyclists and horse-riders, of which there are many in the Leaveing Parish and across Ryedale who make use of the narrow roads in and out of, and between our villages.

Without any clear justification for the minimum 500 metre distance between a well pad and a residence, local planning decision makers will not be able to provide their local residents with any certainty about the impact on local communities, particularly in terms of noise and light disturbance, and public safety.

(continue on a separate sheet/expand box if neces-

sary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

We request an amendment to Policy M17 (Other spatial and locational criteria applying to hydrocarbon development), point 4(i) should therefore be amended to require new minimum distance of 750 metres, and 1,000 metres for other sites like schools and care homes, as follows:

"4.(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 750 metres of residential buildings and 1,000 metres for other sensitive receptors such as schools, care homes and similar, are unlikely to be consistent with this requirement."

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

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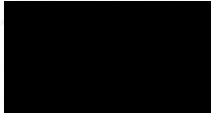
Nominated representatives of the Parish Council would be happy to participate in the oral examination, to ensure that the Council's representations are heard and understood, particularly as this issue is of high interest to our local residents.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: Peter Bosson, Clerk to Leavening Parish Council

Date: 20th December 2016



Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Leavening Parish Council
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Please mark with an x as appropriate

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2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	No	<i>Justified</i>	Yes	No
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<i>Effective</i>	Yes	No	<i>Consistent with National Policy</i>	Yes	No
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2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

We believe that the as currently drafted the Plan will not be able to adequately protect the area against negative cumulative impact. Policy M17 of the Draft Plan purports to limit the density of production sites (well pads) so as to ensure that the development will not give rise to unacceptable cumulative impact. However, para. 5.137 sets the density in broad terms as 10 production sites (well pads) every hundred square kilometres. 100 square kilometres equates to 38.6 square miles which is an area just larger than six miles by six miles. Therefore, the Draft Plan is suggesting that (if pads are spaced out at equal intervals) there can be one production site approximately every three miles in every direction. Para 5.134 indicates that a typical production site (well pad) will have a surface area of 2ha and "several individual well heads". However, well-pads frequently contain as many as 40 or 50 individual wells therefore a 10x10 km² PEDL licence area could contain up to 500 fracking wells. By underestimating the concentration of well heads on a single well pad, the Plan significantly misjudges the impact of just one well pad and so also the cumulative impact.

Furthermore, there is no guidance given on the separation distance between each well-site. One prominent MP for the area has suggested that well-sites should be at least six miles apart, which would be incompatible with the current plan of 10 well-pads per PEDL licence block. The lack of any separation distance between well pads in the MWJP is a significant failing in terms of soundness, as it simply enables developers to concentrate more production on a single site, multiplying the impact on that area. A minimum separation distance of at least 3 miles should be included in the plan, which would avoid all the allowed well-sites in one PEDL licence area to be 'bunched up' in one place.

(continue on a separate sheet/expand box if neces-

sary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Without specifying a reduced permitted concentration of well pads, the Plan will be permitting highly damaging and unmanageable cumulative impact of fracking wells on the road network, biodiversity, climate change, water use, water contamination, air pollution, noise and light pollution, soil contamination, human health and traditional rural industries.

This failing in the Plan means that it fails the test of soundness on the grounds of effectiveness, justification and consistency with national policy.

We recommend that Policy M17 be amended to include specific reference to the maximum permitted concentration of well pads in each PEDL license area (rather than only referring to this in the explanatory text below the Policy) and also refer directly to a minimum separation distance between each well pad. Suitable amended wording could be:

Amend section 2 (ii) to:

"Well pad density and/or the number of individual wells within a PEDL area will be limited to 10 well pads per 100km² with a minimum separation distance between well pads of 5km 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..."

Furthermore, paragraph 5.137 of the MWJP says "For PEDLs located within the Green Belt or where a relatively high concentration of other land use constraints exist, including significant access constraints, a lower density may be appropriate. This should be amended to 'will be appropriate', as otherwise it provides for very little workable protection.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

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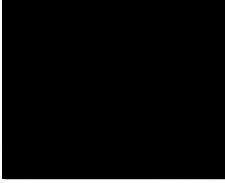
Nominated representatives of the Parish Council would be happy to participate in the oral examination, to ensure that the Council's representations are heard and understood, particularly as this issue is of high interest to our local residents.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature:
Peter Bosson, Clerk to Leavening Parish Council

Date: 20th December 2016



Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Leavening Parish Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	Policy No.	Policies Map
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2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	No	<i>Justified</i>	Yes	No
<i>Effective</i>	Yes	No	<i>Consistent with National Policy</i>	Yes	No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The Draft Plan makes no reference to the Ryedale Plan, which is a key document that Parish and Town Council's contributed to and is an adopted local plan which has statutory force and has been made in accordance with the requirements of the NPPF.

As the Draft Plan does not refer to the Ryedale Plan, this must be a material planning consideration. The Key Diagram on Page 42 of the Ryedale Plan shows the entire Vale of Pickering, The Yorkshire Wolds and the Ryedale part of the Vale of York as "Landscape of Local Value and Areas of High Landscape Value." Ryedale's policies in regard to these areas is set out in Policy SP13 of the Ryedale Plan. These can be summarised as the protection and enhancement of distinctive elements of landscape character that are the result of historical and cultural influences, natural features and aesthetic qualities. It is therefore difficult to understand why the Vale of Pickering and the Yorkshire Wolds should be treated any differently from "Areas which protect the Historic Character and Setting of the City of York" which are protected by Policy M16 of the draft minerals plan.

We believe that the the draft minerals plan could is unsound as it fails to take proper account of Policy SP13 of the Ryedale Plan.

(continue on a separate sheet/expand box if neces-

sary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Amend Policy M16 so that it specifically refers to and includes the protected areas as defined by the Ryedale Plan, as follows:

(b) (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, Landscape of Local Value and Areas of High Landscape Value as defined by the Ryedale Plan, Ramsar sites and Sites of Special Scientific Interest.*

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

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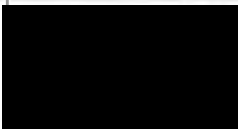
Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Official Use Only Reference Number

Signature: Peter Bosson, Clerk to Leavening Parish Council

Date: 20th December 2016



Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Leavening Parish Council
------------------------	--------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	Policy No.	Policies Map
----------------------------------------------	------------	--------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	No	<i>Justified</i>	Yes	No
----------------------------	-----	----	------------------	-----	----

<i>Effective</i>	Yes	No	<i>Consistent with National Policy</i>	Yes	No
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2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The areas surround Leavening and across the Yorkshire Wolds area have particularly high concentrations of nationally important scheduled ancient monuments, including:

- Aldro Earthworks (**List ID: 1007500**)
- Mount Ferrant: a motte and bailey castle (**List ID: 1011603**)
- Hanging Grimston barrow group: a long barrow 400m east of Wold Farm, incorporating part of a prehistoric linear boundary (**List UID: 1007922**)
- Hanging Grimston medieval settlement adjacent to Mount Pleasant Farm (**List UID: 1019093**)
- Part of Leppington medieval village, a moated site and site of the former parish church of St Helen (**List UID: 1011515**)
- Acklam Wold barrow group: a pair of bell barrows and a bowl barrow 200m south-west of Acklam Wold House (**List UID: 1011547**)
- The Queen Dike: part of a cross-dyke 600m east of Wold Farm (**List UID: 1007919**)

Although each scheduled ancient monument site is protected in the Draft Plan from surface operations (i.e. from well sites being created on top of existing scheduled monuments), we believe that because of the particularly high concentration of these sites in a relatively small area of land, and the huge historical importance that these sites collectively represent, a buffer zone around all scheduled ancient monuments should be explicitly included in Policy M16.

Having taken advice from local archaeology specialists, we suggest that the Plan should require any surface development to take place at least 500 metres from any scheduled monument to ensure these nationally important sites are not damaged or disrupted in any way by drilling operations.

Without this additional protection we believe the Plan fails the test of soundness on the grounds of justification and effectiveness.

(continue on a separate sheet/expand box if neces-

sary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

We recommend that Policy M16 be amended to include a new point (iii) under (d) as follows:

d)

...

(iii) Surface hydrocarbon development will only be permitted outside of a 500 metre buffer zone around any scheduled ancient monument

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

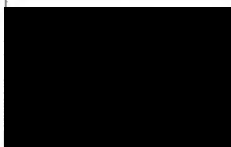
Nominated representatives of the Parish Council would be happy to participate in the oral examination, to ensure that the Council's representations are heard and understood, particularly as this issue is of high interest to our local residents.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: Peter Bosson, Clerk to Leavening Parish Council

Date: 20th December 2016



Michelle Saunders

From: Peter Bosson <peterbosson11@gmail.com>
Sent: 19 December 2016 11:15
To: mwjointplan
Subject: Waste and Mineral Joint Plan (consultation submission)
Attachments: MWJP Publication - Response Form Part B - Leavening Parish Council - Response 1 - Principal Aquifers-1.pdf; MWJP Publication - Response Form Part B - Leavening Parish Council - Response 2 - Separation distances between well pads and residences.pdf; MWJP Publication - Response Form Part B - Leavening Parish Council - Response 3 - Well pad density and cumulative impact.pdf; MWJP Publication - Response Form Part B - Leavening Parish Council - Response 4 - Ryedale Plan.pdf; MWJP Publication - Response Form Part B - Leavening Parish Council - Response 5 - Scheduled Ancient Monuments.pdf

Dear sirs,

Please find consultation submission from Leavening Parish Council.

Should you need any further information please do not hesitate to contact me.

Best Regards



Peter Bosson - Clerk to Leavening Parish Council

Peter Bosson
Swan Cottage
Malton Road
Leavening
Malton
North Yorkshire
YO17 9SW
01653 658151
07957 980566

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title:	Initial(s):
BERYL	MRS	B.
Surname: PLIMMER		
Organisation (if applicable): LONG MARSTON PARISH COUNCIL		
Address:	6 SADDLERS WAY	
	LONG MARSTON	
	NORTH YORKSHIRE	
Post Code: YO26 7HJ		
Telephone:		
Email: PLIMMTRCV@ROB.COM		

Agent contact details (if applicable)

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in the **guidance notes** (see reverse of this page). **You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.**

A separate **Part B** form **MUST** be produced for each separate representation you wish to make. After this stage, further submissions will only be at the invitation of the inspector who will conduct an Examination in Public of the Joint Plan, based on the matters they identify during the Examination.

All responses should be returned by 5pm on Wednesday 21st December 2016. Please note that representations cannot be received after this deadline.

Responses can be returned by email to: mwjointplan@northyorks.gov.uk or by post using the address below:

Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

Data Protection:

North Yorkshire County Council, the North York Moors National Park Authority and the City of York Council are registered under the Data Protection Act 1998. For the purposes of the Data Protection Act legislation, your contact details and responses will only be retained for the preparation of the Minerals and Waste Joint Plan. Representations made at Publication stage cannot remain anonymous, but details will only be used in relation to the Minerals and Waste Joint Plan. Your response will be made available to view on the website and as part of the examination.

For official use only:
Respondent Number

Date received.....Date entered.....Date acknowledged.....

Guidance Notes to Accompany the Publication stage Response Form

1. Introduction

- 1.1. The plan is published in order for representations to be made prior to submission. The representations will be considered alongside the published plan when submitted, which will be examined by a Planning Inspector. The Planning and Compulsory Purchase Act 2004¹ (as amended) (PCPA) states that the purpose of the examination is to consider whether the plan complies with the legal requirements, the duty to co-operate and is sound.

2. Legal Compliance and Duty to Co-operate

- 2.1. The Inspector will first check that the plan meets the legal requirements under s20(5)(a) and the duty to co-operate under s20(5)(c) of the PCPA before moving on to test for soundness.

- 2.2. You should consider the following before making a representation on legal compliance:

- The plan in question should be included in the current Local Development Scheme (LDS) and the key stages should have been followed. The LDS is effectively a programme of work prepared by the LPA, setting out the Local Development Documents (LDDs)² it proposes to produce. It will set out the key stages in the production of any plans which the LPA proposes to bring forward for independent examination. If the plan is not in the current LDS it should not have been published for representations. The LDS should be on the LPA's website and available at its main offices.
- The process of community involvement for the plan in question should be in general accordance with the LPA's Statement of Community Involvement (SCI) (where one exists). The SCI sets out the LPA's strategy for involving the community in the preparation and revision of LDDs (including plans) and the consideration of planning applications.
- The plan should comply with the Town and County Planning (Local Planning) (England) Regulations 2012 (the Regulations)³. On publication, the LPA must publish the documents prescribed in the Regulations, and make them available at its principal offices and on its website. The LPA must also notify the various persons and organisations set out in the Regulations and any persons who have requested to be notified.
- The LPA is required to provide a Sustainability Appraisal Report when it publishes a plan. This should identify the process by which the Sustainability Appraisal has been carried out, and the baseline information used to inform the process and the outcomes of that process. Sustainability Appraisal is a tool for appraising policies to ensure they reflect social, environmental, and economic factors.
- In London, the plan should be in general conformity with the London Plan (the Spatial Development Strategy).

- 2.3. You should consider the following before making a representation on compliance with the duty to co-operate:

- The duty to co-operate came into force on 15 November 2011 and any plan submitted for examination on or after this date will be examined for compliance. LPAs will be expected to provide evidence of how they have complied with any requirements arising from the duty.
- The PCPA establishes that non-compliance with the duty to co-operate cannot be rectified after the submission of the plan. Therefore, the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector has no choice but to recommend non-adoption of the plan.

¹ View at <http://www.legislation.gov.uk/ukpga/2004/5>

² LDDs are defined in regulation 5 – see link below.

³ View at <http://www.legislation.gov.uk/uksi/2012/767/contents/made>

3. Soundness

3.1. Soundness is explained in paragraph 182 of the National Planning Policy Framework (NPPF). The Inspector has to be satisfied that the plan is positively prepared, justified, effective and consistent with national policy:

- **Positively prepared:** This means that the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.
- **Justified:** The plan should be the most appropriate strategy when considered against reasonable alternatives, based on proportionate evidence.
- **Effective:** The plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities.
- **Consistent with national policy:** The plan should enable the delivery of sustainable development in accordance with the policies in the NPPF

3.2. If you think the content of the plan is not sound because it does not include a policy where it should do, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning policy (or the London Plan)? If so, it does not need to be included.
- Is what you are concerned with covered by any other policies in the plan on which you are seeking to make representations or in any other plan?
- If the policy is not covered elsewhere, in what way is the plan unsound without the policy?
- If the plan is unsound without the policy, what should the policy say?

4. General advice

4.1. If you wish to make a representation seeking a modification to a plan or part of a plan you should make clear in what way the plan or part of the plan is inadequate having regard to legal compliance, the duty to cooperate and the four requirements of soundness set out above. You should try to support your representation by evidence showing why the plan should be modified. It will be helpful if you also say precisely how you think the plan should be modified.

Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further submissions based on the original representation made at publication. After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

4.2. Where there are groups who share a common view on how they wish to see a plan modified, it would be very helpful for that group to send a single representation which represents the view, rather than for a large number of individuals to send in separate representations which repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

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Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	LONG MARSTON PARISH COUNCIL
------------------------	-----------------------------

Please tick as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only tick one element of soundness per response form).

Positively Prepared	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Justified	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Effective	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Consistent with National Policy	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	--------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

HAREWOOD WHIN, RUFFORTH (CYC WTP 11)

The volume of traffic travelling through Long Marston, Hutton Wadesley and Angiam is likely to increase to 267 HGV's a day to access this site.

There is also an anticipation of extra air pollution created by traffic and waste.

As this site is within the Green belt any future development must comply with relevant Green belt policies.

The Parish Council would be interested to know why the 2017 closure date has been changed.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	HONG MARSTON PARISH COUNCIL
------------------------	-----------------------------

Please tick as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only tick one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

UPPER POPPLETON (MUP 52 CYC) relating to clay
 extraction for landfill. Again, concerns over increased
 traffic; 80 plus vehicles per day onto the A59

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	LONG MARSTON PARISH COUNCIL.
------------------------	------------------------------

Please tick as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only tick one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

ALBERTON PARK (NY W15P008) Concerns are expressed over the amount of "weasel words" used "may" "could" "possibly" with reference to pollution and flooding. A possible 80 vehicles per day using the A59 to access the site

From: Clerk - MTC <clerk@malton-tc.gov.uk>
Sent: 19 December 2016 15:38
To: mwjointplan
Cc: clerk@malton-tc.gov.uk; Paul Andrews
Subject: Joint Minerals and Waste Plan Response. from Malton Town Council

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Sir

Please see below the of Malton Town Council (in bold) re the Joint Minerals and waste Plan offered for consultation

The draft joint waste and minerals plan is unsound because the section on Hydrocarbons (paras 5.93 – 5.161) is inconsistent with National Policy in that it fails to take into account Policy SP13 of the Ryedale Plan which is an adopted Statutory Plan made in accordance with the NPPF in the following respects:

- 1. The failure to include the Vale of Pickering and the Yorkshire Wolds under Policy M16 (b)(i) as one of the areas where hydraulic fracturing would not be permitted;**
- 2. The scale and density of well pads proposed in regard to the SP13 policy objective of the protecting and enhancing distinctive elements of landscape character that are the result of historical and cultural influences, natural features and aesthetic qualities.**

The Council therefore requests:

- a) the insertion of the words ‘land shown on the Key Diagram of the Ryedale Plan as landscape of local value and areas of high landscape value, and the River Derwent SSSI and neighbouring land (including the towns of Malton and Norton) to act as a buffer’, after the words ‘Areas which Protect the Historic Character and Setting of York’ in Policy M16(b)(i)**
- b) The modification of para 5.137 by substituting ‘10 well pads per 1,300 square kilometers’ for ‘ten well pads per 100 square miles’ ” .**

The Malton Town Council hopes that you can appreciate its concerns and amend the draft plan as recommended.

Yours faithfully
 Mike Skehan
 Clerk to Malton Town Council

From: Clerk - MTC <clerk@malton-tc.gov.uk>
Sent: 20 December 2016 08:13
To: mwjointplan
Cc: clerk@malton-tc.gov.uk; Paul Andrews
Subject: Re Joint Minerals and Waste Plan. Malton Town Council response

Dear Sir

Malton Town Council has submitted its response to the draft plan. The Council notes that the Examination in Public is set to commence in April 2017.

May I formally record that Malton Town Council wishes to be represented at the Examination.

Please acknowledge this request.

Yours faithfully

Mike Skehan

Clerk to Malton Town council

MINERAL AND WASTE JOINT PLAN (PUBLICATION STAGE) Consultation response

Date 20/12/2016

TITLE	Clerk to Nawton Parish Council
INITIALS	A
SURNAME	Twine
ORGANISATION (if applicable)	NAWTON PARISH COUNCIL
ADDRESS	C/O Melrose House 1 Southlands Court Nawton
POSTCODE	YO627RF
TELEPHONE	01439 772044
EMAIL	annetwine@gmail.com

No, I do not want to attend the Oral Examination of the MWJP.

Mineral Waste Joint Plan Consultation Response

The scope of this document has been limited by NYCC, to issues 'relating to legal compliance and tests of soundness'

Climate

The plan does not conform to section 19 of The Planning and Compulsory Purchase Act '*local planning authorities should adopt proactive strategies to mitigate and adapt to climate change*'. CCC (Committee of Climate Change) concluded that the exploitation of shale gas would not be compatible with UK carbon budgets or the legally binding commitments in the Climate Change Act to reduce emissions by 80% by 2050 unless 3 crucial tests are met.

The CCC reports emissions from shale gas exploitation will need to be offset by emission reduction in other areas of the economy to ensure carbon budgets are met.

How can this be met when government has reduced subsidies for renewable energy and scrapped plans to make all new homes zero carbon.

The MWJP ability to meet these tests are not clearly defined and therefore unsound to claim Policy M16 could have positive impact.

Future applications for hydrocarbons including Fracking must be assessed on CO2 emissions and fugitive methane leaks and CO2 emissions from both production and combustion must be included.

LOCAL IMPACT

Landscape and Visual Impact

The MWJP is in conflict with The Ryedale Plan so is unsound as it does not take into account Policy SP13 (landscapes). The area has high landscape value with Neolithic features and ancient buildings in particular for Nawton St Gregory's Minster dating back to the 7th century and should require specific consideration and be protected by M16 in the MWJP.

If fracking were to develop in the way described by the MWJP, this would clearly contravene The Ryedale Plan.

Nawton Parish Council believe the impact of the proposed density of 10 fracking well sites per 10x10km (6.6 miles) each with 40-50 wells on it with drilling rigs in place for 5-6 years with the potential of being sited only 500m away from the nearest home would have a serious affect on the views around us, where in parts of the parish you can see 360*. The pristine countryside will be impacted on all sides. This would seriously affect the tourist and associated industries around us.

Noise

The noise levels in many rural parts of North Yorkshire are very low so the impact of night time drilling will be very noticeable. It is therefore essential that the MWJP set clear policy to curb noise emissions to protect local public health. Considering the noise could go on for 5-6 years and then repeated again when the companies re-drill the well, a setback distance of 750m would help to reduce the noise from drilling. The caveat that fracking would be allowed within the 3.5 buffer zone 'in exceptional circumstances' is legally unsound as it would contravene the guidelines in the NPPF (National Planning Policy Framework).

A health impact assessment should be required for all fracking operations.

Noise would affect wildlife as all animals use their senses, especially hearing, to locate food and also to warn them of danger.

Air

As there is clear evidence that air quality from fracking has been shown to pose risks to health ,the MWJP should insist on a baseline Health Impact assessment prior to work and a 1km setback distance from 'sensitive receptors' (schools, retirement homes, hospitals etc). There are two schools in Nawton and one retirement home and a further three schools in the neighbouring towns –all of which are included in the PEDL.

Biodiversity

Nawton is located right at the boundary of the North York Moors and experience a wide range of biodiversity including owls, bats, bramblings and many other wildlife species along with trees, hedges, organic farms etc. Noise, light, water, air pollution along with the massive increase in traffic will have a detrimental impact. Nocturnal creatures will lose their habitat when trees and hedges are cleared and noise affects prey animals as they use their hearing sense to avoid predation.

The MWJP must ensure that there is no impact on local wildlife, so as to be in accord with conservation objectives as offsetting has been shown as an unsatisfactory solution to problems, and that the MWJP should maintain the unique environment that is a key economic asset for the area, it does not do so in its present form. Offsetting cannot work when the density of wells proposed will cover most of Ryedale. This approach is unsound.

Water impacts

Nawton and the surrounding areas have many waterways under the ground in aquifers, there are wells in fields and rivers less than half a mile away. Our drinking water comes from a borehole. The American Environmental Protection Agency has now confirmed, after listening to the Science Advisory Board, that fracking impacts drinking water.

Pollution can be caused by

Spills**Injection****Mechanical integrity breakdown**

The British Geological Survey has highlighted the risks of groundwater contamination by extracting shale gas and has said that they are not confident that current methods to monitor groundwater are adequate.

Therefore the MWJP should incorporate the precautionary principle.

Highways and Traffic Impacts

Yorkshire roads are not suitable for the large increase in traffic movements.

HGV's will be carrying water, chemicals and sand to well sites and then more HGV's to remove contaminated waste water often containing NORMs, solid waste, and gas if there are no pipes.

That is a possible 2000-7000 truck movements per borehole and there are plans for 40-50 wells per site. The MWJP need to guarantee the safety of other users such as cyclists, horse riders, walkers, pedestrians this must be included in the plan.

The plan is to use A roads as much as possible, this will adversely affect air quality which will be an issue near schools and other sensitive receptors.

The MWJP should restrict movement of lorries within school opening and closing times as the roads are already congested during these times.

Huge numbers of HGVs would have a detrimental effect on Nawton and other villages they pass through. People and cars will have difficulty crossing the road, vibrations will impact houses and there will be constant noise and poor air quality. In summer our roads are congested with holiday traffic, queuing occurs as tourists try and make their way to the coast. The exponential increase in traffic would put people off visiting our area and as a consequence many of our businesses who rely on tourism will be badly hit and possibly be forced to shut down. The fracking process may take 5-6 years but as it runs out of gas the well will then be re-drilled again.

The MWJP is unsound as it does not adequately include restrictions to prohibit fracking HGV traffic from impacting on the air quality on sensitive receptors.

Cumulative Impact

The biggest concern regarding fracking is that the industry will require 1000's of wells in the next 20 years to be financially viable. The endless proliferation of wells, traffic, pipes, processing plants and compressor plants means the industrialisation of the countryside.

The cumulative impact of the fracking industry could have very damaging impacts on road networks (the deterioration will be the responsibility of the councils not the company), biodiversity, climate change, water use, water contamination, air pollution, noise and light pollution, soil contamination, human and animal health and rural industries.

There is no guidance on the separation distance between each well site which is a failing in the issue of soundness in the MWJP and a minimum of 3 miles should be included in the plan.

To abide by legal guidelines, the precautionary principle should be applied.

Waste management and re-injection wells

The MWJP has a statutory duty to invoke the PP regarding re-injecting fracking waste fluid in North Yorkshire and ensure that re-injection is not permitted.

Oklahoma experienced 230 earthquakes with a magnitude of 3.0 or greater this year. Before 2008 the state averaged one.

The faulted geology of Nawton and of North Yorkshire may be even more severe.

From: Anne Twine <annetwine@gmail.com>
Sent: 20 December 2016 10:36
To: mwjointplan
Subject: Waste and Minerals Joint Plan Consultation Submission
Attachments: NPC MINERAL-AND-WASTE-JOINT-PLAN-CONSULTATION-GUIDELINES.docx

Please find attached comments from Nawton Parish Council

Anne Twine
Clerk

Stillington Parish Council

Here with our comments on NYCC Minerals and Waste Plan for your consideration

The process we are asked to accept in our County is an Industrial Process, which is to be installed in an Agricultural- Domestic Environment.

The consequences of Responsible Management gives rise to a Fruitful extraction of Gas from Fracked shale below the earth in an efficient and cost effective process within limits. The consequences of an irresponsible management of the Process would be a disastrous destruction of Communities and Farm Land in the proportion we have never seen before. This is due to the nature and collective destruction, which can occur if the Parameters of Fracking are not adhered to. I.e. if a high-pressure valve were to split open when in the line of the Compressed fluid been pumped at high pressure into the earth. The surrounding area would be contaminated for miles around the Well Head. Or The Installed pipe deep in the earth may hit a fissure and distributed under pressure a mixture into a watercourse, which ran into a Natural Reservoir and is in turn pumped for drinking water; a whole community could be wiped out without notice.

The question we wish to have answerers to

Before the Fracking Process begins.

Who will record the original attributes of any area nominated for drilling before the Drilling begins. (I.e. Reference for any adverse Land / Amenity disruption or subsidence attributed to Fracking).

Who will Monitor the Community life sustainable attributes. Such as Water quality, Atmosphere quality and Traffic flow.

The attributes to any Drilling site should be defined before any work is started, we concur that a Buffer zone of 1.5k is required and a Separation distance of 500m should be the minimum.

A defined pathway for any Problems and Responsibilities should be well identified and agreed by all interested parties before Fracking on any site can begin.

On start up.

Who will ensure that the safety criteria are in place, such as Monitoring Air Quality, Health and safety ensuring all levels of protection are in place.

Who will indemnify the insurance costs of recompense for mismanagement issues and the initial mess, which may accompany the start up procedure.

Where will any grievance be heard during the Start up Procedure or any claim for compensation for the destruction of Life attributes within the immediate communities.

During the operational Process

Who will be held responsible for the operational management process within the limits of the operating licence.

Who will be the Monitoring agent for the community.

Who will be responsible for reporting to the community at regular intervals, the progress of Fracking in the Community.

Whilst we take for granted the Air we breathe is monitored by the environment agency. The process of Fracking is a business and is like all other businesses endemic of cost effectiveness, which means if costs can be cut, this will be exploited. The question arises, who will be the assessor of Legal exploitation.

The Fracking process is very volatile and at worst is corrosive to the Community and at best may run within limits and provide benefits. Not only the Management of the Process requires a constant monitoring to the overarching process. There is a requirement for a regular executive period of audit for reliability and safety to all attributes of the Process
Who will be responsible for the overall safety of the Fracking Process.

We thought the Document NYCC's final Minerals & Waste Joint Plan consultation prepared by the South Hambleton Shale Gas Advisory Group. Gave a balanced view however, we suggest a more practical answer to the forgone questions need to be forthcoming before any further progress is made.

Regards

Bob Brown
Parish Clerk
16th December 2016

From: Bob <stillingtonbrown@hotmail.com>
Sent: 17 December 2016 09:48
To: mwjointplan
Subject: Re: Minerals and Waste Joint Plan - Publication Stage
Attachments: Comments Fracking PlanDec16.docx

Good Morning

Herewith Stillington Parish Council's to to the Minerals and Waste Joint Plan for your consideration

Regards

Bob Brown

Parish Clerk

On 9 Nov 2016, at 13:36, mwjointplan <mwjointplan@northyorks.gov.uk> wrote:

Dear Parish Clerk,

Minerals and Waste Joint Plan – Publication

North Yorkshire County Council, City of York Council and the North York Moors National Park Authority are working together to produce a Minerals and Waste Joint Plan covering all three planning authority areas. When finalised the new Joint Plan will help the three authorities take decisions on planning applications for minerals and waste development up to 31 December 2030. A number of public consultations have already taken place to help develop the new Plan, including an 'Issues and Options' consultation in 2014 and a 'Preferred Options' consultation in 2015.

A final draft of the Joint Plan has now been prepared and is being published for a six week period to allow for representations to be made, before it is submitted for examination in public by an independent planning inspector. At this stage only representations relating to the legal compliance and soundness of the Joint Plan are required. More information about this is contained in the guidance notes attached with this email.

The formal publication period commences on **Wednesday 9th November 2016** and will close on **Wednesday 21st December 2016**. All responses must be received by **5pm** on that day. Please note we will be unable to accept responses after this deadline.

The Joint Plan and supporting documents are available to view on the Joint Plan Website: www.northyorks.gov.uk/mwconsult. Paper copies of the Joint Plan and main supporting documents, including a response form and guidance notes, are available to view during normal opening hours at all public libraries in the area covered by the Joint Plan, including mobile libraries and at all main offices of the three Authorities, as well as at District and Borough Council main offices and the National Park Centres.

Please see attached to this email:

- Formal Publication Letter,
- Statement of Representations Procedure,
- Response Form (Part A & Part B) and
- Guidance Notes

For further information about the Minerals and Waste Joint Plan please visit our website: www.northyorks.gov.uk/mwconsult

Yours faithfully

Minerals and Waste Joint Plan Team

On behalf of:
North Yorkshire County Council, City of York Council and North York Moors National Park Authority

This email has been sent on behalf of North Yorkshire County Council (NYCC), City of York Council (CYC) and North York Moors National Park Authority (NYMNP).

WARNING

Any opinions or statements expressed in this e-mail are those of the individual and not necessarily those of NYCC, CYC or NYMNP.

This e-mail and any files transmitted with it are confidential and solely for the use of the intended recipient. If you receive this in error, please do not disclose any information to anyone, notify the sender at the above address and then destroy all copies.

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If you receive an automatic response stating that the recipient is away from the office and you wish to request information under either the Freedom of Information Act, the Data Protection Act or the Environmental Information Regulations please forward your request by e-mail to the Data Management Team (datamanagement.officer@northyorks.gov.uk) who will process your request.

North Yorkshire County Council

City of York Council

North York Moors National Park Authority

<MWJP Formal Publication Letter (Nov 2016).pdf><Statement of Representations Procedure.pdf><MWJP Publication - Response Form Part A.docx><MWJP Publication - Response Form Part B.docx><Guidance Notes.pdf>

Rose Cottage,
Stonegrave, York.
YO62 4LJ

December 15th. 2016

Minerals and Waste Joint Plan Team
Planning Services
Business and Environmental Services
North Yorkshire County Council
County Hall, Northallerton
DL7 8AH
mwjointplan@northyorks.gov.uk

Dear Sir or Madam,

On behalf of the Stonegrave Parish Meeting, in consideration of legal compliance and soundness we wish to object to certain provisions and assumptions of the above plan, whilst making specific suggestions for improvement which we believe will contribute to the 'soundness' of these policies. This necessitates an element of commentary and justification. Suggestions for improvement or reinforcement will be found below in bold type. In some cases the adoption of one suggestion might obviate the need for another suggestion made.

Whilst commendably seeking to hold a balance and comply with requirements arising from duty, the MWJP's dutiful presumption in favour of shale exploration and recovery sits uneasily, we find, with its efforts to restrict such development to the least contentious locations and to limit the scale and density of the proposed development to a level which it deems the area could sustain. As an example of this; its efforts (passim) to avoid such development to varying degrees within the protected areas as detailed in M16 b) i), are inconsistent with the provisions of 9.25 which permit development in these areas, given assertions of "public interest" or "national need". This quandary, the demonstrable undesirability of shale development on one side according to significant scientific opinion, and the government's assertion of the contrary on the other, underlies sections of the MWJP and commands our sympathies for the predicament of the authors of the plan. It nevertheless underlines the need for a clearer statement as to how and when the criterion of national need and public interest (surely identical in this context) might be invoked. It should not be taken as given by the planners and therefore used to circumvent any application for a shale well, no matter where.

We propose the insertion of a clause in the MWJP clarifying how and when the criterion of national need might be invoked.

We propose an absolute interdiction on hydrocarbon surface development involving fracking within National Parks, AONBs, Protected Groundwater Source Areas, World Heritage Sites, or within a 5km buffer zone of any. A 3.5km buffer zone should be applied to the remaining sites in M16 b) i). Amend 5.128 accordingly.

(Justification: where the stakes are so great, the precautionary principle should apply and the 'safe' zone extended.)

In view of the Yorkshire Wolds' application to Natural England for AONB status, possibly to be granted in the life of the proposed MWJP, we further propose that consideration be given

to affording the North Yorkshire portion of the Wolds a similar protected status to those mentioned above.

Justification: those qualities, such as landscape, history, and aesthetic qualities which have contributed to the designation of, for example, the Howardian Hills as an AONB, are also present in the Yorkshire Wolds which have in addition rich archaeological sites, designated or undesignated.

We suggest, further to the above that similar protected status be accorded to the Vale of Pickering where similar aesthetic qualities as well as qualities of landscape, history etc. apply.

In certain respects, the MWJP does not enable the delivery of sustainable development and is therefore inconsistent with the National Planning Policy Framework (NPPF) and with the Ryedale Plan (RP).

1, Climate Change.

a. Water safeguarding. Flooding.

“Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, ..., and water supply and demand considerations.” (p21 NPPF).

Climate Change - “undoubtedly the biggest environmental challenge facing society” (RP p. 117) – will of course increase the likelihood of ever more severe flooding in the numerous flood zones within the MWJP area. This is recognised in the Plan.

The thrust of the MWJP, whilst acknowledging the risk, is at variance in this respect with the cautious and safeguarding thrust of the RP, (itself reflecting the NPPF), in that the MWJP fails to provide adequate mitigatory safeguards for flooding as an effect of climate change in its provision for the location and density of shale pads which are a source of potential contamination via drilling, via recovery of shale gas and via transportation (tankers and pipelines carrying water or waste), contamination which would be exacerbated by flooding. The MWJP's consideration of the flooding risk concentrates disproportionately on flooding as a risk to shale or minerals development, rather than on the contaminatory effects of shale developments being spread by flooding.

This risk and others, (see below), might *to some extent* be mitigated by addressing the density question, apparently arbitrarily settled as a maximum in 5.137.

We propose a precautionary approach to the question of density of well pads as envisaged in 5.137 and suggest that the wording should permit far fewer well pads for the area stated, ie fewer than 40% of those envisaged to be permitted as a maximum.

b. Air quality. The health risks of leakage to air – emissions – at any stage of the hydraulic fracturing process and its aftermath, or as a result of venting or flaring which might be required as an emergency recourse, or from increased machinery and vehicle emissions are considerable and are not adequately addressed by the proposed 500m separation distance between well pads and residential developments. In such circumstances any suggestion is arbitrary but the MWJP must err on the side of caution.

We therefore propose an increase in the separation distance between residential developments, schools, hospitals etc. and well pad to 1km at least.

The climate change impacts of the use of fossil fuels and the associated release of methane must not be obscured in the MWJP by a statement of the duty to reflect government policy in the latter's assessment of the national need. The exigencies of climate change must not be overruled by government diktat.

We therefore propose a re-writing of 5.106 - "However, the government believes that shale gas...etc. and is currently encouraging further exploration". The rest of the paragraph – set – until the final clause where "its belief" should be inserted after "indicated".

We propose that in 9.102 "where possible" should be inserted before the second clause . Justification: a significant body of reputable scientific opinion holds that shale exploration and development is inimical to climate change mitigation. As it stands, the text implies significant mitigation is possible.

We further propose M17 4) iii) be re-written as follows: "All proposals involving hydraulic fracturing should be accompanied by an air quality monitoring plan, a Health Impact Assessment, and an Environmental Impact Assessment."

The question of decommissioning of wells after exploitation is inadequately addressed in the plan in the continuing risk to climate, health, and to agriculture posed by leakage to air and to land as wells progressively degrade. Such considerations require considerably more than the 5-year "aftercare" proposed, and suggest monitoring for a much longer period. Although this would probably extend beyond the applicability period of the proposed MWJP, it is vital that such requirements be understood by industry at the application stage. Similar considerations apply to the question of bonds and financial guarantees.

We propose, therefore, that decommissioned wells be cared for and monitored, both on a weekly basis by industry and monthly by an independent body for the first 5 years, and monthly by industry and six-monthly by an independent body for the next 15 years, and at annual intervals thereafter until such time as it is certain that well degradation will not lead to contamination.

We further propose that 9.79 be amended by addition of a provision such as the following: "Notwithstanding these considerations, in view of the risk of potentially catastrophic consequences in the event of a major accident with this technology, new and untried in the UK, and new to the geological circumstances prevailing, in view also of the likely detrimental cumulative environmental, agricultural and economic effects of shale development, all shale activity should be considered "exceptional circumstances", and bonds and financial guarantees should always be sought."

General Points/Amendments - some as a result of points made above.

We suggest that the policies M16, M17 and M18 in particular avoid the use of the subjective term "unacceptable" which weakens the protection afforded by the policies, replacing it where possible with the less subjective "adverse". Some particular instances are detailed below.

We further suggest that the formula commonly used in the MWJP - "will be permitted" - should usually be reinforced with, as appropriate' "only" or "unless".

We suggest that policy M18 (or another policy if deemed more effective) contain a provision along the following lines: Whilst welcoming the Environmental Agency's concern with the chemicals permissible in fracking fluid, this Plan deems it essential for the protection of our communities that the chemicals used be fully disclosed by the operator and limited to those deemed by competent international authorities to have been proven to be non-hazardous in

interaction with chemicals commonly encountered at fracking depths.

Justification: 5.109 states with reference to the procedures used in hydraulic fracturing: "Operators must demonstrate to the Environment Agency that all the chemicals used in the process are non-hazardous". The definition of 'non-hazardous' as the term is used by the EA appears to be 'has not proved in tests to be hazardous'. A safer definition might be 'has been proved to be not hazardous in relevant contexts, eg. the sub-surface hydraulic fracturing context'.

This concern arises from the difficulty in knowing how unknown (or known) chemicals will react with unknown chemicals in a sub-surface context where the two or more are brought into reactive proximity. The wording above does not fully address this concern but goes part of the way.

A further concern resides in the possibility within the lifetime of the MWJP of transatlantic trade agreements such as TTIP or CETA coming into force with the EU while the UK is a member, or with the UK thereafter, when it has already been shown that corporations/industry are willing to enter into litigation with a national entity which they deem threatens their commercial interests by 'anti-competitive' regulations, such as those limiting chemicals to be used in the fracking process. We therefore believe it is in the interests of the MWJP area to reinforce existing regulations in this way.

M17. 4) i) replace "within 500m of residential buildings" with "within 1km of residential buildings" AND

replace "are unlikely to...etc" (at the end) with "are not consistent with this requirement and will not be permitted."

M17. 4) iii) Add "Air quality and possible health impacts should during exploration and production be monitored monthly by independent authorities. The accuracy of industry reporting will not be relied upon and in instances of doubt, the precautionary principle will apply and operations suspended until a full investigation has taken place."

M18. 1) ii) After "locations", replace the clause "where a high standard of protection.." with "where the risk to ground and surface waters can be demonstrated to be negligible", AND, replace the existing "where it can be demonstrated" clause with "where it can be demonstrated that there is no or negligible seismic risk".

M18. 2) iii) Replace "may require" with "will require" and add "This guarantee would be forfeit in the event of proof of operational negligence."

5.159 Replace final sentence with: "This policy will continue throughout the Plan period." and amend appropriate policy.

In justification for this it should be pointed out that observance of regulatory requirements on one or several occasions is no guarantee of continuing observance, and also that one operator might be replaced by another either during or between sets of fracking operations.

M19. iii) Replace 'unacceptable' by 'adverse'.

W10.1) Delete "unacceptable"

DO2 1) line 3 Replace 'unacceptable' with 'adverse' ALSO line 2 insert 'only' before 'where'

DO7 1) and 3) Replace 'unacceptable' with 'adverse'.

Justification: It seems as though the MWJP is using the terms interchangeably although 'adverse' is clearly stronger and less subjective than 'unacceptable'. The use of the two terms in close proximity creates a distinction which might or might not be intended. Whether intended or not, we believe

'adverse' should usually replace 'unacceptable'.

DO8. 3) second sentence - Delete after “unless” and resume after the present “or”, to read: “unless all of the following apply”.

Justification: A government-defined 'national need' for shale could be termed a 'substantial public benefit' (deleted), opening up many sites for shale exploration which these provisions intend to exclude.

DO9 1) replace 'unacceptable' by 'adverse' 2) delete 'unacceptable' 3) delete 'an unacceptable'

Conclusion:

We have done our best to consider the MWJP and make representations following the lay-out of the Plan used. To the extent that we have not succeeded in this respect, we request the indulgence of the inspectors and apologise for inconvenience occasioned.

Yours sincerely,

David Cragg-James (Chair)

Niall Rodger (Clerk) Matthew Dwyer (Treasurer) Jackie Powell (Secretary)

For and on behalf of the Stonegrave Village meeting

mwjointplan

From: David Cragg-James <david.craggjames@googlemail.com>
Sent: 15 December 2016 08:53
To: mwjointplan
Subject: Response on behalf of the Stonegrave Meeting
Attachments: MWJP Response on behalf of Stonegrave Meeting.rtf

Dear Sir or Madam,

Please find attached the response to the MWJP for and behalf of the Stonegrave Meeting. We should like to be present at the Inspection meeting.

Yours sincerely,

Stonegrave Village Meeting

pp. David Cragg-James

mwjointplan

From: James Mackman <jmackman3@gmail.com>
Sent: 12 December 2016 14:50
To: mwjointplan
Subject: Re: Minerals and Waste Joint Plan – Publication
Attachments: UPPC Preferred Options Consultation - Response Form V2.pdf

Dear Team

Thank you for your advice below to which our response is

'Upper Poppleton Parish Council considered the Plan at their November meeting, and concluded that they had nothing further to add to their Preferred Option previously submitted and herewith attached for your further consideration'.

Regards

James Mackman
Clerk to Upper Poppleton Parish Council

----- Original Message -----

From: mwjointplan
To: 'James Mackman'
Sent: Thursday, December 08, 2016 3:45 PM
Subject: RE: Minerals and Waste Joint Plan – Publication

Dear Mr Mackman,

Thank you for your email regarding providing a response from Upper Poppleton Parish Council. There are 2 approaches you can take

1. If the views of Upper Poppleton Parish Council are the same as the views provided by Nether Poppleton Parish Council then a response from Upper Poppleton Parish Council stating that they endorse the response provided by Nether Poppleton Parish Council and would like the views presented in that response to be taken into account as being Upper Poppletons Parish Council response as well.

Or if, bearing in mind some of the policy text has changed, the Parish Council feel that the views presented at Preferred Options have not been addressed adequately

2. Resend your response that was provided at Preferred Options stating that the Parish Council would like it to be taken as their response to the Publication document.

I hope this is helpful and enables you to be able to provide a response to the Publication document.

Regards

Minerals and Waste Plans Team

From: James Mackman [mailto:jmackman3@gmail.com]
Sent: 08 December 2016 14:40



Minerals and Waste Joint Plan

Response Form- Preferred Options Consultation

Closing Date for responses 5pm Friday 15th January 2016

Your contact details

Name:	Title: Mr	Initial(s): James
Surname: Mackman		
Organisation (if applicable): Upper Poppleton Parish Council		
Address:	39 Calder Avenue	
	Nether Poppleton	
	York	
Post Code: YO 26 6RG		
Telephone: 01904 399277		
Email: jmackman3@gmail.com		

Agent contact details (if applicable)

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

We ask a number of questions within the consultation documenton which we would like your views. When making your comments please use the following format:

- All Comments within **column A** must reference a chapter and/or Section
- Policy Comments: In **column B** include the draft Policy reference number (this is located in the top left hand side of each draft Policy box). Then in **column C** indicate the question you are responding to.
- Site Comements: In **column B** use the site reference number (found on the top of the sites summary tables in Appendix 1).
- Comments on individual paragraphs: In **column C** indicate the paragraph to which your comments relate

Recording your comments in this format is important as this will enable us to ensure that your responses are logged correctly. If it is not clear to which section / policy or site your comment relates to we may need to contact you for clarification. Please continue on a separate sheet if necessary.

0	A	B	C	D	E
<i>Official use only</i>	Chapter and Section	Policy Ref or site Ref	Question / Paragraph	Do you support the Policy?	Response
<i>Official use only</i>	5: Aggregate supply	M04	Q04	Y/N	<i>Please enter your comment here. Thank you for your assistance.</i>
<i>Official use</i>	Appendix	WJP06	Q14		<i>Please enter your comments here. Thank you for</i>

For official use only:
Representation / reference number
____ / _____ / Reg18.3

Date received.....
Date entered.....
Date acknowledged.....
Recorded by..... Category.....

only	1: Sites				your assistance.
	Chapter and Section	Preferred Policy Option or site reference	Question / Paragraph	Do you support the Policy/ Site?	Response
	P190	I02		NO	<p>Locations for ancillary minerals infrastructure.</p> <p><i>The Policy states: 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</i></p> <p>Response : Dutton Farm the site of the preferred mineral extraction is none of the above being on grade 2 agricultural land within the agreed Green Belt area of the City of York. The purpose of which is to protect the historic and character setting of this historic City. The previous extraction that had taken place was closed by the enforcement officer of the City of York as it was considered illegal, inappropriate, and without permission.</p> <p><i>The Site has good access to the transport network</i></p> <p>Response : The attached photos show the condition of the road leading to the previous clay pit extraction point and is clearly a rutted cart lane with no provision for HGV of which it is proposed at 12-14 per day will make a two way visit to the area at the height of production.</p> <p>The exit from the cart track is onto a single track lane with three passing places. If the exit from the single track road onto the busy A59 be widened, as the officers suggest, it would encourage additional traffic to make use of the single track road and increase the likelihood of accidents. The road is unlit and the junction with the A 59 is on a blind bend. The vehicles would be turning right into oncoming traffic which at peak times is a continuous stream of commuters, tourist and delivery vehicles to and from York.</p> <p><u>This site does not have good access to transport links and has the potential for a high accident risk.</u></p> <p>It would be proposed that no vehicles may turn left out of the cart track lane. This would only increase the traffic through the single track access to other farms in the area and the</p>

				<p>village of Upper Poppleton. The likelihood of clay being on the tyres of the vehicles will reduce the level of friction on the road thus creating a further accident hazard.</p> <p><i>The development would not create significant adverse impact on local communities, businesses or the environment including heritage assets</i></p> <p>Response : It is felt that the historic centre of Upper Poppleton could be at risk of disruption and destruction if HGV's at the rate of 12-14 per day were at any time to use the roads through the village as a means of access to the ring road to avoid the persistent traffic congestion at the junction of the A1237 and A 59.</p> <p>Local communities in the area are mostly arable farming, with occasional grazing for sheep in preparation for market. It is considered that any effect on the water tables created by the extraction of minerals could have an effect of the viability of some crops that are susceptible to water table access. It is suggested within the policy document that the increase in greenhouse gases is likely to be minimal. Given that at the present time there are no emissions on the roads in the immediate vicinity of the extraction source, it follows that if approved, this will greatly increase the greenhouse gas emissions.</p>
P221	DO 3		NO	<p>Transport of minerals and waste and associated traffic impacts.</p> <p><i>The Policy states: Where practicable minerals and waste movements should utilise alternatives to road transport.</i></p> <p>Response: Dutton Farm access and egress from the site is along a single unsurfaced cart track which is rutted, and unsafe for HGV vehicles in that there is no protection from subsidence, no hard core foundation to the road and no lighting. Given that the proposal is for 12-14 HGV per day movement in both directions this constitutes a major disruption to the rural setting.</p> <p><i>There is capacity within the existing network for the level of traffic proposed.</i></p> <p>Response: The reasons for the closure by the enforcement officer included the poor access to the site and the nature of the road surface and the impact on the A59. In wet weather</p>

				<p>mud and clay deposits creates a film on the road surface which exacerbates the likelihood of vehicles skidding and sliding on the surface. Highways and the police have records of fatalities on this section of the road over the past 10 years, due to the camber of the main road, the blind access of the lane and the heavy traffic use. Adding to this already busy road with more HGV is not within the capacity of the existing network the parish council would propose.</p> <p><i>There are suitable arrangements in place for on-site manoeuvring, parking and loading/unloading</i></p> <p>Response: The Upper Poppleton Parish Council (UPPC) would wish to add to this that the facility for tyre washing was added to the requirement at the on-site area at Dutton Farm. As already stated the road access is inadequate and therefore any development would require all the roads to have the capacity to take the weight of loaded and unloaded vehicles.</p> <p><i>Any adverse impacts can be appropriately mitigated for example, by traffic controls, highway improvements and traffic routing agreements.</i></p> <p>Response : The UpperPoppleton Parish Council (UPPC) would oppose any left turn by vehicles from the end of Kettlewell Lane into Newlands Lane and the existing 7.5 T weight limit to be observed at all time. No vehicles from the site should be traveling towards either Upper or Nether Poppleton Villages. All HGV traffic should be restricted from left turn from the end of Dutton Farm. It is not felt appropriate or desirable to place traffic lights on the road as the speed limit is 60 mph on this section of the A59. The building of the Park and Ride on the Greenbelt land and common land in Upper Poppleton has increased the traffic significantly on this section of the A 59. The NPPC would wish a restricted access sign on the junction to deter more vehicles from using the country lanes as a means of avoiding traffic congestion on the A59/A1237 junction.</p>
	P 245	D10		<p>Reclamation and afteruse</p> <p><i>Proposals which require restoration and afteruse element will be permitted where it can be</i></p>

demonstrated that they would be carried out to a high standard and which, where relevant, demonstrate!

Been brought forward in discussion with the local communities and other relevant stakeholders and where practicable reflect the outcome of those discussions.

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

Part two

In addition to the criteria of Part One above, proposal will be permitted which deliver a more targeted approach to mineral site restoration and afteruse by contributing towards objectives appropriate to the 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;

Response: The Area surrounding and including Dutton Farm, according to the City of York Agricultural Survey shows that this is grade 1 and 2 agricultural land. It is therefore important if extraction of minerals is to be allowed on the fertile land, which on completion of the period of extraction the landscape is returned to the rural setting and not considered as brownfield site for housing development which would be totally out of keeping with the green belt designation of the area.

UPPC understands from the consultation documentation that the landfill proposed is inert building materials. This again would involve HGV movements along a cart track which currently has no foundations to take the weight of such vehicles. The use of landfill materials must be carefully monitored as the water table and nearby Foss dyke, which feeds the Poppleton Lakes complex needs to be kept clean for aquatic life. Any contaminated materials could have disastrous consequences for not only the upstream activity but also excess water pumped into the Ouse could affect the capacity of the river basin to cope in

times of flood. The area is prone to flood risk at level 2 which is indicated on the accompanying map from the Environmental Agency at the present time of high flood risk in York December 2015.

Enhancement of topsoil on completion of the extraction of minerals could bring the land back into agricultural use. Also extensive planting of trees could help to reduce flooding by holding water in the canopy during the summer however would have little effect during the winter when flooding is most likely, either from excessive rain or snow melt.

UPPC would reiterate the key sensitivities noted by CYC on the site being:

- Ecological issues including impacts on existing pond, protected species and habitats.
- Impact on grade 1 and 2 agricultural land
- Heritage assets including potential archaeological remains
- Land and visual intrusion issues on Historic York landscape
- Impacts on Greenbelt and the potential for the area to be reclaimed as a brownfield site with buildings permitted on conclusion of extractions.
- Water issues including Flood Risk mostly Zone 1 and Zone 2
- Traffic impact access and egress and local traffic management.
- Amenity issues including noise, dust, pollution of waterways.

Given this extensive list of potential hazards, and likely disruption to rural life it is very difficult to see why this would in any way be a preferred site.

This issue is further referenced in Chapter 4 Protecting the Environment of the Waste - North Yorkshire Local Plan 2006 (which has never been adopted or passed inspection.) and which now claims to be covered in D 03 and D 10 which UPPC have commented on in detail above.

	Any Other Comments: Please use the Space below to provide any other comments you may wish to make relating to minerals and waste policy matters				

Thank you for providing us with your comments.

**All responses should be returned 5pm Friday 15th January 2016
by email to: mwjointplan@northyorks.gov.uk**

or, post using the contact details below.

Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

North Yorkshire County Council, the North York Moors National Park Authority and the City of York Council are registered under the Data Protection Act 1998. For the purposes of the Data Protection Act legislation, your contact details and responses will only be retained for the preparation of the Joint Minerals and Waste Plan. All responses received will be summarised and will be displayed on the Joint Plan website. (All personal information such as e-mail addresses and telephone numbers will be removed before publication).

mwjointplan

From: Alison E Carter <tanfieldparishcouncil@yahoo.co.uk>
Sent: 09 December 2016 15:49
To: mwjointplan
Subject: Re: Minerals and Waste Joint Plan - Publication Stage

Follow Up Flag: Follow up
Flag Status: Flagged

Morning

Tanfield Parish Council, discussed the above plan at their last Parish Council meeting on Wednesday 30 November, 2016.

We have no comments to make with regard to the legal compliance and the soundness of the joint plan.

Regards

Alison E Carter
Clerk to Tanfield Parish Council
E-mail: tanfieldparishcouncil@yahoo.co.uk
Tel: 07762403999
Website: www.tanfieldparishcouncil.btck.co.uk

From: mwjointplan <mwjointplan@northyorks.gov.uk>
To: mwjointplan <mwjointplan@northyorks.gov.uk>
Sent: Wednesday, 9 November 2016, 13:36
Subject: Minerals and Waste Joint Plan - Publication Stage

Dear Parish Clerk,

Minerals and Waste Joint Plan – Publication

North Yorkshire County Council, City of York Council and the North York Moors National Park Authority are working together to produce a Minerals and Waste Joint Plan covering all three planning authority areas. When finalised the new Joint Plan will help the three authorities take decisions on planning applications for minerals and waste development up to 31 December 2030. A number of public consultations have already taken place to help develop the new Plan, including an 'Issues and Options' consultation in 2014 and a 'Preferred Options' consultation in 2015.

A final draft of the Joint Plan has now been prepared and is being published for a six week period to allow for representations to be made, before it is submitted for examination in public by an independent planning inspector. At this stage only representations relating to the legal compliance and soundness of the Joint Plan are required. More information about this is contained in the guidance notes attached with this email.

The formal publication period commences on **Wednesday 9th November 2016** and will close on **Wednesday 21st December 2016**. All responses must be received by **5pm** on that day. Please note we will be unable to accept responses after this deadline.

The Joint Plan and supporting documents are available to view on the Joint Plan Website: www.northyorks.gov.uk/mwconsult . Paper copies of the Joint Plan and main supporting documents, including a response form and guidance notes, are available to view during normal opening hours at all public libraries in the area covered by the Joint Plan, including mobile libraries and at all main offices of the three Authorities, as well as at District and Borough Council main offices and the National Park Centres.

Please see attached to this email:

- Formal Publication Letter,
- Statement of Representations Procedure,
- Response Form (Part A & Part B) and
- Guidance Notes

For further information about the Minerals and Waste Joint Plan please visit our website: www.northyorks.gov.uk/mwconsult

Yours faithfully

Minerals and Waste Joint Plan Team

On behalf of:

North Yorkshire County Council, City of York Council and North York Moors National Park Authority

This email has been sent on behalf of North Yorkshire County Council (NYCC), City of York Council (CYC) and North York Moors National Park Authority (NYMNP).

WARNING

Any opinions or statements expressed in this e-mail are those of the individual and not necessarily those of NYCC, CYC or NYMNP.

This e-mail and any files transmitted with it are confidential and solely for the use of the intended recipient. If you receive this in error, please do not disclose any information to anyone, notify the sender at the above address and then destroy all copies.

NYCC, CYC or NYMNP computer systems and communications may be monitored to ensure effective operation of the system and for other lawful purposes. All GCSX traffic may be subject to recording and/or monitoring in accordance with relevant legislation.

Although we have endeavoured to ensure that this e-mail and any attachments are free from any virus we would advise you to take any necessary steps to ensure that they are actually virus free. If you receive an automatic response stating that the recipient is away from the office and you wish to request information under either the Freedom of Information Act, the Data Protection Act or the Environmental Information Regulations please forward your request by e-mail to the Data Management Team (datamanagement.officer@northyorks.gov.uk) who will process your request.

North Yorkshire County Council

City of York Council

North York Moors National Park Authority

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title: Ms	Initial(s): C
Surname: Skelly		
Organisation (if applicable): Hambleton Disitrcct Council		
Address:	Civic Centre	
	Stone Cross	
	Northallerton	
Post Code: DL6 2UU		
Telephone: 01609 779977		
Email: caroline.skelly@hambleton.gov.uk		

Agent contact details (if applicable)

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in separate guidance notes. You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.

A separate Part B form **MUST** be produced for each separate representation you wish to make. After this stage, further submissions will only be at the invitation of the inspector who will conduct an Examination in Public of the Joint Plan, based on the matters they identify during the Examination.

All responses should be returned by 5pm on Wednesday 21st December 2016. Please note that representations cannot be received after this deadline.

Responses can be returned by email to: mwjointplan@northyorks.gov.uk or by post using the address below:

Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

Data Protection:

North Yorkshire County Council, the North York Moors National Park Authority and the City of York Council are registered under the Data Protection Act 1998. For the purposes of the Data Protection Act legislation, your contact details and responses will only be retained for the preparation of the Minerals and Waste Joint Plan. Representations made at Publication stage cannot remain anonymous, but details will only be used in relation to the Minerals and Waste Joint Plan. Your response will be made available to view on the website and as part of the examination.

For official use only:
Respondent Number

Date received Date entered Date acknowledged

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Hambleton District Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="MJP07"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Although the Plan is considered sound, at the planning application stage NYCC should seek contributions to improve vehicular access onto the B2627. Restoration conditions should also seek to maximise the area of land restored rather than water. Care should also be taken to minimise any contamination of Ings Goit Beck, although it is acknowledged that this will be relocated.

(continue on a separate sheet/expand box if necessary)

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Hambleton District Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="MJP14"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Although the Plan is considered sound, at the planning application stage NYCC should seek an independent assessment of the impacts of working on local groundwater supplies and ensure that work is monitored regularly and robustly in order to minimise impact on residential amenity.

(continue on a separate sheet/expand box if necessary)

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Hambleton District Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="MJP43"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The exclusion of this site is supported.

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

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Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: Caroline Skelly	Date: 13/12/16
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Official Use Only Reference Number

mwjointplan

From: Caroline Skelly <Caroline.Skelly@hambleton.gov.uk>
Sent: 13 December 2016 17:34
To: mwjointplan
Subject: Publication Plan Response
Attachments: Publication_response_form_part_B1 (1)B.pdf; Publication_response_form_part_B1 (1) C.pdf; Publication_response_form_part_B1 (1)A.pdf; Publication_response_form_part_A1 (1).pdf

Please find attached the comments from Hambleton District Council to the Joint Minerals and Waste Publication Plan.

Although we have not presented a report to Cabinet to inform these comments they have been discussed with local Members.

Kind regards

Caroline

Caroline Skelly
Planning Policy Team Leader
Planning Policy
Tel: 01609 767150
Email: caroline.skelly@hambleton.gov.uk
Website: www.hambleton.gov.uk

Your calls may be recorded for training and quality purposes. The call recording policy is available at www.hambleton.gov.uk

HAMBLETON
DISTRICT COUNCIL

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Hambleton District Council, Civic Centre, Stone Cross, Northallerton, DL6 2UU.

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title: Mr	Initial(s): J
Surname: Slater		
Organisation (if applicable): Plasmor		
Address:	PO Box 44, Womersley Road,	
	Knottingley	
	West Yorkshire	
Post Code: WF11 0DN		
Telephone:		
Email:		

Agent contact details (if applicable)

Name:	Title: Mr	Initial(s): G
Surname: Titman		
Organisation (if applicable): MJCA		
Address:	Baddesley Colliery Office	
	Main Road, Baxterley,	
	Atherstone, Warwickshire	
Post Code: CV9 2LE		
Telephone: 01827 717891		
Email: guytitman@mjca.co.uk		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in separate guidance notes. You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.

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All responses should be returned by 5pm on Wednesday 21st December 2016. Please note that representations cannot be received after this deadline.

Responses can be returned by email to: mwjointplan@northyorks.gov.uk or by post using the address below:

Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

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Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	MJCA on behalf of Plasmor Ltd
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="MJP45"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="text"/>	No	<input type="text"/>	[MJCA are not legal advisors]
2.(2) Sound	Yes	<input checked="" type="text" value="x"/>	No	<input type="text"/>	

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Justified</i>	Yes	<input checked="" type="text" value="x"/>	No	<input type="text"/>
<i>Effective</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Consistent with National Policy</i>	Yes	<input type="text"/>	No	<input type="text"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="text" value="x"/>	No	<input type="text"/>
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3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The allocation of the land north of Hemingbrough (reference MJP45) is supported. The allocation of site reference MJP45 provides for the remaining mineral reserves at Hemingbrough to be extracted (subject to access) and will provide a source of clay which is essential for the ongoing manufacturing operations at the Plasmor block making plant.

It is noted that the boundary of site reference MJP45 has been revised since the preferred options consultation of the Minerals and Waste Joint Plan to remove the areas now the subject of planning permission reference C8/2015/0280/CPO granted in March 2016. The proposed revision to the boundary of site reference MJP45 is supported.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Not applicable

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

N/A

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: 	Date: 14 December 2016
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Official Use Only Reference Number


Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	MJCA on behalf of Plasmor Ltd
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="MJP55"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	[MJCA are not legal advisors]
2.(2) Sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The allocation of the land adjacent to the former Escrick Brickworks (reference MJP55) is supported. The allocation of preferred area reference MJP55 will provide a long term source of clay during the plan period which is essential for the the ongoing manufacturing operations at the Plasmor block making plant.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Not applicable

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

N/A

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [Redacted] Date: 14 December 2016

Official Use Only Reference Number [Grid]

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	MJCA on behalf of Plasmor Ltd
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="WJP06"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	[MJCA are not legal advisors]
2.(2) Sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>					

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The allocation of the land adjacent to the former Escrick Brickworks (reference WJP06) is supported. The allocation of site reference WJP06 for the landfill of construction, demolition and excavation waste will provide for the restoration of site reference MJ55.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Not applicable

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

N/A

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [Redacted] Date: 14 December 2016

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	MJCA on behalf of Plasmor Ltd
------------------------	-------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="MJP44"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<input type="checkbox"/> [MJCA are not legal advisors]
2.(2) Sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>					

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The allocation of the land between the Plasmor block making plant at Great Heck and Pollington Airfield (reference MJP44) is supported. The site will provide a source of sand for use in the manufacturing operations at the Plasmor block making plant.

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Not applicable

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

N/A

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [Redacted] Date: 14 December 2016

Official Use Only Reference Number

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	MJCA on behalf of Plasmor Ltd
------------------------	-------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="MJP54"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<input type="checkbox"/> [MJCA are not legal advisors]
2.(2) Sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The allocation of the land at Mill Balk Quarry, Great Heck (reference MJP54) is supported. The site will provide a source of building sand during the plan period.

It is noted that the site information presented for Mill Balk Quarry (reference MJP54) in Appendix A to the Publication draft of the Minerals and Waste Joint Plan states that a key sensitivity for this site is the potential impact on best and most versatile agricultural land. We draw to your attention that the site comprises land previously disturbed by mineral extraction operations and woodland. The site no longer comprises best and most versatile agricultural land.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Not applicable

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

N/A

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [Redacted] Date: 14 December 2016

Official Use Only Reference Number [Grid]

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	MJCA on behalf of Plasmor Ltd
------------------------	-------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	<input type="text" value="M13"/>	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	----------------------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="text"/>	No	<input type="text"/>	[MJCA are not legal advisors]
2.(2) Sound	Yes	<input checked="" type="text" value="x"/>	No	<input type="text"/>	

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Justified</i>	Yes	<input checked="" type="text" value="x"/>	No	<input type="text"/>
<i>Effective</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Consistent with National Policy</i>	Yes	<input type="text"/>	No	<input type="text"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="text" value="x"/>	No	<input type="text"/>
--------------------------------------------	-----	-------------------------------------------	----	----------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The approach to policy M13 is supported.

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Not applicable

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

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6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

N/A

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [Redacted] Date: 14 December 2016

Official Use Only Reference Number [Grid]

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	MJCA on behalf of Plasmor Ltd
------------------------	-------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	<input type="text" value="M08"/>	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	----------------------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="text"/>	No	<input type="text"/>	[MJCA are not legal advisors]
2.(2) Sound	Yes	<input type="text" value="x"/>	No	<input type="text"/>	

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Justified</i>	Yes	<input type="text" value="x"/>	No	<input type="text"/>
<i>Effective</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Consistent with National Policy</i>	Yes	<input type="text"/>	No	<input type="text"/>

2 (3) Complies with the Duty to co-operate	Yes	<input type="text" value="x"/>	No	<input type="text"/>
--------------------------------------------	-----	--------------------------------	----	----------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The approach to policy M08 is supported.

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Not applicable

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

N/A

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [Redacted] Date: 14 December 2016

Official Use Only Reference Number [Grid]

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	MJCA on behalf of Plasmor Ltd
------------------------	-------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	<input type="text" value="W05"/>	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	----------------------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="text"/>	No	<input type="text"/>	[MJCA are not legal advisors]
2.(2) Sound	Yes	<input checked="" type="text" value="x"/>	No	<input type="text"/>	

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Justified</i>	Yes	<input checked="" type="text" value="x"/>	No	<input type="text"/>
----------------------------	-----	----------------------	----	----------------------	------------------	-----	-------------------------------------------	----	----------------------

<i>Effective</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Consistent with National Policy</i>	Yes	<input type="text"/>	No	<input type="text"/>
------------------	-----	----------------------	----	----------------------	----------------------------------------	-----	----------------------	----	----------------------

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="text" value="x"/>	No	<input type="text"/>
--------------------------------------------	-----	-------------------------------------------	----	----------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The approach to policy W05 is supported.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Not applicable

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

N/A

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [Redacted] Date: 14 December 2016

Official Use Only Reference Number [Grid]

Joan Jackson

From: Guy Titman <Guytitman@mjca.co.uk>
Sent: 20 December 2016 12:24
To: mwjointplan
Cc: 'julian.slater@plasmor.co.uk'
Subject: Minerals and Waste Joint Plan - Publication Stage - Response Form
Attachments: PL_MWDFp20439.pdf

Please find attached a completed response form for the Publication Draft Minerals and Waste Joint Plan sent on behalf of Plasmor.

MJCA
Baddesley Colliery Offices
Main Road
Baxterley
Atherstone
Warwickshire
CV9 2LE

Tel: 01827 717891
Fax: 01827 718507
www.mjca.co.uk



Technical advisers on environmental issues

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We extend to all our clients and colleagues our best wishes for a Happy Christmas and a successful New Year.

Our offices will be closed from the afternoon of Friday 23 December 2016 and will reopen at 8.30am on Tuesday 3 January 2017.

An emergency telephone response service will be in operation for 28, 29 and 30 December 2016.

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21 December 2016

RE: SDC representation to the North Yorkshire, York and North York Moors Minerals and Waste Joint Plan - Publication Draft.

Dear Sir/Madam

Thank you for giving Selby District Council the opportunity to comment on the North Yorkshire, York and North York Moors Minerals and Waste Joint Plan Publication Draft.

Selby District Council are in the process of producing PLAN Selby, the sites and policies document to support the adopted Core Strategy. As part of PLAN Selby, we are reviewing the use of key sites including several former collieries. This has allowed us to work closely with landowners to ensure sites are delivered to provide jobs and homes that help meet the objectives of the adopted Core Strategy. Further to you reviewing this representation, we would like to formally invite you to meet with us to discuss our progression with PLAN Selby and the potential impact this may have on the Minerals and Waste Joint Plan.

Prior to sending this formal response, we were given the opportunity to review Barton Willmore's draft response which is being sent on behalf of their client Haworth Estates. It is our understanding that they will be raising an objection the draft plan.

Having reviewed their draft response, we share Barton Wilmore's concerns with regards to the current wording of the policy as it possibly compromises the development of sites such as Olympia Park, Kellingley Colliery and Gascoigne Wood which are all sites of strategic importance to the District.

Whilst we have no objection in principal to the use of safeguarding via buffer zones, we have yet to see the evidence which supports the use of buffer zones at the above mentioned sites.

Policy S03: Waste Management Facility Safeguarding could restrict or impact redevelopment at Kellingley Colliery by applying the 250m buffer. In addition, we would expect existing planning permissions (i.e. the Southmoor Energy Centre) to feature within the draft plan.

Policy S04: Transport Infrastructure Safeguarding could restrict or impact redevelopment at both Olympia Park and Gascoigne Wood by applying the 100m buffer.

We need to be sure that these policies do not preclude beyond minerals and waste uses. As such, we ask that wording is added providing clarification which specifically details that it is not the intention of the policy to restrict forthcoming re-development of these sites outside of the waste and minerals remit.

We would very much like to meet with you to discuss the issues raised above to bring you up to date with the progress made to date on PLAN Selby. If you have any questions, please do not hesitate to contact me on 01757 705101 (Ext:42155).

Yours Faithfully,

Rebecca Raine

Planning Consultant – working on behalf of Selby District Council

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title: Mr	Initial(s): C
Surname: Gibben		
Organisation (if applicable): Middlesbrough Council.		
Address:	Planning Services	
	PO. Box 504, Civic Centre,	
	Middlesbrough	
Post Code: TS1 9FY		
Telephone: 01642 729065		
Email: charlton_gibben@middlesbrough.gov.uk		

Agent contact details (if applicable)

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in separate guidance notes. You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.

A separate Part B form **MUST** be produced for each separate representation you wish to make. After this stage, further submissions will only be at the invitation of the inspector who will conduct an Examination in Public of the Joint Plan, based on the matters they identify during the Examination.

All responses should be returned by 5pm on Wednesday 21st December 2016. Please note that representations cannot be received after this deadline.

Responses can be returned by email to: mwjointplan@northyorks.gov.uk or by post using the address below:

Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

Data Protection:

North Yorkshire County Council, the North York Moors National Park Authority and the City of York Council are registered under the Data Protection Act 1998. For the purposes of the Data Protection Act legislation, your contact details and responses will only be retained for the preparation of the Minerals and Waste Joint Plan. Representations made at Publication stage cannot remain anonymous, but details will only be used in relation to the Minerals and Waste Joint Plan. Your response will be made available to view on the website and as part of the examination.

For official use only:
Respondent Number

Date received Date entered Date acknowledged

19 December 2016

Minerals and Waste Joint Plan,
Planning Service,
North Yorkshire County Council,
County Hall,
Northallerton,
North Yorkshire,
DL7 8BR.

Direct Line: (01642) 729065

Fax: (01642) 729971

Our Ref: CJG/NYMW/DEV1

Your Ref:

When telephoning please ask for :

CHARLTON GIBBEN

Dear Mr Smith,

Minerals and Waste Joint Plan – Publication (November 2016 – December 2016)

Thank you for the opportunity to comment on the above consultation. This is a joint officer response on behalf of the five Tees Valley mineral and waste planning authorities.

The five authorities support the overall aims and objectives of the Publication Minerals and Waste Joint Plan. We also agree that the Joint Plan meets the four tests of soundness, is legally compliant, and complies with duty to co-operate aspects.

In addition, the five authorities wish for their previous joint response (submitted 20 January 2016) made at the Preferred Options Consultation stage, to be taken into account. Furthermore, along with our previous comments, the five authorities wish to include the following as part of their overall response:

The spatial portrait of the plan area recognises that the economy of the Tees Valley is particularly relevant to North Yorkshire as commuter patterns cross into these areas. It also states that population and household growth in adjacent urban areas is also expected to be relatively high and population and economic growth in these areas may have implications for minerals demand in North Yorkshire.

The Local policies and strategies recognises that although only a small part of the Plan area falls within the Tees Valley Local Economic Partnership area, managed by Tees Valley Unlimited, it is still important to consider the influence which economic growth from outside the Plan area may have.

This recognition is particularly important within the Tees Valley as authorities review their development plans, and plan positively for ambitious population and economic growth.

I trust that our previous submitted response and the above comments will be taken into account, and welcome the opportunity to continue to co-operate during the plan preparation process. Should you have any further queries, please do not hesitate to contact me on 01642 729065 or at planningpolicy@middlesbrough.gov.uk .

Yours sincerely,

[Redacted Signature]

Strategic Policy Manager
Middlesbrough Council

On behalf of:

Darlington, Hartlepool, Redcar & Cleveland, Stockton-on-Tees, and Middlesbrough Borough Councils.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Middlesbrough Council on behalf of the five Tees Valley Authorities
------------------------	---------------------------------------------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No. Policy No. Policies Map

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please see covering letter.

(continue on a separate sheet/expand box if necessary)

Joan Jackson

From: Charlton Gibben <Charlton_Gibben@middlesbrough.gov.uk>
Sent: 04 January 2017 11:54
To: mwjointplan
Subject: RE: Minerals and Waste Joint Plan - Publication Tees Valley Joint Response

Dear Joan,

Further to your below email I have spoken to the other Tees Valley Authorities, and we wish for our response to be recorded as five individual local authority responses. This will ensure that each LA will be properly /officially represented and kept informed of developments through the examination directly, rather than relying on one authority acting as a conduit.

In addition, I also need to inform you that there is no longer an organisation called the "Tees Valley Joint Strategy Unit". Furthermore, it should be noted, that Tees Valley Unlimited is the Local Enterprise Partnership (a separate organisation), and should not be used to describe the Local Authorities working together (or, for that matter, the Tees Valley Combined Authority).

I hope the above is of assistance.

Best Regards,
Charlton Gibben,
Senior Planning Policy Officer,
Planning Services,
Middlesbrough Council,
P.O.Box 504,
Civic Centre,
Middlesbrough,
TS1 9FY.

Tel: 01642 729065

From: mwjointplan [mailto:mwjointplan@northyorks.gov.uk]
Sent: 03 January 2017 15:46
To: Charlton Gibben <Charlton_Gibben@middlesbrough.gov.uk>
Subject: FW: Minerals and Waste Joint Plan - Publication Tees Valley Joint Response

Dear Mr Gibben,

You recently provided a response to our Minerals and Waste Joint Plan Publication document, the number we provided to you was for Middlesbrough Council only. The title we have been using to record combined responses from the 5 Tees Valley Authorities has been 'Tees Valley Unlimited – Joint Strategy Unit' is this still correct? If not what title should we use?

Once you have clarified the situation we will provide you with the correct Respondent Number which will cover a joint submission.

Sorry for the confusion.

Regards

Joan Jackson

From: mwjointplan
Sent: 22 December 2016 09:28
To: 'Charlton Gibben'
Subject: RE: Minerals and Waste Joint Plan - Publication Tees Valley Joint Response

Dear Mr Gibben,

Minerals and Waste Joint Plan – Publication

Thank you for your response to the Minerals and Waste Joint Plan Publication Stage.

Please accept this email as confirmation of receipt of your response on behalf of Middlesbrough Council.

Your response has been noted and will be processed. For reference a Respondent Number has been allocated to your response. Your unique Respondent Number is 0077. This can be used to identify your response on the website.

Copies of responses will be made available to view on our website www.northyorks.gov.uk/mwjointplan as soon as possible after the close of consultation.

The next stage in the process will be submission of the Minerals and Waste Joint Plan for Examination in Public. At that time it will be the role of the Inspector to consider the representations received alongside the published plan. As you have responded to this consultation you will be automatically notified when the Plan is submitted.

Yours Sincerely,

Minerals and Waste Joint Plan Team

From: Charlton Gibben [mailto:Charlton_Gibben@middlesbrough.gov.uk]
Sent: 21 December 2016 12:34
To: mwjointplan <mwjointplan@northyorks.gov.uk>
Cc: Wren, Rebecca <Rebecca.Wren@redcar-cleveland.gov.uk>; 'Palmer, Jane (DaNS)' <Jane.Palmer@stockton.gov.uk>; David Nelson <David.Nelson@darlington.gov.uk>; Matthew Clifford <Matthew.Clifford@hartlepool.gov.uk>
Subject: Minerals and Waste Joint Plan - Publication Tees Valley Joint Response

Dear Rob,

Please find attached the Tees Valley Authorities response to the above consultation. If you have any queries regarding our response please do not hesitate to contact me by the below telephone number or via email.

Best Regards,
Charlton Gibben,
Senior Planning Policy Officer,
Planning Services,
Middlesbrough Council,
P.O.Box 504,
Civic Centre,
Middlesbrough.

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title: Mr	Initial(s): C
Surname: Gibben		
Organisation (if applicable): Middlesbrough Council.		
Address:	Planning Services	
	PO. Box 504, Civic Centre,	
	Middlesbrough	
Post Code: TS1 9FY		
Telephone: 01642 729065		
Email: charlton_gibben@middlesbrough.gov.uk		

Agent contact details (if applicable)

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in separate guidance notes. You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.

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Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

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For official use only:
Respondent Number

Date received..... Date enteredDate acknowledged.....

19 December 2016

Minerals and Waste Joint Plan,
Planning Service,
North Yorkshire County Council,
County Hall,
Northallerton,
North Yorkshire,
DL7 8BR.

Direct Line: (01642) 729065
Fax: (01642) 729971

Our Ref: CJG/NYMW/DEV1
Your Ref:
When telephoning please ask for :
CHARLTON GIBBEN

Dear Mr Smith,

Minerals and Waste Joint Plan – Publication (November 2016 – December 2016)

Thank you for the opportunity to comment on the above consultation. This is a joint officer response on behalf of the five Tees Valley mineral and waste planning authorities.

The five authorities support the overall aims and objectives of the Publication Minerals and Waste Joint Plan. We also agree that the Joint Plan meets the four tests of soundness, is legally compliant, and complies with duty to co-operate aspects.

In addition, the five authorities wish for their previous joint response (submitted 20 January 2016) made at the Preferred Options Consultation stage, to be taken into account. Furthermore, along with our previous comments, the five authorities wish to include the following as part of their overall response:

The spatial portrait of the plan area recognises that the economy of the Tees Valley is particularly relevant to North Yorkshire as commuter patterns cross into these areas. It also states that population and household growth in adjacent urban areas is also expected to be relatively high and population and economic growth in these areas may have implications for minerals demand in North Yorkshire.

The Local policies and strategies recognises that although only a small part of the Plan area falls within the Tees Valley Local Economic Partnership area, managed by Tees Valley Unlimited, it is still important to consider the influence which economic growth from outside the Plan area may have.

This recognition is particularly important within the Tees Valley as authorities review their development plans, and plan positively for ambitious population and economic growth.

I trust that our previous submitted response and the above comments will be taken into account, and welcome the opportunity to continue to co-operate during the plan preparation process. Should you have any further queries, please do not hesitate to contact me on 01642 729065 or at planningpolicy@middlesbrough.gov.uk .

Yours sincerely,


Strategic Policy Manager
Middlesbrough Council

On behalf of:

Darlington, Hartlepool, Redcar & Cleveland, Stockton-on-Tees, and Middlesbrough Borough Councils.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Middlesbrough Council on behalf of the five Tees Valley Authorities
------------------------	---------------------------------------------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please see covering letter.

(continue on a separate sheet/expand box if necessary)

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title: Mr	Initial(s): J
Surname: McKewon		
Organisation (if applicable): Durham County Council		
Address:	Spatial Policy Team, Regeneration and Local Services	
	Durham County Council	
	County Hall	
Post Code: DH1 5UQ		
Telephone: 03000 263 403		
Email: Jason.mckewon@durham.gov.uk		

Agent contact details (if applicable)

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in separate guidance notes. You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.

A separate Part B form **MUST** be produced for each separate representation you wish to make. After this stage, further submissions will only be at the invitation of the inspector who will conduct an Examination in Public of the Joint Plan, based on the matters they identify during the Examination.

All responses should be returned by 5pm on Wednesday 21st December 2016. Please note that representations cannot be received after this deadline.

Responses can be returned by email to: mwjointplan@northyorks.gov.uk or by post using the address below:

Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

Data Protection:

North Yorkshire County Council, the North York Moors National Park Authority and the City of York Council are registered under the Data Protection Act 1998. For the purposes of the Data Protection Act legislation, your contact details and responses will only be retained for the preparation of the Minerals and Waste Joint Plan. Representations made at Publication stage cannot remain anonymous, but details will only be used in relation to the Minerals and Waste Joint Plan. Your response will be made available to view on the website and as part of the examination.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Durham County Council
------------------------	-----------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	<input type="text" value="W02"/>	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	----------------------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="checked" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input checked="checked" type="checkbox"/>	No	<input type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input checked="checked" type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input checked="checked" type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input checked="checked" type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input checked="checked" type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="checked" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	--------------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Durham County Council supports this key policy which seeks to support proposals for the additional waste management capacity which is needed to achieve an increase in net self-sufficiency in the management of waste to a level equivalent to expected arisings in the Plan area by the end of the plan period.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Durham County Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	W01 <input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	--------------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Durham County Council supports the overarching policy for waste management and considers that this will help move waste up the waste hierarchy.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Durham County Council
------------------------	-----------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="4.1 - 4.2"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	----------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Durham County Council wishes to offer its support to the Joint Plans vision, priorities and its objectives. The Council considers that the vision, priorities and objectives respond effectively to the challenges faced by the area, that they are consistent with national guidance and compatible with the Council's own policy approach through its existing Minerals and Waste Local Plans.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Durham County Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M03	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="text"/>	No	<input type="text"/>
2.(2) Sound	Yes	<input checked="" type="text"/>	No	<input type="text"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input checked="" type="text"/>	No	<input type="text"/>	<i>Justified</i>	Yes	<input checked="" type="text"/>	No	<input type="text"/>
<i>Effective</i>	Yes	<input checked="" type="text"/>	No	<input type="text"/>	<i>Consistent with National Policy</i>	Yes	<input checked="" type="text"/>	No	<input type="text"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="text"/>	No	<input type="text"/>
--------------------------------------------	-----	---------------------------------	----	----------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Durham County Council supports the establishment of both southern and northern facing distribution areas for sand and gravel. These distribution areas reflect the reality of the principal markets that North Yorkshire's quarries have traditionally served. In this regard there is a similar situation in the North East of England whereby Durham County Council also supplies significant quantities of aggregate into both the Tyne and Wear conurbation to the north and the Tees Valley conurbation to the south.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Not applicable.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Not applicable.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: 

Date: 15 December 2016

Official Use Only Reference Number



Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Durham County Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M02	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Durham County Council supports the scale of provision of sand and gravel proposed. This will enable the joint plan authorities to maintain a steady and adequate supply of sand and gravel to meet the joint plan area's own needs whilst also making a contribution to the needs of adjoining areas including both West Yorkshire and the Tees Valley which cannot meet its own needs.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Durham County Council
------------------------	-----------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph/No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M04	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Durham County Council supports the preferred policy approach. In particular, the Council supports the continuation of a northern facing sand and gravel landbank. This comment is based upon the fact that both Durham County Council and North Yorkshire County Council as adjoining mineral planning authorities have a role and responsibility in helping to assist the Tees Valley area which whilst being a major consumer of sand and gravel has produced no sand and gravel since 2012 and only limited quantities prior to 2012.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Durham County Council
------------------------	-----------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="2.87 - 2.90"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

In respect of the duty to cooperate the Localism Act requires local planning authorities to consult and engage with other councils in the preparation of their Local Plans. Throughout the plan making process in accordance with the duty to cooperate the joint plan authorities have engaged constructively, actively and on an ongoing basis with Durham County Council. We consider in respect of Durham County Council that the duty to cooperate has been fulfilled by the joint plan authorities.

mwjointplan

From: McCluskie, Helen <Helen.McCluskie@Doncaster.Gov.Uk>
Sent: 28 November 2016 14:18
To: mwjointplan
Cc: Johnson, Jeremy; Ward, Nicola (Planning)
Subject: RE: Minerals and Waste Joint Plan - Publication Stage

Follow Up Flag: Follow up
Flag Status: Flagged

Thanks for the consultation email
Doncaster council does not wish to make a representation regarding legal compliance and soundness.
I can confirm Doncaster has been consulted regularly throughout the process and we support the proposed allocation of the Barnsdale Bar and Went Edge quarry, recycling and waste management sites close to our borough boundary and the approach as proposed in the Joint Plan.

Kind regards
Helen McCluskie
Principal Planning Officer
Local Plans Team
Directorate of Regeneration and Environment

Doncaster Metropolitan Borough Council
Civic Office
Waterdale
Doncaster
DN1 3BU

Telephone: 01302 734874

From: Johnson, Jeremy
Sent: 09 November 2016 13:48
To: McCluskie, Helen
Cc: Ward, Nicola (Planning)
Subject: FW: Minerals and Waste Joint Plan - Publication Stage

Helen – I guess that you may have received this directly. Can you respond as needed. J

Jeremy Johnson
Planning Policy Manager (Local Plans)
Directorate of Regeneration and Environment
Civic Office
Waterdale
Doncaster
DN1 3BU

Tel: 01302 734933
Email: jeremy.johnson@doncaster.gov.uk

From: mwjointplan [<mailto:mwjointplan@northyorks.gov.uk>]
Sent: 09 November 2016 13:38

To: mwjointplan

Subject: Minerals and Waste Joint Plan - Publication Stage

Dear Sir/Madam,

Minerals and Waste Joint Plan – Publication

North Yorkshire County Council, City of York Council and the North York Moors National Park Authority are working together to produce a Minerals and Waste Joint Plan covering all three planning authority areas. When finalised the new Joint Plan will help the three authorities take decisions on planning applications for minerals and waste development up to 31 December 2030. A number of public consultations have already taken place to help develop the new Plan, including an 'Issues and Options' consultation in 2014 and a 'Preferred Options' consultation in 2015.

A final draft of the Joint Plan has now been prepared and is being published for a six week period to allow for representations to be made, before it is submitted for examination in public by an independent planning inspector. At this stage only representations relating to the legal compliance and soundness of the Joint Plan are required. More information about this is contained in the guidance notes attached with this email.

The formal publication period commences on **Wednesday 9th November 2016** and will close on **Wednesday 21st December 2016**. All responses must be received by **5pm** on that day. Please note we will be unable to accept responses after this deadline.

The Joint Plan and supporting documents are available to view on the Joint Plan Website: www.northyorks.gov.uk/mwconsult. Paper copies of the Joint Plan and main supporting documents, including a response form and guidance notes, are available to view during normal opening hours at all public libraries in the area covered by the Joint Plan, including mobile libraries and at all main offices of the three Authorities, as well as at District and Borough Council main offices and the National Park Centres.

Please see attached to this email:

- Formal Publication Letter,
- Statement of Representations Procedure,
- Response Form (Part A & Part B) and
- Guidance Notes

For further information about the Minerals and Waste Joint Plan please visit our website: www.northyorks.gov.uk/mwconsult

Yours faithfully

Minerals and Waste Joint Plan Team

On behalf of:

North Yorkshire County Council, City of York Council and North York Moors National Park Authority

This email has been sent on behalf of North Yorkshire County Council (NYCC), City of York Council (CYC) and North York Moors National Park Authority (NYMNP).

WARNING

Any opinions or statements expressed in this e-mail are those of the individual and not necessarily those of NYCC, CYC or NYMNP.

This e-mail and any files transmitted with it are confidential and solely for the use of the intended recipient. If you receive this in error, please do not disclose any information to anyone, notify the sender at the above address and then destroy all copies.

NYCC, CYC or NYMNPA computer systems and communications may be monitored to ensure effective operation of the system and for other lawful purposes. All GCSX traffic may be subject to recording and/or monitoring in accordance with relevant legislation.

Although we have endeavoured to ensure that this e-mail and any attachments are free from any virus we would advise you to take any necessary steps to ensure that they are actually virus free.

If you receive an automatic response stating that the recipient is away from the office and you wish to request information under either the Freedom of Information Act, the Data Protection Act or the Environmental Information Regulations please forward your request by e-mail to the Data Management Team (datamanagement.officer@northyorks.gov.uk) who will process your request.

North Yorkshire County Council

City of York Council

North York Moors National Park Authority

Our ref:
Your ref:

Highways Agency
Network Strategy (YH)
3rd Floor Tees Wing

Business Reply Service
Joint Minerals and Waste Plan
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8BR

Lateral
8 City Walk
Leeds
LS11 9AT

Direct Line: 0113 2835497

For the attention of: Planning Manager

16 December 2016

Dear Sir / Madam

CITY OF YORK COUNCIL, NORTH YORKSHIRE COUNTY COUNCIL AND NORTH YORK MOORS NATIONAL PARK MINERALS AND WASTE JOINT PLAN PUBLICATION DRAFT (NOVEMBER 2016)

Highways England welcomes the opportunity to provide comments on the Publication Draft of the North Yorkshire Minerals and Waste Joint Plan (the Plan) for the City of York Council, North Yorkshire County Council and North York Moors National Park. We have previously provided comments on the Joint Plan Issues and Options and earlier drafts including the Core Strategy Issues Paper and Waste Core Strategy First Consultation. This letter provides a summary of our response, whilst further detailed comment on the preferred policies has been provided in the accompanying policy schedule. In addition a site appraisal technical note has been produced to accompany our response, which provides a broad consideration of the site allocations.

The Strategic Road Network in the Joint Plan Area

The Strategic Road Network (SRN) within the joint plan area comprises of the following routes:

- The **A64(T)** provides a southwest-northeast link through the county connecting York with Scarborough and the A1 northeast of Leeds.
- The **A1(M)** provides a north-south link through the county ultimately connecting the south of England with the Scottish border.
- The **A66(T)** links the A1(M) to the northeast coast.
- The **A168(T)** links the A1(M) to the A19 east of Ripon.
- The **A19(T)** provides a north-south link from the A1(M) to Middlesbrough.
- The **M62** which provides an east-west link through the south of the county. The M62 links the county with Leeds, Manchester and Liverpool.

Background

Highways England was generally supportive of the North Yorkshire County Council Minerals Issues Paper particularly with regards to ensuring transport infrastructure is available, especially via more sustainable means of transport. Similarly, in response to the Waste Core Strategy we considered that there were a number of issues in relation to waste transportation that were particularly important when developing a strategy for waste management and transportation in the County. As referred to in response to the Minerals Issues Paper, we were supportive of maximising the use of sustainable transport infrastructure for the transportation of waste, where feasible, as this would help to reduce the impacts on both the local and strategic road networks. We also stated that this should be an important

consideration when identifying appropriate sites for new facilities along with the principle that waste should be managed near where it arises, which again can help to reduce the need to transport waste over longer distances that are more likely to use the Strategic Road Network (SRN).

Highways England most recently responded to the Joint Plan Preferred Options in November 2015. We were generally supportive of the Plan and welcomed that the option to identify specific sites for allocation in the Plan had been taken forward as we considered that this approach would provide the greatest degree of certainty as to where future development would take place, enabling the potential traffic impacts of sites to be assessed both from an individual and cumulative perspective, along with the requirements for any new or improved transport infrastructure required to support sites and mitigate their impact on existing transport infrastructure.

We welcomed the intentions for waste management, which was considered to be in line with National planning policy, encouraging the management of waste in proximity to where it arises, and seeking to increase self-sufficiency to help facilitate a reduction in the need to transport waste out with the authority, which could create traffic movements that would need to utilise the SRN.

We maintained our support for the safeguarding of existing transport infrastructure, such as railheads, rail links and wharves which could be utilised in the future to support new facilities or enable a modal shift to more sustainable transport, which could help to reduce transportation via the road network and in particular the SRN for more strategic movements. We were also particularly supportive of Policy D03: Transport of minerals and waste and associated traffic impacts and the prioritisation of minerals and waste transportation via alternatives to utilising the highway network, and the policy provisions that would ensure sufficient capacity should be available in a transport network to accommodate the additional level of traffic generated by the Plans development proposals. We also supported the requirement to implement highway improvements where adverse impacts would require mitigation and welcomed the requirement to provide a transport assessment to support proposals had been included in the policy.

In the accompanying technical note we considered the suitability of the Joint Plan Traffic Assessment that supported the Plan and assessed the traffic impacts of sites being considered for allocation. We considered that the level of traffic generated individually at each of the sites was unlikely to be of concern to Highways England in capacity terms. The cumulative impact of the various sites had been considered and it was accepted that these were generally limited. However, it was noted that should there be any cumulative issues these could be controlled through appropriate planning conditions. It was also noted that there is a potential highway safety issue associated with the sub-standard merge and diverge on the northbound A1 Junction with B6474 and therefore additional HGVs at this location could represent a highway safety issue that would need further consideration.

Joint Plan Publication Draft Summary

On the whole Highways England is generally supportive of the policies within the Joint Plan and in our consideration of the potential impact of sites on the SRN, the proposed daily traffic levels at each of the sites is still unlikely to cause us concern in terms of capacity. A small number of sites may present an issue particularly at peak times due to the proposed number of HGV movements expected. However, it is considered that these could be resolved as and when the sites come forward through the planning process utilising conditions to limit HGV movements during the peak periods.

We also consider that it is unlikely that the cumulative impact of these sites will present an issue at any particular SRN junction as the sites are utilising a number of different junctions on various parts of the SRN. There are several sand and gravel sites where HGVs are likely

to access the A1M at Mid Catterick and Leeming Bar but most are some distance from the network.

It should be noted that site MJP21 Killerby has the potential to be of concern where 34 HGV movements may use the Mid Catterick junction each hour. Combined with site MJP33 there is the potential for a combined impact of 47 HGV movements per hour at this location in addition to a number of light vehicle movements. However, we again consider that any concerns can be considered through the planning process when detailed trip generations and distributions can be considered.

Therefore, to conclude Highways England considers that the Joint Plan is sound when considered against the tests of being positively prepared, justified, effective, and consistent with national policy.

I trust this response is helpful, however should you require any further information, please do not hesitate to contact me and I look forward to receiving confirmation that our comments have been received in due course.

Yours sincerely

Simon Jones
Asset Manager
Yorkshire and Humber (North)
Highways Agency
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CITY OF YORK COUNCIL, NORTH YORKSHIRE COUNTY COUNCIL AND NORTH YORK MOORS NATIONAL PARK MINERALS AND WASTE JOINT PLAN PUBLICATION DRAFT (NOVEMBER 2016)

The table below details Highways England's response to the individual policies of the Publication Draft Minerals and Waste Joint Plan

POLICY	JOINT PLAN ISSUES AND OPTIONS CONSULTATION RESPONSE
<p>Vision</p> <p>Over the period to 31 December 2030 the Plan area will move towards the more sustainable provision of minerals and waste infrastructure and services, maintaining a careful balance between meeting future needs whilst protecting and enhancing the Plan area's environment, protecting and supporting its communities and strengthening its economy.</p> <p><u>Delivering Sustainable Waste Management</u></p> <p>i. Less waste will be generated and the Plan area will have moved substantially closer to a zero waste economy, with more waste being used as a resource and disposal of waste arising in the Plan area only taking place as a last resort. National and local targets for recycling and diversion of waste will, as a minimum, have been met and, where practicable, exceeded. Important waste management infrastructure will have been safeguarded for the future and the Plan area will have delivered sufficient waste management capacity to meet needs equivalent to waste arising in North Yorkshire and the City of York, with waste only being exported out of the Plan area where necessary or more sustainable.</p> <p><u>Achieving the Efficient Use of Minerals Resources</u></p> <p>ii. Whilst maximising the use of alternatives to primary minerals, the provision of an adequate and steady supply of minerals will have been maintained, recognising the important role the Plan area has in the supply of a range of minerals and in particular recognising the area's role in aggregates provision in the Yorkshire and Humber area and the adjacent North East region. Provision will have also reflected the importance of using local minerals to help to maintain and improve the quality of the area's built environment. Important minerals resources and minerals supply infrastructure will have been safeguarded effectively for the future.</p> <p><u>Optimising the Spatial Distribution of Minerals and Waste Development</u></p> <p>iii. Where geological, environmental and infrastructure considerations allow, opportunities to ensure a good match between locations of minerals supply and demand will have been taken, and appropriately located mineral workings will also be playing a role as locations for the re-use and/or recycling of construction and demolition and excavation waste.</p> <p>iv. For both minerals and waste development, an adequate network of suitably scaled and sustainably located facilities will have been delivered in order to meet requirements identified in the Joint Plan and the distribution of these will reflect the availability of adequate transportation networks, any opportunities for modal shift and the benefits of</p>	<p>Highways England generally supports the vision particularly the aspects of Part i and ii which seek to safeguard infrastructure for waste management, minerals resources and minerals supply. We previously stated that this could be strengthened by making specific reference to specific infrastructure such as railheads, wharves and pipelines, but note that this has not been included and would therefore wish to reiterate this point.</p> <p>We are also particularly supportive of Part iv and its pursuit for both minerals and waste development to be sustainably located, and the intention to encouraging a modal shift to more sustainable means of transport. Part iv also seeks to minimise the overall distance waste and minerals are transported, reducing the distance between the beginning and end users. This is also sought in Part v with the aim to manage waste in both urban and rural areas as near to where it arises as practical and to co-locate new waste facilities with complementary industries, businesses and producers or users of waste. We are particularly supportive of these principles as they would help to reduce the amount traffic associated with minerals and waste developments on the road network and in particularly the Strategic Road Network (SRN) and ensure the safe and efficient operation of the network is maintained.</p>

<p>minimising the overall distance waste and minerals are transported.</p> <p>v. Waste arising in both urban and rural areas will be managed as near to where it arises as practicable, appropriate to the waste stream and scale of arisings, through a network of facilities accessible to local communities and businesses. New waste facilities in both urban and rural locations will, where practicable, have been co-located with complementary industries, businesses and producers or users of waste, in order to maximise the overall efficiency of waste management and the delivery of wider benefits to local businesses and the economy, including from the generation of heat and power through the recovery of waste.</p> <p>vi. In identifying appropriate locations for the delivery of both minerals and waste development the distinguished natural, historic and cultural environment and unique and special landscapes of the Plan area will have been protected, with particular protection afforded to the North York Moors National Park, the Areas of Outstanding Natural Beauty, the historic City of York and the World Heritage Site at Fountains Abbey/Studley Royal</p> <p><u>Protecting and Enhancing the Environment, Supporting Communities and Businesses and Mitigating and Adapting to Climate Change</u></p> <p>vii. Minerals and waste development will be taking place in accordance with the highest practicable standards of design, operation and mitigation throughout the life of the development in order to ensure that the amenity and health of local communities, the sustainability of local businesses and the high-quality environment of the Plan area are given robust protection, including from any adverse cumulative impacts arising from development of shale gas resources. Liaison between developers and local communities, businesses, regulators and landowners will have been key in delivering this.</p> <p>viii. Improved efficiency in energy and resource use, including increased use of alternatives to primary minerals and appropriate design and mitigation to address effects on, and from, climate change, including reducing the carbon footprint associated with minerals and waste and reducing flooding will have occurred, and a high standard of reclamation and afteruse of minerals and waste sites will be being delivered, providing a range of benefits for local communities and the environment of the area, including connecting local access and enhancing biodiversity and ecological networks at a landscape scale where practicable, as well as protecting and restoring high quality agricultural land.</p>	
<p>Objectives</p> <p>1. Encouraging the management of waste further up the hierarchy.</p> <p>2. Making adequate provision for the waste management capacity needed to manage waste arising within the sub-region and safeguarding important waste</p>	<p>Highways England is generally supportive of the objectives for the Plan, and in particular Objective 3 and its intention to safeguard minerals infrastructure, including transport infrastructure such as railheads and</p>

<ol style="list-style-type: none"> 3. Safeguarding important minerals resources and minerals infrastructure for the future. 4. Prioritising the long-term conservation of minerals through facilitating provision of sustainable alternatives to primary minerals extraction, including increasing the re-use and recycling of minerals and the use of secondary aggregates. 5. Planning for the steady and adequate supply of the minerals needed to contribute to local and wider economic growth, built development, quality of life, local distinctiveness and energy requirements, within the principles of sustainable development. 6. Identifying suitable locations for the extraction and recycling of minerals, the production of secondary aggregate, key minerals supply and transport infrastructure and the management of waste. 7. Seeking a good match between locations for waste management infrastructure and the places where waste arises, and between locations for mineral working and minerals supply infrastructure and the places where minerals and mineral products are used, in order to minimise the overall need for transport. 8. Promoting the use of alternatives to road transport and ensuring that new development is served by suitable transport networks. 9. Protecting and where appropriate enhancing the natural and historic environment, landscapes and tranquil areas of the Plan area. 10. Protecting local communities, businesses and visitors from the impacts of minerals and waste development, including transport. 11. Encouraging the sustainable design and operation of minerals and waste development activity, including using opportunities arising from minerals and waste development and reclamation activity to mitigate and adapt to climate change. 12. Delivering benefits for biodiversity, geodiversity, recreation and public access and other green infrastructure through reclamation of minerals workings. 	<p>wharfs, which support more sustainable means of transportation.</p> <p>We are also generally supportive of Objectives 6 to 8, which focus on optimising the spatial distribution of minerals and waste development. Objective 6 states that appropriate sites or areas for future minerals works, waste management and transport infrastructure should be identified and allocated, which Highways England supports as this helps to ensure that the traffic impacts of development and requirements for supporting transport infrastructure can be assessed upfront as part of the plan making process, rather than taking a reactive approach purely through the development management process.</p> <p>Objective 7 seeks to develop a locational policy which encourages new waste management infrastructure in locations as near as practicable to existing sources and expected patterns of growth along with co-locating waste facilities, where practicable, with complementary industries, businesses and producers or end users of waste. As stated above in relation to Part iv and v of the Vision, we are particularly supportive of the principle of minimising the overall distance of travel as it should help to reduce the amount of traffic associated with minerals and waste developments utilising the SRN.</p> <p>Again, we are particularly supportive of Objective 8 and its intention to promote the use of alternatives to road transportation, locating new development where sustainable transport modes such as rail and water and the use of pipelines can be utilised.</p> <p>Finally, we are also particularly supportive of Objective 10 and its intention to protect local communities, businesses and visitors from the impacts of minerals and waste development, including associated impacts such as from minerals and waste transportation.</p>
<p>Policy M01: Broad geographical approach to supply of aggregates</p> <p>The 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:</p> <p>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</p>	

<p>rock from the site will not compromise the high quality reclamation and afteruse of the site.</p> <p>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, enhanced mitigation and higher-quality site reclamation compared with that required by the existing permissions/. Where proposals are considered to comprise major development the test for major development in Policy D04 will also need to be satisfied.</p> <p>3) In the City of York area, the small scale extraction of sand and gravel where this is consistent with safeguarding the historic character and setting of the City.</p>	<p>distanced strategic movements.</p>
<p>Policy M02: Provision of sand and gravel</p> <p>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.</p> <p>Additional provision shall be made, through a mid-term review of provision in the Plan, if necessary 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.</p>	<p>Highways England have no specific comment on the overall provision of sand and gravel required within the Joint Plan area.</p>
<p>Policy M03: Overall distribution of sand and gravel provision</p> <p>Overall provision of sand and gravel will be allocated in the following proportions:</p> <ul style="list-style-type: none"> • Concreting sand and gravel (Southwards distribution area): 50% • Concreting sand and gravel (Northwards distribution area): 45% • Building sand: 5% <p>If it is not practicable to make overall provision in accordance with this ratio, through grant of permission on allocated sites, provision for concreting sand and gravel shall be made across both areas in combination.</p>	<p>Highways England have no specific comment on the overall distribution of sand and gravel provisions within the Joint Plan area and is more concerned with the potential individual and cumulative impact of specific sites on the operation of the SRN and the requirements for mitigation either physical or from a demand management perspective.</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>Highways England have no specific comment on the need for landbanks in relation to sand and gravel requirements within the Joint Plan area.</p>
<p>Policy M05: Provision of crushed rock</p>	

<p>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 Magnesian 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 Magnesian Limestone, at 31 December 2030 based on an annual rate of provision to be determined through the review.</p>	<p>Highways England have no specific comment on the overall provision of crushed rock required within the Joint Plan area.</p>
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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 Magnesian Limestone 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.

Highways England have no specific comment on the need for landbanks in relation to crushed rock requirements within the Joint Plan area.

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 Joint 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)
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 Pennycroft and Thorneyfields, Ripon (MJP14)
A Preferred Area on land at Oaklands (MJP07)
Proposals for development of these sites will be required to take account of the key

Highways England previously had a preference for Option 1 and the identification of specific site allocations for sand and gravel where possible. This option provided the greatest degree of certainty as to where future development could take place and was in line with national policy.

We considered that by taking this approach it would be possible to identify the most sustainably accessible sites, and enable the potential traffic impacts of sites to be assessed both from an individual and cumulative perspective, along with any new or improved transport infrastructure that could be required in order to sustainably deliver the Plan's mineral related development requirements and mitigate its impact on the operation of the SRN.

We also previously stated our support for a criteria based policy and that this should encourage both a modal shift to more sustainable methods of transport where feasible, again to ensure that sites associated with the authority's sand and gravel requirement will not impact on the SRN.

We therefore welcome that the policy identifies specific sites and cross references to Appendix 1 which identifies the key sensitivities.

<p>sensitivities and incorporate the necessary mitigation measures that are set out in Appendix 1.</p> <p>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 in the southwards distribution area and the need cannot be met through development of allocated sites or preferred areas. Permission will not be granted for development within these Areas of Search prior to 2025, unless there is a need for the earlier release of further reserves in order to maintain an adequate landbank or there is a shortfall in production capacity in the southwards distribution area requiring the release of additional sites for working.</p>	<p>requirements and mitigation that development proposals need to be consider in order to deliver development at the identified sites. Further consideration has been given to these sites and requirements in the accompanying technical note. This identifies that the majority of sites do not represent any particular concern, with the exception of MJP21: Land at Killebby, which has the potential to generate concerning peak period traffic levels. However, it is expected that this can be mitigated through the planning process.</p>
<p>Policy M08: Meeting building sand requirements</p> <p>Requirements for building sand will be met through existing permissions and the grant of permission on sites allocated in the Joint Plan for working.</p> <p>Building sand allocations:</p> <ul style="list-style-type: none"> 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>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>Highways England previously had a preference for Option 1 and the identification of specific site allocations for sand and gravel where possible. This option provided the greatest degree of certainty as to where future development could take place and was in line with national policy.</p> <p>We considered that by taking this approach it would be possible to identify the most sustainably accessible sites, and enable the potential traffic impacts of sites to be assessed both from an individual and cumulative perspective, along with any <u>new</u> or improved transport infrastructure that could be required in order to sustainably deliver the Plan's mineral related development requirements and mitigate its impact on the operation of the SRN.</p> <p>We also previously stated our support for a criteria based policy and that this should encourage both a modal shift to more sustainable methods of transport where feasible, again to ensure that sites associated with the authority's building sand requirement will not impact on the SRN.</p> <p>We therefore welcome that the policy identifies specific sites and cross references to Appendix 1 which identifies the key sensitivities, requirements and mitigation that development proposals need to be consider in order to deliver development at the identified sites. Further consideration has been given to these sites and requirements in the accompanying technical note, which identifies that we do not consider them to present any particular concern in terms of impact on the</p>

	network.
<p>Policy M09: Meeting crushed rock requirements</p> <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 Joint Plan for working.</p> <p>Magnesian Limestone allocations:</p> <p>Part 1) Allocations required in order to meet requirements during the Plan period:</p> <p>Land at Jackdaw Crag South, Stutton (MJP23)</p> <p>Land at Barnsdale Bar Quarry (MJP28)</p> <p>Land at Went Edge Quarry, Kirk Smeaton (MJP29)</p> <p>Part 2) Allocations required to contribute to maintaining an adequate landbank at 31 December 2030:</p> <p>Land at Gebdykes Quarry (MJP11)</p> <p>Land at Polgate Quarry (MJP10)</p> <p>Maintenance of supply of crushed rock is also supported through the identification of allocated sites at:</p> <p>Land at Settrington Quarry (MJP08) (Jurassic Limestone)</p> <p>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>	<p>Highways England previously had a preference for Option 1 and the identification of specific site allocations for sand and gravel where possible. This option provided the greatest degree of certainty as to where future development could take place and was in line with national policy.</p> <p>We considered that by taking this approach it would be possible to identify the most sustainably accessible sites, and enable the potential traffic impacts of sites to be assessed both from an individual and cumulative perspective, along with any new or improved transport infrastructure that could be required in order to sustainably deliver the Plan's mineral related development requirements and mitigate its impact on the operation of the SRN.</p> <p>We also previously stated our support for a criteria based policy and that this should encourage both a modal shift to more sustainable methods of transport where feasible, again to ensure that sites associated with the authority's crushed rock requirement will not impact on the SRN.</p> <p>We therefore welcome that the policy identifies specific sites and cross references to Appendix 1 which identifies the key sensitivities, requirements and mitigation that development proposals need to be consider in order to deliver development at the identified sites. Further consideration has been given to these sites and requirements in the accompanying technical note, which identifies that we do not consider them to present any particular concern in terms of impact on the network.</p>
<p>Policy M10: Unallocated extensions to existing quarries</p> <p>Proposals for extensions to minerals extraction sites on land not allocated for working in the Joint Plan will be permitted subject to the following criteria:</p> <p>i) If the site is in the National Park or an AONB, the requirements for major development in Policy D04 are complied with;</p> <p>ii) The development would not compromise overall delivery of the strategy for the sustainable supply and use of minerals, including encouraging the use of alternatives to primary minerals;</p>	<p>Highways England has no significant concerns with this policy and welcomes the inclusion of the criteria iii) to ensure development is consistent with the Joint Plans development management policies, which should ensure appropriate consideration is given to any consequential changes to trip generation and the potential implications for supporting transport infrastructure.</p>

<p>ii) The development would be consistent with the development management policies in the Joint Plan.</p>	
<p>Policy M11: Supply of alternatives to land-won primary aggregates <i>Policy not of relevance to Highways England – policy wording not repeated verbatim here.</i></p>	<p>No Comment</p>
<p>Policy M12: Continuity of supply of silica sand <i>Policy not of relevance to Highways England – policy wording not repeated verbatim here.</i></p>	<p>No Comment</p>
<p>Policy M13: Continuity of supply of clay</p> <p>1) The provision of sufficient permitted reserves of clay to provide a 25 year supply for existing manufacturing operations at Aine Brickworks and Plasmor Blockworks, Great Heck, is supported as follows:</p> <p>i) Allocation required in order to meet requirements during the Plan period: Land to north of Hemingbrough clay pit (MJP45)</p> <p>ii) Allocation potentially required to contribute to maintaining longer term supply for Plasmor Blockworks:</p> <p>A Preferred Area on land adjacent to former Escrick Brickworks (MJP55) Development of reserves within this Preferred Area will only be permitted where it would follow the extraction of reserves within allocation MJP45 or it can be demonstrated that additional reserves are required to maintain an 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>2) Maintaining the supply of clay is also supported through identifying an allocated site for engineering clay at: Land north of Duttons Farm, Upper Poppleton (MJP52)</p> <p>3) Proposals for the development of sites allocated 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>4) Working of unallocated brick clay resources will be permitted where it can be demonstrated that the mineral is needed 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 Joint Plan and subject to compliance with relevant development management policies in the Joint Plan.</p>	<p>Highways England previously had a preference for Option 1 and the identification of specific site allocations for the supply of clay where possible. This option provided the greatest degree of certainty as to where future development could take place and was in line with national policy.</p> <p>We considered that by taking this approach it would be possible to identify the most sustainably accessible sites, and enable the potential traffic impacts of sites to be assessed both from an individual and cumulative perspective, along with any new or improved transport infrastructure that could be required in order to sustainably deliver the Plan's mineral related development requirements and mitigate its impact on the operation of the SRN.</p> <p>We also previously stated our support for a criteria based policy and that this should encourage both a modal shift to more sustainable methods of transport where feasible, again to ensure that sites associated with the authority's crushed rock requirement will not impact on the SRN.</p> <p>We therefore welcome that the policy identifies specific sites and cross references to Appendix 1 which identifies the key sensitivities, requirements and mitigation that development proposals need to be consider in order to deliver development at the identified sites. Further consideration has been given to these sites and requirements in the accompanying technical note, which identifies that we do not consider them to present any particular concern in terms of impact on the network.</p>

Policy M14: Incidental working of clay in association with other minerals	
<i>Policy not of relevance to Highways England – policy wording not repeated verbatim here.</i>	No Comment
Policy M15: Continuity of supply of building stone	
<i>Policy not of relevance to Highways England – policy wording not repeated verbatim here.</i>	No Comment
Policy M16: Key spatial principles for hydrocarbon development	
<i>Policy not of relevance to Highways England – policy wording not repeated verbatim here.</i>	No Comment
<p>Policy M17: Other spatial and locational criteria applying to hydrocarbon development</p> <p>1) Accessibility and transport</p> <p>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:</p> <p>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 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/or traffic routing arrangements; and</p> <p>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</p> <p>c) There are suitable arrangements in place for on-site manoeuvring, parking and loading/unloading.</p> <p>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.</p> <p>iii) Where produced gas needs to be transported to facilities or infrastructure not located at the point of production, 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.</p> <p>2) Cumulative impact</p> <p>i) Hydrocarbon development will be permitted in locations where it would not give rise to</p>	<p>Highways England is supportive of the spatial and locational criteria identified for hydrocarbon related development. In particular we welcome the provisions within part 1, including the need for a Transport Assessment, which needs to demonstrate that capacity in the road network exists and traffic generated by the development would not have any unacceptable adverse impacts or can be satisfactorily mitigated. However, the policy specifically refers to this applying where development would seek direct or indirect access to classified A or B roads. We consider that reference should also be made to the SRN to ensure such development gives appropriate consideration to its impact on the strategic network and any potential mitigation that may be required.</p> <p>With regards to the criteria relating to the consideration of cumulative impacts resulting from hydrocarbon related development, we welcome the inclusion of 2)(ii)a) requiring consideration of associated transport impacts in relation to proposed new well pad sites and to other existing, planned or unrestored well pads, and criterion c) which seeks to ensure that adequate access links to the highway network are available. Again, such considerations should also be made in relation to the SRN as well as the local road network.</p>

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.

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.

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

<p>of lower quality in preference to higher quality.</p> <p>3) Local economy 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.</p> <p>4) Specific local amenity considerations relevant to hydrocarbon development</p> <p>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.</p> <p>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.</p> <p>iii) Proposals involving hydraulic fracturing should be accompanied by an air quality monitoring plan and Health Impact Assessment.</p>	
<p>Policy M18: Other specific criteria applying to hydrocarbon development <i>Policy not of relevance to Highways England – policy wording not repeated verbatim here.</i></p>	<p>No Comment</p>
<p>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:</p> <p>i) The local geological circumstances are suitable;</p> <p>ii) The proposals would not have an unacceptable impact on the quality and availability of ground and surface water resources, on land stability, or on public health and safety;</p> <p>iii) There would be no unacceptable impact on the environment or local communities; and</p> <p>iv) The proposals are consistent with other relevant policies in the Plan.</p>	<p>Highways England has no particular concerns with this policy and is generally supportive of the requirement for the transport of carbon or gas to be via pipeline.</p>

Transport of carbon or gas should be via pipeline with the routing of lines selected to give rise to the least environmental or amenity impact.

Policy M20: Deep coal and disposal of colliery spoil

- 1) Proposals for surface and underground development for the mining of deep coal will be permitted where all the following criteria are met:
 - i) the location, siting and design of the surface development would ensure a high standard of protection for the environment and local communities in line with the development management policies in the Joint Plan;
 - ii) the proposals would enable coal to be transported in a sustainable manner;
 - iii) where located in the Green Belt, the proposals would comply with national policy on Green Belt;
 - iv) 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;
 - v) 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 permitted where they would be consistent with the development management policies in the Joint Plan.
 - 3) Proposals for new spoil disposal facilities will be assessed by reference 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 for new spoil disposal facilities which are located:
- iv) Outside the Green Belt, unless it can be shown that the proposals can be accommodated within the Green Belt 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 communities.

Highways England previously stated that it would be supportive of an option that supports proposals for deep coal and disposal of colliery spoil, where transportation would utilise sustainable modes where possible. We therefore welcome the inclusion of criterion iii) in relation to surface and underground development for deep coal mining, which requires proposals to ensure that coal can be transported in a sustainable manner. Further we welcome the inclusion of criterion v) in relation to proposals for new spoil disposal facilities that seeks to ensure such that spoil can be delivered to such sites utilising sustainable means of transport or transport of spoil can take place without any unacceptable impacts where transportation via road is necessary.

Policy M21: Shallow coal

<p><i>Policy not of relevance to Highways England – policy wording not repeated verbatim here.</i></p>	<p>No Comment</p>
<p>Policy M22: Potash, polyhalite and salt supply</p> <p>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.</p> <p>Proposals for new surface development and infrastructure associated with the existing permitted potash, polyhalite and salt mine sites in the National Park, or their surface expansion, which are not considered to be major development, will be permitted provided they meet the requirements of Policy D11 and Policy 102 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 need for the development.</p> <p>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 permitted where it can be demonstrated that the following criteria are met:</p> <ul style="list-style-type: none"> i) The proposals would not detract from the special qualities of the National Park, taking account of any mitigation measures proposed; 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 disposing of mining waste materials arising from the development are acceptable; and iv) The requirements of Policy 101 for transport and infrastructure have been fully considered. 	<p>Highways England has no particular concerns with this policy and welcomes the inclusion of criteria iv) which requires development proposals to consider the requirements of transport and infrastructure provided in Policy 101.</p>
<p>Policy M23: Supply of gypsum</p> <p><i>Policy not of relevance to Highways England – policy wording not repeated verbatim here.</i></p>	<p>No Comment</p>
<p>Policy M24: Supply of vein minerals</p> <p>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 Joint Plan, having particular regard where relevant to any</p>	<p>Highways England have no particular concerns with this policy and generally welcome the requirement for proposals relating to the extraction of vein minerals, to comply with the Joint Plan's development</p>

<p>impacts on:</p> <ul style="list-style-type: none"> i) important habitats and species; ii) protected landscapes; iii) heritage assets; iv) tourism assets; v) transport infrastructure. 	<p>management policies and to give particular consideration to the impacts on transport infrastructure.</p>
<p>Policy M25: Borrow pits</p> <p>Proposals for borrow pits, where permission is required, will be permitted where the required mineral cannot practically be supplied by secondary or recycled material of appropriate specification from a source in close proximity to the construction project, and; where all the following criteria are met:</p> <ul style="list-style-type: none"> 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. 	<p>Highways England is generally supportive of this policy and the criteria included, which seeks to ensure that borrow pits are located within or adjoining sites where the material is intended for use to reduce significant transport movements, which could utilise the road network, including the SRN.</p>
<p>Policy W01: Moving waste up the waste hierarchy</p> <p>1) Proposals will be permitted where they would contribute to moving waste up the waste hierarchy through:</p> <ul style="list-style-type: none"> 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 to divert waste from landfill. <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 permitted 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 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 at existing permitted landfill sites with remaining void space will be supported in principle, where necessary either:</p> <ul style="list-style-type: none"> (i) to maintain capacity for disposal of residual waste, or; (ii) to achieve the satisfactory restoration of the site. 	<p>Highways England is generally supportive of the policy which seeks to ensure that waste is recovered at the nearest installation, thereby reducing the need for transportation and reducing the consequential impacts of traffic movements.</p>

- 4) Landfill of inert waste will be permitted where it would facilitate:
- 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.

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 specifically to manage waste arising outside the Plan area it will not be permitted 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.

Highways England is generally supportive of the policy which seeks to ensure that waste is recovered at the nearest installation, thereby reducing the need for transportation and reducing the consequential impacts of traffic movements.

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 supported 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 compliance 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 the site locational and identification principles in Policies W10 and W11

Highways England previously had a preference for the identification of specific site allocations for waste management facilities where possible. This option provided the greatest degree of certainty as to where future development could take place and was in line with national policy.

We considered that by taking this approach it would be possible to identify the most sustainably accessible sites, and enable the potential traffic impacts of sites to be assessed both from an individual and cumulative perspective, along with any new or improved transport infrastructure that could be required in order to sustainably deliver the Plan's mineral related development requirements and mitigate its impact on the operation of the SRN.

<p>will be permitted.</p> <p>3) Permitting proposals for:</p> <p>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;</p> <p>b) improvements to the Household Waste Recycling Centre network.</p> <p>4) Proposals for development at 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>We also previously stated our support for a criteria based policy and that this should encourage both a modal shift to more sustainable methods of transport where feasible, again to ensure that sites associated with the authority's crushed rock requirement will not impact on the SRN.</p> <p>We therefore welcome that the policy identifies specific sites and cross references to Appendix 1 which identifies the key sensitivities, requirements and mitigation that development proposals need to be consider in order to deliver development at the identified sites. Further consideration has been given to these sites and requirements in the accompanying technical note, which identifies that we do not consider them to present any particular concern in terms of impact on the network.</p>
<p>Policy W04: Meeting waste management capacity requirements - Commercial and industrial waste (including hazardous C&I waste)</p> <p>1) Net self-sufficiency in capacity for management of C&I waste will be supported through:</p> <p>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 identification principles in Policies W10 and W11;</p> <p>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;</p> <p>iii) Providing large scale capacity for recovery of energy and anaerobic digestion for C&I waste through a combination of spare capacity within the Allerton Waste Recovery Park facility and the Southmoor Energy Centre (WJP03), 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) <u>Subject to energy recovery capacity becoming operational at the allocated sites</u></p>	<p>Highways England is generally supportive of this policy and the intention to have net self-sufficiency in the capacity for C&I waste management, which should have positive implications in terms of minimising waste transportation, particularly in relation to waste arising from outside of the Plan area.</p>

<p>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 the 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 Knarborough (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>3) 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>Policy W05: Meeting waste management capacity requirements - Construction, Demolition and Excavation waste (including hazardous CD&E waste)</p> <p>1) Net self-sufficiency in capacity for management of CD&E waste will be supported through:</p> <p>i) Permitting proposals which would deliver increased capacity for recycling CD&E waste where the development would be consistent with the site locational and identification principles in Policies W10 and W11;</p> <p>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;</p> <p>iii) Permitting proposals for additional landfill capacity for CD&E waste where it would be consistent with the principles set out in Policy W01 parts 3) and 4);</p> <p>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.</p> <p>2) Provision of capacity for management of CD&E waste is also supported through site allocations for:</p> <p>i) Allocations for recycling of CD&E waste: Land at Potgate Quarry, North Stainley (WJP24)</p>	<p>Highways England is generally supportive of this policy and the intention to have net self-sufficiency in the capacity for CD&E waste management, which should have positive implications in terms of minimising waste transportation, particularly in relation to waste arising from outside of the Plan area.</p>

<p>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 CD&E waste: 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. 3) Proposals for development of the allocated sites for recycling or landfill 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.</p>	
<p>Policy W06: Managing agricultural waste <i>Policy not of relevance to Highways England – policy wording not repeated verbatim here.</i></p>	<p>No Comment</p>
<p>Policy W07: Managing low level (non-nuclear industry) radioactive waste <i>Policy not of relevance to Highways England – policy wording not repeated verbatim here.</i></p>	<p>No Comment</p>
<p>Policy W08: Managing waste water and sewage sludge <i>Policy not of relevance to Highways England – policy wording not repeated verbatim here.</i></p>	<p>No Comment</p>
<p>Policy W09: Managing power station ash and incinerator Bottom Ash <i>Policy not of relevance to Highways England – policy wording not repeated verbatim here.</i></p>	<p>No Comment</p>
<p>Policy W10: Overall locational principles for provision of waste capacity The allocation of sites and determination of planning applications should be consistent with the following principles: 1) Providing new waste management capacity within those parts of the Plan area outside the North York Moors National Park and the Areas of Outstanding Natural</p>	<p>Highways England previously stated that it was supportive of the principles included in Option 2 which would seek sites to be located as close as practicable to the source/s of waste to be dealt with, and that wider strategic facilities should be located where the overall</p>

<p>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.</p> <p>2) Maximising the potential of the existing facility network by 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.</p> <p>3) Supporting proposals for development of waste management capacity at new sites where the site is compatible with 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:</p> <p>a) For new 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 localised needs for 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;</p> <p>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.</p>	<p>transportation impacts would be minimised. We therefore welcome that both of these principles have been incorporated into the policy and will therefore help to reduce the impact of waste transportation.</p>
<p>Policy W11: Waste site identification principles</p> <p>The allocation of sites and determination of planning applications for new waste management facilities should be consistent with the following principles:</p> <p>1) Siting facilities for the preparation or re-use, recycling, transfer and treatment of waste (excluding energy recovery or 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;</p> <p>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 arisings in rural areas, the curtilage of redundant agricultural buildings or other appropriate on-farm locations. Where development of new capacity on greenfield land is necessary then preference will be</p>	<p>Highways England is generally supportive of this policy. We previously stated our preference for Option 2 and the local approach to the siting of waste facilities. Through pursuing this approach and the principles of co-location opportunities where they may arise, we considered that it would help to reduce the need for significant transport of waste over longer distances, which would generally be less likely to therefore impact on the SRN. We also stated that we were particularly supportive of the requirement of Option 2 to ensure that consideration is given to a site's impact on the capacity of transport infrastructure and any cumulative impact from previous waste disposal facilities. We therefore welcome the policy requirement to ensure that in all cases sites will need to be suitable when considered in relation to infrastructure constraints, which specifically includes the capacity of transport infrastructure and any potential cumulative impact from previous waste disposal facilities.</p>

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 building;

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 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 other 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.

Policy I01: Minerals and waste transport infrastructure

1) The development of rail, water, pipeline or conveyor transport infrastructure, or use of Highways England are particularly supportive of this policy which

<p>existing infrastructure, will be encouraged and permitted 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.</p> <p>2) 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.</p> <p>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 Joint 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.</p> <p>3) 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)</p> <p>Proposals for development of this site 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>encourages and supports the transportation of minerals and waste via more sustainable means, including the use of rail, water and pipelines. The prioritisation of alternatives to road transport, particularly where minerals or waste development is located in close proximity to wharf or rail heads, as identified in part 2) of the policy is also particularly supported, and should have a positive impact both on the local road network and on the SRN.</p> <p>It is understood from paragraph 7.7 that this will predominantly involve the re-use of existing inactive and under-used infrastructure as opposed to new wharves and railheads, which we generally support. We also welcome the clarity provided in paragraph 7.8 that minerals and waste development that is located in close proximity to sustainable transport infrastructure, should give consideration to its use as part of a Transport Assessment, in accordance with Policy D03.</p> <p>Part 3) of the policy identifies Land at Barlby Road, Selby (MJP09) as a site for the rail reception, handling and onward distribution of aggregate in order to help secure its long term use for sustainable transportation. We are therefore generally supportive of this intention. Further consideration has been given to this site in the accompanying technical note, which identifies that we do not consider it to present any particular concern in terms of impact on the network given the site is already operational and it is assumed that there will be no Net change in vehicle movements from the existing operation.</p>
<p>Policy 102: Locations for ancillary minerals infrastructure</p> <p>1) Development of ancillary minerals infrastructure at active minerals extraction sites and sites producing secondary aggregate will be permitted provided the following criteria are met:</p> <ul style="list-style-type: none"> i) 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 ii) The development would not have significant additional adverse impact on local communities, businesses or the environment; and iii) The development would not unacceptably increase the overall amount of road transport to or from the host site; and iv) Where the host site is located in the Green Belt the ancillary development is acceptable in accordance with national and local Green Belt policy; and v) The development is linked to the overall life of minerals extraction or supply of 	<p>Highways England previously stated a preference for Option 1 which was to include provisions to ensure the process or development relating to ancillary minerals would not significantly increase the overall amount of road transport to and from the site. We therefore welcome the inclusion of criteria 1) ii), which states that development should not unacceptably increase the overall amount of road transport to or from the host site.</p>

<p>secondary aggregate at the host site, unless the location is appropriate to its retention in the longer term.</p> <p>2) Within the City of York area, development of ancillary minerals infrastructure will also be permitted provided the following criteria are met:</p> <p>i) The site would be located on industrial or employment land, previously developed land, or would be co-located with other compatible industrial or commercial development; and</p> <p>ii) The site has good access to the transport network; and</p> <p>iii) The development would not have significant adverse impact on local communities, businesses or the environment including heritage assets.</p> <p>3) 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 mine surface site if developed, or within the Whitby Business Park identified on the Policies Map.</p>	
<p>Policy S01: Safeguarding mineral resources</p>	
<p><i>Policy not of relevance to Highways England – policy wording not repeated verbatim here.</i></p>	<p>No Comment</p>
<p>Policy S02: Developments proposed within Minerals Safeguarding Areas</p>	
<p><i>Policy not of relevance to Highways England – policy wording not repeated verbatim here.</i></p>	<p>No Comment</p>
<p>Policy S03: Waste management facility safeguarding</p>	
<p><i>Policy not of relevance to Highways England – policy wording not repeated verbatim here.</i></p>	<p>No Comment</p>
<p>Policy S04: Transport Infrastructure safeguarding</p> <p>Railheads, rail links and wharves identified on the Policies Map, with a 100m buffer zone, will be safeguarded against development which would prevent or frustrate the use of the infrastructure for minerals or waste transport purposes, unless:</p> <p>i) The need for the alternative development outweighs the benefits of retaining the facility; and</p> <p>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</p> <p>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.</p> <p>Where development, other than exempt development as defined in the Safeguarding Exemption Criteria list, is proposed within an identified buffer zone permission will be</p>	
	<p>Highways England is supportive of this policy and the intentions to safeguard transport infrastructure, which could be utilised in the future to support new facilities or enable a modal shift to more sustainable transport options. This therefore has the potential to support a reduction in the transportation of minerals and waste via the road network and in particular the SRN for more strategic movements.</p>

<p>granted where adequate mitigation can, if necessary, be provided to reduce any impacts from the existing or proposed adjacent minerals or waste transport infrastructure uses to an acceptable level, and the benefits of the proposed use outweigh any safeguarding considerations.</p>	
<p>Policy S05: Minerals ancillary Infrastructure safeguarding</p>	
<p>Minerals ancillary Infrastructure sites identified on the Policies Map, with a 100m buffer zone, will be safeguarded against development which would prevent or frustrate the use of the site for minerals ancillary infrastructure purposes, unless:</p> <ul style="list-style-type: none"> i) The need for the alternative development outweighs the benefits of retaining the site; and ii) Where minerals ancillary infrastructure is in active use on the land, a suitable alternative location can be provided for the displaced infrastructure; or iii) 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>Where development, other than exempt development as defined in the Safeguarding Exemption Criteria list, is proposed within an identified buffer zone permission will be granted where adequate mitigation can, if necessary, be provided to reduce any impacts from the existing or proposed adjacent minerals ancillary infrastructure uses to an acceptable level, and the benefits of the proposed use outweigh any safeguarding considerations.</p>	<p>Highways England is generally supportive of this policy and the intentions to safeguard ancillary Infrastructure.</p>
<p>Policy S06: Consideration of applications in Consultation Areas</p>	
<p><i>Policy not of relevance to Highways England – policy wording not repeated verbatim here.</i></p>	<p>No Comment</p>
<p>Policy D01: Presumption in favour of sustainable minerals and waste development</p>	
<p>waste development</p> <p>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 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.</p> <p>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.</p> <p>Where there are no policies relevant to the application or relevant policies are out of date then the Authority will grant permission unless:</p>	<p>One of the key functions of Highways England is to support and facilitate the delivery of sustainable economic growth and we are therefore supportive of the general principle of taking a positive approach that reflects the presumption in favour of sustainable minerals and waste development as promoted by the National Planning Policy Framework. We are therefore supportive of this policy.</p>

<ul style="list-style-type: none"> • 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 policies relating to 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 Policy D04 of this Joint Plan. 	
<p>Policy D02: Local amenity and cumulative impacts</p>	
<p>1) 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:</p> <ul style="list-style-type: none"> • 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 at a single site and/or as a result of a number of sites operating in the locality <p>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>2) 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.</p>	<p>Highways England have no particular comment but are generally supportive of this policy.</p>

<p>Policy D03: Transport of minerals and waste and associated traffic impacts</p> <p>1) Where practicable minerals and waste movements should utilise alternatives to road transport including rail, water, pipeline or conveyor.</p> <p>Where road transport is necessary, proposals will be permitted where:</p> <ul style="list-style-type: none"> • 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 have an unacceptable impact on local communities, businesses or other users of the highways network, or 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. <p>Where access infrastructure improvements are needed to ensure that the requirements above can be compiled with, information on the nature, timing and delivery of these should be included within the proposals.</p> <p>2) For all proposals generating significant levels of road traffic, a transport assessment and 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.</p>	<p>Highways England previously stated that in relation to the transportation of minerals and waste and the associated traffic that is generated, that its preference was for a combination of Option 1 and Option 3 which were considered to provide the strongest policy direction for prioritising more sustainable non-road transport of minerals and waste. We considered that the addition of the criteria set out in Option 3 would ensure that where proposals would give rise to significant movements on the road network, including the SRN, that appropriate consideration would be given to its potential impact on the network, the ability of the network to support additional capacity and where adverse impacts arise, mitigation of such impacts would be delivered. We also stated that we would welcome the inclusion of the requirement for a transport assessment to be provided in support of proposals. We therefore welcome the inclusion of all these provisions within the policy.</p> <p>We note that the policy includes the requirement that, 'Where access infrastructure improvements are needed to ensure that the requirements above can be compiled with, information on the nature, timing and delivery of these should be included within the proposals'. In line with Circular 02/13: Planning and the Strategic Road Network, Highways England usually considers that any capacity-enhancements, including new or improved infrastructure required to facilitate the delivery of the Plan's development, should be identified upfront during the preparation of the Plan. This provides the best opportunity to consider the Plan's overall development aspirations and potential cumulative impacts that could result from specific sites, and negates the need to consider new proposals for infrastructure improvements at the planning application stage, which doesn't allow for the forward planning of infrastructure, particularly where timing, delivery and funding could affect development viability. However, based on the findings of our accompanying assessment and that there is no identified requirement for any physical works affecting the SRN that the policy approach is sufficiently appropriate.</p>
<p>Policy D04: Development affecting the North York Moors National Park and the AONBs</p> <p><i>Policy not of relevance to Highways England – policy wording not repeated verbatim here.</i></p>	<p>No Comment</p>

Policy D05: Minerals and waste development in the Green Belt	
Policy not of relevance to Highways England – policy wording not repeated verbatim here.	No Comment
Policy D06: Landscape	
Policy not of relevance to Highways England – policy wording not repeated verbatim here.	No Comment
Policy D07: Biodiversity and geodiversity	
Policy not of relevance to Highways England – policy wording not repeated verbatim here.	No Comment
Policy D08: Historic environment	
Policy not of relevance to Highways England – policy wording not repeated verbatim here.	No Comment
Policy D09: Water environment	
Policy not of relevance to Highways England – policy wording not repeated verbatim here.	No Comment
Policy D10: Reclamation and afteruse	
Policy not of relevance to Highways England – policy wording not repeated verbatim here.	No Comment
Policy D11: Sustainable design, construction and operation of development	
Policy not of relevance to Highways England – policy wording not repeated verbatim here.	No Comment
Policy D12: Protection of agricultural land and soils	
Policy not of relevance to Highways England – policy wording not repeated verbatim here.	No Comment
Policy D13 - Consideration of applications in Development High Risk Areas	
Policy not of relevance to Highways England – policy wording not repeated verbatim here.	No Comment

York and North Yorkshire Minerals and Waste Joint Plan

PREPARED FOR: Highways England
PREPARED BY: Katie Dixon
DATE: 16 December 2016
PROJECT NUMBER: AF.16.21 KD01
APPROVED BY: Richard Edwards

1.0 Introduction and Background

This technical note has been prepared in order to provide comments on the suitability of specific site allocations within the '*Minerals and Waste Joint Plan, Publication Draft*' produced by York and North Yorkshire Councils and dated November 2016. The main purpose of the Minerals and Waste Joint Plan [MWJP] is to provide guidance to developers, local communities and other interested parties on where and when minerals and waste development may be expected over the next 15 years, as well as how it will be managed to reduce any adverse impacts and maximise any benefits. (Minerals development includes activities such as mining, quarrying and gas extraction. Waste development includes activities such as waste recycling and the treatment and disposal of waste.) The MWJP will cover the period to 31 December 2030 and the geographical scope of the Joint Plan is the three minerals and waste planning authority areas of North Yorkshire, the City of York and the North York Moors National Park.

Highways England have previously provided comments at consultation stages throughout the development of the MWJP, namely:

- Minerals and Waste Joint Plan Preferred Options (November 2015), including the Joint Plan Traffic Assessment (October 2015)
- Issues and Options Consultation (February 2014)
- Core Strategy First Consultation (May 2013)

Once completed, the MWJP will replace the existing minerals and waste policies held by the 3 authorities.

2.0 Type of Sites

The MWJP includes specific site allocations as well as a number of preferred areas. During preparation of the Minerals and Waste Joint Plan a call for sites was issued so interested parties could indicate land they wanted made available for minerals and waste development for the period to the end of 2030. This resulted in specific site allocations where the grant of planning permission may reasonably be expected subject to submission of an acceptable planning application. In a number of cases Preferred Areas have been identified. These are broader areas within a defined boundary in which it is considered that there is likely to be potential to develop a suitable site, for example in order to meet longer term requirements for a particular mineral, although more detailed environmental and other investigations are likely to be needed before any part of the area could be confirmed as being suitable for

development. They provide an indication of where development may be supported subject to necessary further testing.

Following consultation on the first full draft of the Plan, a number of sites and preferred areas put forward have either been withdrawn by the original submitter, or have not been considered suitable to take forward further. As a result and in order to provide flexibility to help ensure that an adequate supply of sand and gravel can be made available to meet potential requirements Areas of Search for sand and gravel have been identified. These are areas where evidence suggests that suitable resources are likely to be present. They are relatively large areas, whose boundaries are defined with a lesser degree of precision than for specific site allocations or preferred areas, within which developers should direct their more detailed site search activity in order to bring forward additional resources if necessary.

Although CH2M have reviewed proposed site allocations for Highways England previously, this version of the MWJP includes further sites that were submitted since the last consultation. The current version of the MWJP includes a large number of sites, many of which are small operations. For the purpose of this assessment we have considered the larger sites which are more likely to have a traffic impact upon the SRN. In order to discount smaller sites we have made the following assumptions.

- Minerals sites generating under 50 2 way HGV movements per day are unlikely to represent a significant traffic impact for the SRN.
- Assuming a 10 hour working day this represents 5 2 way HGV movements per hour.
- 50% of HGVs arrive empty and 50% leave fully loaded.
- 20 tonne HGV used for transporting minerals.
- Each HGV is associated with an arrival and departure (25 loaded HGVs per day)
- Even distribution of trips throughout each hour of the working day.
- 300 working days per annum results in output of 150,000 tonnes per annum.

As a result of these assumptions we have not assessed any site with a predicted annual output of under 150,000 tonnes. The remaining sites are considered below by type.

3.0 Sand and Gravel Sites

There are 10 allocated sand and gravel sites within the MWJP and an estimate of the annual output is made along with an estimate of daily light and heavy vehicle movements. Four sites have an estimated annual output of under 150,000 tonnes therefore have not been assessed any further. The remaining 6 sites are summarised in Table 3.1 below along with the 2 proposed areas of search.

TECHNICAL MEMORANDUM

Table 3.1: Sand and Gravel Sites (output over 150,000 tonnes per annum)

Site Ref	MJP06	MJP07	MJP33	MJP21	MJP17	MJP14	Area A	Area C
Site Type	Allocated	Allocated	Allocated	Allocated	Allocated	Allocated	Area of Search	Area of Search
Site Location	Langwith Hall Farm, east of Well	Oaklands, near Well	Home Farm, Kirkby Fleetham	Land at Killerby	Land to South of Catterick	Ripon Quarry	Dishforth Area	Brearton
Site Area	43.1ha	44.6ha	114.7ha	213ha	81.52ha	30.22ha	Unknown	Unknown
Tonnes per Annum	500,000	500,000	300,000	650,000	250,000	250,000	N/A	N/A
SRN	A1(M)	A1(M)	A1(M)	A1(M)	A1(M)	A1(M)	A1(M)/A168	A1(M)
First Point of Contact	Leeming Bar	Leeming Bar	Mid Catterick	Mid Catterick	Mid Catterick	A61 J50	Unknown	Unknown
Distance from SRN	10km	10km	3km	3km	2km	12km	Adjacent	12km
2 Way Lorries per day	200	200	128	336	121	150	Unknown	Unknown
2 Way Light Vehicles per day	34	34	21	42	18	16	Unknown	Unknown
Previous Comments	Assumed no Net change in vehicle movements from existing operation.	Assumed no Net change in vehicle movements from existing operation.	Traffic levels assessed appear reasonable and if traffic is distributed evenly it would not be a concern.	Traffic levels are a concern in the peak period. Mitigate through the planning process.	Not raised as a concern. Assumed no traffic impact in TA. Likely to be a replacement for Killerby once reserves are exhausted.	Assumed no Net change in vehicle movements from existing operation.	Consideration of the SRN required when selecting sites.	Consideration of the SRN required when selecting sites.
Concern	No	No	No	Yes	No	No	Potential, large area.	Potential, large area.

3.1 MJP06 Langwith Hall Farm, east of Well

This site is not of concern to Highways England given there are already existing operations which are to be extended, an average of 20 two way HGV trips per hour and the distance from the SRN.

3.2 MJP07 Oaklands, near Well

This site is not of concern to Highways England given there are already existing operations which are to be extended, it is estimated there will be an average of 20 two way HGV trips per hour and the overall distance from the SRN.

3.3 MJP33 Home Farm, Kirkby Fleetham

CH2M have previously assessed this site in January 2016 and found that approximately 12 heavy vehicles per hour would utilise the Mid Catterick junction on the A1(M). It was concluded that the level of traffic appeared reasonable and would not be a concern to Highways England.

3.4 MJP21 Land at Killerby

CH2M have previously assessed this site in January 2016. The review found that the existing junction with the A1 was unsuitable for increased HGV use but that there was a proposal to use the upgraded local access road adjacent to the upgraded A1 and joining the SRN at Mid-Catterick. The traffic information assessed found that 87% of HGVs would travel north along the Local Access Road to the A1 Mid Catterick junction equating to circa 36 vehicles per hour. Although CH2M did not undertake a detailed assessment the estimates appeared reasonable with the traffic levels not of concern to Highways England during the off peak period. Consideration of the impact at peak periods would however be required through the planning process, with HGV movements during peak hours controlled by a condition.

3.5 MJP17 Land to South of Catterick

This site has not previously been raised as a cause for concern by Highways England. It is likely to be a replacement for Killerby once reserves at that site are exhausted and the anticipated traffic levels are not of a level to cause concern on the SRN.

3.6 MJP14 Ripon Quarry

This site is not of concern to Highways England given there are already existing operations which are to be extended, an average of 15 two way HGV trips per hour and the distance from the SRN.

3.7 Area of Search A Dishforth

This Area of Search crosses the A168 near Dishforth. Any sites brought forward in this area would need to consider the impact upon the SRN including the potential for subsidence to ensure the stability of the SRN.

3.8 Area of Search C Brearton

This area of search is further from the SRN to the north of Harrogate so less of a concern to Highways England. However any site brought forward in this area must consider the impact on the SRN as it is brought forward.

4.0 Clay Sites

Three sites have been nominated for consideration for extraction of clay with two sites having an estimated annual output of over 150,000 tonnes. These sites can be seen in **Table 4.1**.

Table 4.1: Clay Sites (output over 150,000 tonnes per annum)

Site Ref	MJP45	MJP55
Site Type	Allocated	Allocated
Site Location	Land to north of Hemingbrough	Land adjacent to former Escrick Brickworks
Site Area	14.31ha	112ha
Tonnes per Annum	200,000	200,000
SRN	M62	A64
First Point of Contact	J37	A64/A19
Distance from SRN	10km	8km
2 Way Lorries	100	100
2 Way Light Vehicles	16	10
Previous Comments	Assumed no Net change in vehicle movements from existing operation.	No traffic expected. The level of traffic is unlikely to be a concern for the SRN
Concern	No	No

4.1 MJP45 Land to the north of Hemingbrough

The site is an existing operation with existing vehicle movements. It is expected there will be no net change in movements and that given the low number of trips and the distance from the network there is no concern to Highways England.

4.2 MJP55 Land adjacent to former Escrick Brickworks

This site involves reopening a closed clay quarry and using the clay at the adjacent brickworks. As such there is not expected to be a traffic impact and the site is of no concern to Highways England.

5.0 Magnesium Limestone, Limestone and Stone Sites

Seven sites have been allocated for the extraction of limestone, magnesium limestone and building stone. Of these three sites have an estimated annual output of under 150,000 tonnes and are therefore do not require further consideration. The sites considered by CH2M are shown in **Table 5.1**.

Table 5.1: Magnesium Limestone Sites (output over 150,000 tonnes per annum)

Site Ref	MJP11	MJP10	MJP29	MJP23
Site Type	Allocated	Allocated	Allocated	Allocated
Site Location	Gebdykes Quarry, near Masham	Potgate Quarry, North Stainley	Went Edge Quarry, Kirk Smeaton	Jackdaw Crag, Shutton
Site Area	27.1ha	19.4ha	3.9ha	6ha

Tonnes per Annum	235,000	235,000	600,000	300,000
SRN	A1(M)	A1(M)	A1	A64
First Point of Contact	J50	J50	A1/Wentedge Road	A64/A659 Tadcaster S
Distance from SRN	18km	12km	2km	Adjacent
2 Way Lorries	64	162	100	334
2 Way Light Vehicles	7	32	6	6
Previous Comments	Assumed a net change in HGV movements of just 16 HGVs over existing uses and additional traffic not a concern for the SRN.	N/A	Assumed no Net change in vehicle movements from existing operation.	Assumed no Net change in vehicle movements from existing operation. (Review of 2015 TA in Jan 2016)
Concern	No	No	No	No

5.1 MJP11 Gebdykes Quarry, near Masham

The site is an existing operation with existing vehicle movements. It is expected there will be a small increase in HGV movements but that overall the number of movements will be low. Given the low number of trips and the distance from the network there is no concern to Highways England.

5.2 MJP10 Potgate Quarry, North Stainley

This site is a proposed extension to an existing operation. Given the relatively low HGV movements expected and the distance from the SRN this location is not of concern to Highways England.

5.3 MJP29 Went Edge Quarry, Kirk Smeaton

The site is an existing operation with existing vehicle movements. It is expected there will be no net change in movements and that given the low number of trips and the distance there is no concern to Highways England.

5.4 MJP23 Jackdaw Crag, Shutton

This is an existing quarry with an extension proposed to extend operations at the site. In January 2016 a review of the supporting TA found that there was unlikely to be an increase in traffic movements above current levels. A planning application for the area (NY/2009/0523/ENV) is currently awaiting determination and traffic on the A64 has been highlighted as a consideration. Highways England would seek to limit any increase in operations above current levels as while there is unlikely to be a significant impact off peak, there could potentially be a peak hour issue at the junction which should be addressed through the planning process.

6.0 Minerals handling and processing sites

Two processing sites are identified within the MWJP and these are summarized in Table 6.1 below.

Table 6.1: Minerals Processing Sites (output over 150,000 tonnes per annum)

Site Ref	MJP09	MJP24
Site Type	Allocated	Allocated
Site Location	Barlby Road, Selby	Darrington Quarry
Site Area	25ha	10.4ha
Tonnes per Annum	170,000	500,000
SRN	M62	A1
First Point of Contact	A19	A1 Darrington
Distance from SRN	15km	2km
2 Way Lorries	120	146
2 Way Light Vehicles	25	100
Previous Comments	Site already operational, assumed no Net change in vehicle movements from existing operation.	Site already operational, assumed no Net change in vehicle movements from existing operation.
Concern	No	No

6.1 MJP09 Barlby Road, Selby

The site is an existing rail and road freight distribution facility including handling facility for aggregates. It is a current operation with existing vehicle movements. Given the distance from the SRN and the low number of HGV movements this is not a concern for Highways England.

6.2 MJP24 Darrington Quarry

The site is a processing plant site and haul road for processing of Magnesian limestone extracted from part of Darrington Quarry. It is an existing operation with existing vehicle movements and does not cause concern to Highways England.

7.0 'Other' Minerals Sites

There are a number of other types of mineral excavation that are identified within the MWJP. These are:

- Recycled and secondary aggregates
- Marine aggregates
- Silica sand
- Hydrocarbons - oil and gas
- Carbon and gas storage
- Coal
- Potash, Polyhalite and Salt
- Gypsum
- Vein minerals
- Borrow pits

While locations these minerals are present are highlighted no specific sites have been identified for any of these categories. It would be the preference of Highways England that sites are identified and allocated at an early stage to ensure feasibility in terms of the SRN and the ability to accommodate the development traffic. However, in the absence of this all planning applications should be supported by

both a Transport Statement / Transport Assessment and a Traffic Management Plan and Highways England will provide comment accordingly.

8.0 Waste Sites

Where waste sites both import and export materials it has been assumed that the same HGVs can both import and export and therefore no vehicles will travel to or from the site empty. Nineteen waste sites are identified within the MWJP and of these thirteen sites have imports (or imports/exports) of under 150,000 tonnes per annum. The remaining six sites are summarized in Table 8.1.

8.1 WJP08 Allerton Park, near Knaresborough

This is an existing site and it is proposed to retain the landfill and associated landfill gas utilisation plant and use of site for growth of energy/biomass crops beyond 2018. The number of HGV movements estimated are low with an average of 7 2way HGV movements an hour. Traffic at this level is unlikely to cause any concern to Highways England.

8.2 WJP06 Land adjacent to former Escrick brickworks, Escrick

It is proposed to import inert waste to this location for use in restoration of the proposed clay extraction under MJP55. The site is not currently operational and thus the 10 light vehicle trips and 100 HGV trips per day would be additional to the network. It should be noted that site MJP55 would generate the same level of traffic as well. The location of the imported inert waste is unknown. Given the sites location it is likely to import waste from Selby and York and therefore there will be limited impact on the SRN and therefore is unlikely to be of concern to Highways England.

8.3 WJP21 Brotherton Quarry, Burton Salmon

This site has permission for import of material to restore the site until 2020. This allocation is for the continuation of the import of inert waste for restoration purposes. This would allow the western part of the quarry to be restored with a potential need for about 400,000 tonnes of inert material to restore the site. The site is already undergoing restoration and given the existing HGV movements it is not expected continuation of restoration will have a significant impact on the SRN.

8.4 WJP03 Southmoor Energy Centre, Former Kellingley Colliery

Planning permission for this facility was granted in February 2015 which considered the proposed level of traffic associated with the site. As such the site was found acceptable.

8.5 WJP25 Former ARBRE Power Station, Eggborough

Planning permission for this Energy Recovery facility with Advanced Thermal Treatment facility was granted in May 2015 which considered the proposed level of traffic associated with the site. As such the site was found acceptable.

8.6 WJP11 Harewood Whin, Rufforth

It is proposed to retain the landfill site beyond 2017 and construct a new waste transfer station. An application for the construction of a Waste Transfer Station (16/00357/FULM) is currently awaiting determination as is an application for the continuation of the landfill site beyond 2017 (16/00534/FULM). The traffic impact of the proposals will be assessed through these applications. However given the proposed traffic movements and the distance from the SRN Highways England do not have any concerns with the site.

Table 8.1: Waste Sites (output over 150,000 tonnes per annum)

Site Ref	WJP08	WJP06	WJP21	WJP03	WJP25	WJP11
Site Type	Allocated	Allocated	Allocated	Allocated	Allocated	Allocated
Site Location	Allerton Park, near Knaresborough	Land adjacent to former brickworks, Escrik	Brotherton Quarry Burton Salmon	Southmoor Energy Centre, Kellingly Colliery	Former ARBRE Power Station, Eggborough	Harewood Whin, Rufforth
Site Function	Waste	Waste Restoration of site	Waste Restoration of site	Energy production from waste	Energy recovery	Waste recycling
Site Area	29ha	112ha	25ha	12.9ha	4.2ha	81.73ha
Tonnes per Annum	237,000	200,000	250,000	280,000	200,000	345,000
SRN	A1(M)	A64	A1(M)	M62	M62	A1(M)
First Point of Contact	J47 A59	A64/A19	A63	J33	J34	J46 / J47
Distance from SRN	3km	8km	5km	6km	3km	15km
2 Way Lorries per day	72	100	112	132	88	160
2 Way Light Vehicles per day	8	10	12	32	84	30
Previous Comments	Site already operational, assumed no net change in vehicle movements from existing operation.	Given the location it is likely to import waste from Selby and York and therefore there will be limited impact on the SRN.	Site already operational, assumed no net change in vehicle movements from existing operation.	Site already granted planning permission and not yet operational.	Site already granted planning permission.	Site already operational, assumed no net change in vehicle movements from existing operation.
Concern	No	No	No	No	No	No

9.0 All Sites

Each allocated and un-allocated site that comes forward for planning permission will be assessed on an individual basis by Highways England. As such, a Transport Statement / Transport Assessment will be required. For the sites where there is potential for a cumulative impact this should be taken into consideration.

A Traffic Management Plan will be required which is likely to require the minimisation of transportation of minerals on the SRN through inclusion of non-road based modes of transportation and potential restrictions upon HGV movements within the network peak hours.

10.0 Summary

This technical note has been prepared in order to provide comments on the suitability of specific site allocations within the *'Minerals and Waste Joint Plan, Publication Draft'* produced by York and North Yorkshire Councils and dated November 2016.

Specific mineral site allocations are proposed for sand & gravel, magnesium limestone, limestone, building rock, clay, minerals processing sites. Specific waste site allocations are also proposed including a number of recycling sites.

The MWJP document has estimated the likely tonnes per annum as an output from each site along with an estimate of heavy and light vehicle movements. The proposed daily traffic levels at each of the sites are unlikely to cause concern to Highways England in terms of capacity. However a small number of sites may present an issue particularly at peak times due to the proposed number of HGV movements expected. It is considered that these could be resolved as and when the sites come forward through the planning process via the attaching conditions to any permission limiting HGV movements during the peak periods.

It is unlikely that the cumulative impact of these sites will present an issue at any particular SRN junction as the sites are utilizing a number of different junctions on various parts of the SRN. There are several sand and gravel sites where HGVs are likely to access the A1M at Mid Catterick and Leeming Bar but most are some distance from the SRN. Of particular concern is site MJP21 Killerby where 34 HGV movements may use the Mid Catterick junction each hour. Combined with site MJP33 there could be a combined impact of 47 HGV movements per hour at this location in addition to a number of light vehicle movements. Any concerns should be considered through the planning process when detailed trip generations and distributions can be considered.

Joan Jackson

From: Jones, Simon <Simon.Jones@highwaysengland.co.uk>
Sent: 16 December 2016 14:11
To: mwjointplan; Rachel Pillar; mwjointplan; Paul N Roberts
Subject: Minerals and Waste Joint Plan - Publication Stage
Attachments: Cover Letter.docx; Joint Plan Publication Review Schedule (Final).docx; Tech Note AF 16 21 KD01 PC Final.docx

Afternoon all

Please find attached the response of Highways England regarding the York, NY and NY National Park Minerals and Waste Joint Plan (consisting of a cover letter, policy review schedule, and site assessment technical note).

Given that we have not identified any serious concerns with the plan, at this stage, there is no objection in principle to raise.

Kindest regards

Simon Jones, Asset Development Manager

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GTN: 0300 470 2472

From: mwjointplan [<mailto:mwjointplan@northyorks.gov.uk>]

Sent: 09 November 2016 13:38

To: mwjointplan

Subject: Minerals and Waste Joint Plan - Publication Stage

Dear Sir/Madam,

Minerals and Waste Joint Plan – Publication

North Yorkshire County Council, City of York Council and the North York Moors National Park Authority are working together to produce a Minerals and Waste Joint Plan covering all three planning authority areas. When finalised the new Joint Plan will help the three authorities take decisions on planning applications for minerals and waste development up to 31 December 2030. A number of public consultations have already taken place to help develop the new Plan, including an 'Issues and Options' consultation in 2014 and a 'Preferred Options' consultation in 2015.

A final draft of the Joint Plan has now been prepared and is being published for a six week period to allow for representations to be made, before it is submitted for examination in public by an independent planning inspector. At this stage only representations relating to the legal compliance and soundness of the Joint Plan are required. More information about this is contained in the guidance notes attached with this email.

The formal publication period commences on **Wednesday 9th November 2016** and will close on **Wednesday 21st December 2016**. All responses must be received by **5pm** on that day. Please note we will be unable to accept responses after this deadline.

The Joint Plan and supporting documents are available to view on the Joint Plan Website: www.northyorks.gov.uk/mwconsult. Paper copies of the Joint Plan and main supporting documents, including a response form and guidance notes, are available to view during normal opening hours at all public libraries in the area covered by the Joint Plan, including mobile libraries and at all main offices of the three Authorities, as well as at District and Borough Council main offices and the National Park Centres.

mwjointplan

From: Paul Jackson
Sent: 20 December 2016 09:44
To: mwjointplan
Cc: Liz Small
Subject: Minerals and Waste Joint Plan - Publication (November 2016 - December 2016)

I have the following comments to make on the published version of the Plan:

1. In para 5.122 (and referenced in subsequent paragraphs) the MWJP refers to the “proposed” Surface Development Restriction regulation pertaining to fracking in wells drilled from the surface within Protected Areas. I’ve double-checked the Government response of July 2016 and it seems to confirm my previous understanding that the Surface Development Restriction provisions, including the Ministerial Policy Statement covering existing PEDL Licences, are now in place. Some updating of the text to reflect the current legislative and policy position would therefore seem to be required.
2. Between paras 9.21 and 9.22 it would aid consistency and support the policy provisions if the Purposes of AONB designation were included as a new paragraph, as the Purposes of National Park designation are detailed in Para 9.19. The full Purposes of AONB designation, as laid out in ‘*Areas of Outstanding Natural Beauty: A Policy Statement, Countryside Commission, CCP 352, 1992*’ are as follows:
 - The primary purpose of designation is to conserve and enhance natural beauty.
 - In pursuing the primary purpose of designation, account should be taken of the needs of agriculture, forestry and other rural industries and of the economic and social needs of communities. Particular regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment.
 - Recreation is not an objective of designation, but the demand for recreation should be met so far as this is consistent with the conservation of natural beauty and the needs of agriculture, forestry and other uses.

So as not to unwittingly undermine either the designation or the evidence for the policy provision, the Purposes should be included in full and not paraphrased or summarised.

Paul Jackson
AONB Manager
Howardian Hills AONB
The Old Vicarage
Bondgate
Helmsley
York
YO62 5BP

T: 0845 034 9495 (01609 536778) / NYCC ext 6775
Mob: 07715 009426
W: www.howardianhills.org.uk
T: @Howardian_Hills



mwjointplan

From: DIO SEE-EPS SG1a1 (Dale, Louise Miss) <DIOSEE-EPSSG1a1@mod.uk>
Sent: 22 November 2016 08:42
To: mwjointplan
Subject: 20161122 Minerals and Waste Joint Plan Formal Publication
Attachments: 20151117 NYCC MW JP Preferred Options.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Sir/Madam

DIO Safeguarding has been consulted throughout the process regarding site allocation etc This office last responded on the 17/11/15 in regards to Additional Sites and Preferred allocations. On reviewing the formal publication, I can confirm our comments remain with regards to the sites identified (please see attached for reference).

Kind Regards

Louise Dale| Assistant Safeguarding Officer - Statutory & Offshore-Environment & Planning Support-Safeguarding|
DIO Safety Environment & Engineering

DIO|
Building 49 | Kingston Road| Sutton Coldfield B75 7RL
Civ: 0121 311 3656 | Mil: 94421 3656 | Fax: 0121 311 2218
Email: DIOSEE-EPSSG1a1@mod.uk

Website: www.mod.uk/dio/
MOD Safeguarding

<https://www.gov.uk/government/publications/wind-farms-ministry-of-defence-safeguarding>

NB: I work Monday - Wednesday8-4.



Ministry of Defence

Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

Defence Infrastructure Organisation

Safeguarding Department
Statutory & Offshore

Defence Infrastructure Organisation
Kingston Road
Sutton Coldfield
West Midlands
B75 7RL

Tel: +44 (0)121 311 3656 Tel (MOD): 94421 3656

Fax: +44 (0)121 311 2218

E-mail: DIO-safeguarding-statutory@mod.uk

www.mod.uk/DIO

14 December 2015

Dear Sir/Madam

North Yorkshire Minerals and Waste Joint Plan Preferred Options

Thank you for consulting the Ministry of Defence in relation to the above referenced consultation.

The MOD originally responded in February 2015 and our original comments remain relevant to these sites.

However, on reviewing appendix one the MOD recognises there are a large number of additional sites included for review. Therefore, I would like to register the following comments:

Sites MJP06,07 and 14 all fall within the statutory safeguarding consultation zone for RAF Leeming and RAF Topcliffe. Therefore, any development exceeding 91.4m above ground level (agl) should be referred to this office for review. The proposed sites also fall within the statutory birdstrike safeguarding zone, therefore any restoration schemes which include wetland creation, or open water bodies should be referred to this office for review.

Sites MJP33,21,17,46 and WJP23 all fall within the statutory safeguarding consultation zone for RAF Leeming. Therefore any development exceeding 91.4m agl should be referred to this office for review. Site MJP 11 also falls within the statutory safeguarding zone for RAF Leeming, therefore any development exceeding 15.2m agl should be referred to this office for review. The sites also fall within the statutory birdstrike safeguarding zone, therefore any restoration schemes which include wetland creation or open water bodies should be referred to this office for review.

Sites MJP04 and MJP 51 both fall within the statutory 45.7m height consultation zone surrounding RAF Topcliffe and Dishforth airfield. Therefore any development exceeding this height criterion should be referred to this office for review. The sites also fall within the statutory birdstrike safeguarding zone, therefore any restoration schemes which include wetland creation or open water bodies should be referred to this office for review

Site MJP35 falls within the statutory 91.4m height consultation zone surrounding RAF Linton on Ouse. Therefore any development exceeding this height criteria should be referred to this office for review. This site also falls within the statutory birdstrike safeguarding zone, therefore any restoration schemes which include wetland creation or open water bodies should be referred to this office for review

The remaining sites all fall outside of the statutory safeguarding areas; therefore we have no safeguarding concerns for those sites.

I trust this adequately explains our position on this matter.

Yours sincerely



Louise Dale
Assistant Safeguarding Officer (Statutory & Offshore)
DIO Safeguarding



0115

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title: MR.	Initial(s): M. E.
Surname: NORTH.		
Organisation (if applicable): MINERAL PRODUCTS ASSOCIATION		
Address:	GILLINGHAM HOUSE	
	38-44 GILLINGHAM ST.	
	LONDON	
Post Code: SW1V 1HU		
Telephone: 07584 278272		
Email: mark.north@minineralproducts.org		

Agent contact details (if applicable)

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in separate guidance notes. You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.

A separate Part B form MUST be produced for each separate representation you wish to make. After this stage, further submissions will only be at the invitation of the inspector who will conduct an Examination in Public of the Joint Plan, based on the matters they identify during the Examination.

All responses should be returned by 5pm on Wednesday 21st December 2016. Please note that representations cannot be received after this deadline.

Responses can be returned by email to: mwjointplan@northyorks.gov.uk or by post using the address below:

Minerals and Waste Joint Plan Team
 Planning Services
 North Yorkshire County Council
 County Hall
 Northallerton
 DL7 8AH

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Mineral Products Association
------------------------	------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M04	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The wording of Policy M04 is not consistent with the wording of NPPF with respect to the provision on landbanks at para 145.NPPF requires the *maintenance of at least 7 years* and does not refer to a *minimum 7 year landbank* which is the wording in Policy M04.

It is noted that the Plan uses correct wording in the supporting text to the policy at paragraph 5.15 and 5.21 and it is important that the policy wording is consistent with this.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	MINERAL PRODUCTS ASSOCIATION
------------------------	------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M05	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The second paragraph of Policy M05 is not consistent with NPPF on two counts and is consequently UNSOUND.

Firstly the policy refers to a *mid term review* of provision. This is assumed to be 7/8 years from the Plan being adopted as the Plan period is 15 years. In support of the NPPF the Planning Practice Guide (PPG) for local Plans at para 008 states that ;

Most Local Plans are likely to require updating in whole or part at least every five years [emphasis added].

The proposal to undertake a review halfway through a Plan of 15 years i.e.circa 7/8 years is clearly not consistent with National Policy and is UNSOUND.

Secondly the wording of Policy M05 is not consistent with the wording of NPPF with respect to the provision on landbanks for crushed rock at para 145.NPPF requires the *maintenance of at least 10 years* and does not refer to a *minimum 10 year landbank* which is the wording in Policy M05.

It is necessary to maintain at least a 10 year landbank whether or not a review is undertaken.

The proposal to maintain a separate landbank for Magnesian Limestone is supported as is the recognition that the required landbank under NPPF should be in place at the end of the Plan period.

Paragraph 5.30 will also need rewording to reflect the above points.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Mineral Products Association
------------------------	------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No. Policy No. Policies Map

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No
2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No
Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy M06 is not consistent with NPPF on two counts and is consequently UNSOUND.

Firstly the use of the wording of Policy M06 is not consistent with the wording of NPPF with respect to the maintenance of landbanks for crushed rock. At para 145 NPPF requires the *maintenance of at least 10 years* and does not refer to a *minimum 10 year landbank* which is the wording in Policy M06.

Secondly the requirement of the policy to source new reserves from outside the National Park and ANOBs is also not consistent with National Policy. NPPF (para144) states that;

-as far as is practical [emphasis added] ,provide for the maintenance of landbanks of non-energyminerals from outside National Parks,the Broads,Areas of Outstanding Natural Beauty,World Heritage sites,Scheduled Monuments and Conservation Areas;

As currently drafted this Policy could be construed as no future development in the National Park regardless of circumstances.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

It is suggested that Policy M06 is reworded to read as follows to make it consistent with National Policy;

A ~~minimum overall~~ landbank of at least 10 years will be maintained for crushed rock throughout the Plan period. A separate ~~minimum 10-year~~ landbank of at least 10 years will be identified and maintained for Magnesian Limestone crushed rock throughout the Plan period.

Where new reserves of crushed rock are required in order to maintain a landbank of at least 10 years ~~the overall landbank above the 10-year minimum period~~ these will be sourced from outside the National Park and Areas of Outstanding Natural Beauty as far as is practical.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

It is hoped that attendance at the hearing will allow an opportunity to explain why the suggested amendments/additions are considered necessary to accord with National Policy.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature

[Redacted]

Date: 19/12/2016

Official Use Only Reference Number

[Redacted]

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Mineral Products Association
------------------------	------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	SO1	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy SO1 is SUPPORTED.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Mineral Products Association
------------------------	------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	SO2	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Justified	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Effective	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Consistent with National Policy	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Part 1 of Policy SO2 is SUPPORTED.

We have no comment on part 2 and 3 of the Policy.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Mineral Products Association
------------------------	------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	SO4	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	x	<input type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	---	--------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy SO4 is SUPPORTED.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

N/A.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

The Mineral Products Association are happy to attend the the examination in support of the Local Authority if it is felt to be of assistance.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [REDACTED]	Date: 19/12/2016
-----------------------	------------------

Official Use Only Reference Number
[REDACTED]

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	MINERAL PRODUCTS ASSOCIATION
------------------------	------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	Para. 2.26	Policy No.		Policies Map	
----------------------------------------------	------------	------------	--	--------------	--

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Para 2.26 (page18), first sentence,states that ;

The NPPF also places emphasis upon conserving important landscapes and heritage assets by requiring that land banks for non-energy minerals are provided outside National Parks, AONBs,Scheduled Monuments and World Heritage Sites.

NPPF para 144 , second bullet states;

- *as far as is practical (emphasis added),provide for the maintenance of landbanks of non-energy minerals from outside National Parks,the Broads,Areas of Outstanding Natural Beauty and World Heritage sites,Scheduled Monuments and Conservation areas;*

As currently drafted para. 2.26 does not properly reflect the NPPF and is therefore UNSOUND .

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: 	Date: 19/12/2016
----------------------------------------------------------------------------------------------	------------------

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Mineral Products Association
------------------------	------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="2.68"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	-----------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Paragraph 2.68 says "Silica sand is also imported in to the Plan area as a raw material for a glass manufacturing plant near Selby, as well as to other locations in the Yorkshire and Humber area. These imports are thought to relate mainly to minerals which meet specifications which cannot be provided from within the Plan area ...".

This is not correct in respect of silica sand. Blubberhouses Quarry is one of very few sites nationally with the ability to produce silica sand of a suitable quality for clear glass manufacture.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Mineral Products Association
------------------------	------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="2.88"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	-----------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The second bullet point of paragraph 2.88 states ;

Cross boundary supply issues relating to silica sand, which is a mineral of national significance[emphasis added].

The terminology used in relation to this matter in NPPF is "Nationally Important" .As such the statement does not accord with National Policy and is UNSOUND.

It is hoped that attendance at the hearing will allow an opportunity to explain why the suggested amendments/additions are considered necessary to accord with National Policy.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature:

[Redacted Signature]

Date: 19/12/16

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Mineral Products Association
------------------------	------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="Para.5.15"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	----------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

This is the same point raised in respect of Policy M02. The text of para.5.15 refers to a *mid term review* of the Joint Plan which is not consistent with National Policy in that PPG (Local Plans) para 008 identifies that Local Plans will require reviewing in whole or part at least every five years. On this basis para. 5.15 is UNSOUND.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Mineral Products Association
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.66"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	-----------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Paragraph 5.66 says:

"The national policy requirement for available reserves at the Blubberhouses site would be met in the event that the current planning application for an extension of time is granted".

This is not consistent with national policy for silica sand. This needs to be viewed against the requirements of Policy D04 and the fact that the Blubberhouses site is not proposed to be allocated by the Mineral Planning Authority. The justification for non allocation given is that the Blubberhouses site lies within the Nidderdale AONB (see Duty to Cooperate Statement (November 2016) paragraph 7.99). A location within the AONB is not in itself a reason for not allocating a site especially for a mineral of national importance. A permitted silica sand site is located within AONB in Surrey. The Nidderdale AONB was established in 1994 and therefore with full knowledge and account of the presence of Blubberhouses Quarry which was established in the late-1980's.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Mineral Products Association
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.68"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	-----------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Justified	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Effective	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Consistent with National Policy	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Para 5.68 is incorrect. Silica sand is not based upon a mineral planning authority having a 10 year landbank, it is about sites individually having at least a 10 year stock of permitted reserves within those counties(para 146 NPPF).As such this paragraph is UNSOUND.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Redraft the paragraph to properly reflect the NPPF.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To assist the examination in understanding why the text considered is unsound.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: 

Date: 19/12/16

Official Use Only Reference Number

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Mineral Products Association
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="Para.5.58"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	----------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Justified	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Effective	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Consistent with National Policy	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Paragraph 5.84 says in part that;

The NPPF requires planning authorities to include policies for the extraction of building stone and to meet demand for small scale extraction of building stone....

The NPPF (para 144) actually refers to 'demand for small scale extraction of building stone' in terms of determining applications, rather than setting policy. In doing so it requires that the 'small scale nature and impact' of such quarries is taken into account. 'Small-scale' is not defined, and so should reflect local circumstances, including the market for the material which may be wider than 'local' and should not be restricted to a planning authority area which would make no sense in terms of commercial or planning considerations.

The concern is that paragraph 5.28 read in conjunction with Policy M15 (Continuity of supply of building Stone) could lead to an incorrect interpretation on National Policy as it relates to building stone. As such paragraph 5.28 is not compliant with National Policy and is UNSOUND .

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Paragraph 5.28 should be rewritten to properly reflect the NPPF.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

It is hoped that attendance at the hearing will allow an opportunity to explain why the suggested amendments/additions are considered necessary to accord with National Policy.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: 	Date: 19/12/2016
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Official Use Only Reference Number

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Mineral Products Association
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	<input type="text" value="D04"/>	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	----------------------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="text" value="x"/>	No	<input type="text"/>
2.(2) Sound	Yes	<input type="text"/>	No	<input type="text" value="x"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Justified</i>	Yes	<input type="text"/>	No	<input type="text"/>
<i>Effective</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Consistent with National Policy</i>	Yes	<input type="text"/>	No	<input type="text" value="x"/>

2 (3) Complies with the Duty to co-operate	Yes	<input type="text" value="x"/>	No	<input type="text"/>
--------------------------------------------	-----	--------------------------------	----	----------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Part 1) of the policy starts with the following paragraph;

Proposals for major development in the National Park, Howardian Hills, Nidderdale, North Pennines and Forest of Bowland Areas of Outstanding Natural Beauty will [emphasis added] 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:

This goes further than the NPPF which at paragraph 116 says "*Planning permission should [emphasis added] be refused for major developments in these designated areas ...*". The use of the word "*should*" in the NPPF signifies a suggestion and not a directive as alluded to by the use of the word "*will*" in Policy D04.

The bullet points in Policy D04 reasonably reflect NPPF paragraph 116, although there is no explicit reference in Policy D04 to the cost of developing elsewhere outside designated areas. This aspect (economic) is an important element of the three pillars of sustainability.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	MINERAL PRODUCTS ASSOCIATION
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	D04	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Justified	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Effective	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Consistent with National Policy	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

There appears to have been an error in drafting/printing this policy which has been confirmed to us by the Policy team as being the case. This relates to the last sentence in the final paragraph of part 1 of the policy which states;

Appropriate and practicable compensation will be required for any avoidable [emphasis added] effects which cannot be mitigated.

As currently drafted this sentence makes no sense as as such makes the policy ineffective and UNSOUND.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Mineral Products Association
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No. Policy No. Policies Map

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Part 1),a) states;

The need for the development, which will usually include a national need for the mineral or the waste facility and the contribution of the development to the national economy;

This exceeds the requirement of NPPF para 116, first bullet, which requires an assessment of;

...the need for the development, including in terms of national considerations.....

There is no definition of *national need* or *national economy* in the glossary of the draft plan.

It is considered that this part of the policy is not consistent with national policy and as such is UNSOUND.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Mineral Products Association
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	D07	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Justified	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Effective	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Consistent with National Policy	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	X	<input type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	---	--------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy D07 (1) as worded appears to afford the same level of protection to all designations.NPPF at para 113 is clear that there should be distinctions between sites of different levels of importance and protection should be commensurate with this.The relevant part of para 113 states;

Distinctions should be made between the hierarchy of international,national and locally designated sites,so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution tht they make to wider ecological networks.

This means that internationally important sites (covered by Habitats and Birds Directives) receive highest level of protection (still set out in Circular 06/05), followed by SSSIs/NNRs, then County Wildlife Sites. Clause 1 seems to apply same level of protection to everything.As such the policy is not compliant with National Policy and is UNSOUND.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Mineral Products Association
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	<input type="text" value="D07"/>	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	----------------------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Justified	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Effective	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Consistent with National Policy	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The reference to offsetting in Clause (6) of the policy seems to take a disproportionate role in the policy to its expected role in mineral development. The MPA's position is that mineral workings already demonstrate a more than acceptable level of offsetting in that in the vast majority of cases restoration leaves a site more biodiverse than before mineral working took place.

Mineral extraction, unlike other forms of development can only take place where the minerals exist in economic quantities and it is often not possible to choose an alternative site to avoid areas of ecological interest. Offsetting of any impacts caused as a result of mineral development is often achieved within the development scheme itself i.e. as a result of approved restoration schemes. 'Losses' may be temporary as sites are worked, but net gain can generally be delivered through restoration as recognised in Clause (5) of the Policy.

If mineral developments were required to offset their permanent impacts then this would increase the regulatory burden. Mineral extraction is also a temporary activity in a given location and normally results in a net gain in biodiversity through site and estate management before and during working, and restoration and aftercare following extraction.

In any event the requirement to provide compensation gains elsewhere may well require third party involvement/land not in control of the developer.

Finally biodiversity does not respect local authority boundaries so it is not appropriate to restrict any compensatory gains to within the mineral or waste planning authority area in which the loss occurred as required by Clause (6) (iv) of the Policy.

It is considered therefore that the Policy is INEFFECTIVE as it not likely to be implementable for the reasons above.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Mineral Products Association
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	D10	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy D10 is UNSOUND on two counts.

Firstly Part One (i) of the Policy states;

i) *Been brought forward following discussion with local communities and other relevant stakeholders and, where practicable, the proposals reflect the outcome of those discussions;*

Although the industry supports the principle of pre application discussions and stakeholder engagement the compulsory engagement required by this policy goes against the NPPF where at para 189 it is clear that developers cannot be compelled to engage in this way although it is desirable and is to be encouraged. As such this part of the policy does not comply with National Policy and is UNSOUND.

Secondly in Part Two (viii) of the Policy the *landscape scale benefits* can only be delivered with large areas of land which may not be under the control of the developer. As such expectations may be created that cannot be delivered. As such the Policy is UNSOUND.

0115

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Mineral Products Association
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	D12	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Justified	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Effective	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Consistent with National Policy	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

It is noted that Policy D10 has substantially changed from the Preferred Options stage.

The first paragraph of the policy is SUPPORTED.

It is the second sentence of the second paragraph of the policy that is of concern which states;

Development which would disturb or damage soils of high environmental value such as peat or other soil contributing to ecological connectivity or carbon storage will not be permitted.

This sentence effectively acts as a catch all and could be used to frustrate -development as it could be argued that all soils contribute to ecological connectivity and carbon stage. As such the policy as currently drafted would not enable the plan to deliver sustainable development in accordance with the policies in the NPPF. Local planning authorities are required to plan positively by NPPF and this is not reflected in wording identified above.

0115

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Mineral Products Association
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M02	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Justified	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Effective	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Consistent with National Policy	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The second paragraph of Policy M02 states;

Additional provision shall be made, through a mid-term review of provision in the Plan, if necessary 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.

In support of the NPPF the Planning Practice Guide (PPG) for local Plans at para 008 states that ;

Most Local Plans are likely to require updating in whole or part at least every five years [emphasis added].

The proposal to undertake a review half at through a Plan of 15 years i.e.circa 7/8 years is clearly not consistent with National Policy and is UNSOUND.

It is necessary to maintain at least a 7 year landbank whether or not a review is undertaken.

Furthermore the annual rate of provision should be based on planning policy and guidance.The wording of the last part of this sentence could be interpreted as the planning authority determining provision outwith planning policy which is also UNSOUND.

Joan Jackson

From: Mark North <mark.north@mineralproducts.org>
Sent: 20 December 2016 11:11
To: mwjointplan
Subject: MPA Representations; Minaeral and Waste Joint Plan,publication draft Nov 2016
Attachments: Part A Mineral Products Assoc.MWJP Publication - Response Form Part A.pdf; Policy M04 MWJP Publication - Response Form Part B.pdf; Policy M05 MWJP Publication - Response Form Part B.pdf; Policy M06 MWJP Publication - Response Form Part B.pdf; Policy SO1 MWJP Publication - Response Form Part B.pdf; Policy SO2 MWJP Publication - Response Form Part B.pdf; Policy SO4 MWJP Publication - Response Form Part B.pdf; Para 2.26 MWJP Publication - Response Form Part B.pdf; Para 2.68 MWJP Publication.pdf; Para 2.88 MWJP Publication - Response Form Part B.pdf; Para 5.15 MWJP Publication - Response Form Part B.pdf; Para 5.66 MWJP Publication.pdf; Para 5.68 MWJP Publication - Response Form Part B.pdf; Para 5.84 MWJP Publication - Response Form Part B.pdf; Policy D04(A) MWJP Publication - Response Form Part B.pdf; Policy D04(B) MWJP Publication.pdf; Policy D04(C) MWJP Publication - Response Form Part B.pdf; Policy D07(A) MWJP Publication - Response Form Part B.pdf; Policy D07(B) MWJP Publication - Response Form Part B.pdf; Policy D10 MWJP Publication - Response Form Part B.pdf; Policy D12 MWJP Publication - Response Form Part B.pdf; Policy M02 MWJP Publication - Response Form Part B.pdf

Dear Sir/Madam

Please find attached 21 representations on behalf of the Mineral Products Association in respect of the above plan. Form Part A is also attached.

Please note that there may be a further representation submitted later today or tomorrow.

Please could you acknowledge safe receipt of this email and the attached.

Yours faithfully

Mark E North

Director of Planning-Aggregates and Production
 Mineral Products Association

Registered Office: 38-44 Gillingham Street, London, SW1V 1HU

T 0207 963 8011 M 07568 427719 W www.mineralproducts.org F 0207 963 8001



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make the link
 to mineral products

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you contact us by email, we will store your name and address to facilitate communications. Any statements contained herein are those of the individual and not the organisation. Registered in England as Mineral Products Association Limited: 1634996, Gillingham House, 38-44 Gillingham Street, London, SW1V 1HU

mwjointplan

From: Mark North <mark.north@mineralproducts.org>
Sent: 21 December 2016 09:49
To: mwjointplan
Subject: RE: MPA Representations; Mineral and Waste Joint Plan, publication draft Nov 2016...additional representation
Attachments: Policy M05(A) MWJP Publication - Response Form Part B.pdf; Part A Mineral Products Assoc.MWJP Publication - Response Form Part A.pdf

Dear Sir /Madam

Further to the representations sent in yesterday on behalf of the **Mineral Products Association** (acknowledged and give respondent number 0115) please find attached one further representation in relation to Policy M05.

Please note that the attached representation builds on, and incorporates, the representation made yesterday on the same policy .For ease of reference the attached representation is referenced **Policy M05(A)** and dated 20 December 2016.

Any queries please feel free to call on my mobile below.

I would be grateful for acknowledgement of safe receipt .

Yours faithfully

Mark E North
Director of Planning-Aggregates and Production
Mineral Products Association

Registered Office: 38-44 Gillingham Street, London, SW1V 1HU

T 0207 963 8011 M 07568 427719 W www.mineralproducts.org F 0207 963 8001



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make the link
to mineral products

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Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Mineral Products Association
------------------------	------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M05	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Justified	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Effective	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Consistent with National Policy	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The policy is UNSOUND because it is not positively prepared, not justified and not consistent with national policy. We object to the statements in the supporting text that Jurassic Limestone is not a priority for provision and the implication that it performs no strategic role in the North Yorkshire aggregates supply, and to the lack of provision proposed in this policy. We believe this has led to underprovision of mineral contrary to national policy (NPPF para 145) which makes the plan unsound because it has not assessed mineral requirements in sufficient depth, and therefore the strategy presented is not shown to be the most appropriate because the alternatives have not been examined.

Since there are no official records of sales and reserves of Jurassic limestone it is difficult to know with certainty what is the exact contribution of this material to North Yorkshire's aggregate needs. However, our members inform us that the total market from the three operational quarries is probably of the order of 400,000 tonnes per year in an area which is likely to see significant economic growth covering the coastal area and east of York as the Minerals Key Diagram indicates. We also understand that a proportion of this production is also exported to the East Riding which lacks resources of this kind. We have no knowledge of what the reserves level is so we do not know the exact state of the landbank, but we are informed that all three operating sites have limited reserves remaining. We understand that there are two other mothballed sites which are located in the Howardian Hills AONB in which there are still some reserves.

If true, a combined extraction rate of 400,000 tonnes per year is not insignificant despite the fact that this is a relatively soft rock with a limited range of uses. We are therefore surprised that the County Council does not see this as a strategic supply issue and have only allocated one small extension to an operating site potentially adversely affecting long term security of supply and the productive capacity of permitted sites to supply the market.

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(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The proposed changes to Policy M05 and supporting text are as follows (deletions in ~~strike through~~; additions in **bold**)

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 Magnesian Limestone, **and 6.00 Million tonnes at an equivalent annual rate of 0.4 million tonnes per annum shall be for Jurassic Limestone.** Additional provision shall be made through at a least a **five year** ~~a mid-term~~ review of provision in the Plan, ~~if necessary,~~ in order to maintain ~~at least a minimum~~ 10 year landbank of crushed rock, including a separate ~~minimum 10-year~~ landbanks of **at least 10 years** for Magnesian Limestone and Jurassic Limestone, at 31 December 2030 based on an annual rate of provision to be determined through the review.

New paragraph after 5.29

Jurassic limestone deposits form a ring around the Vale of Pickering on high ground much of which is in protected landscapes. Mineral working has taken place from sites within the deposits for many years and although the mineral is soft and therefore has a restricted range of uses, it nevertheless performs a significant role locally in aggregates supply. It is considered that specific policy support in the Joint Plan is necessary because of this role and also because alternative supplies could only be made available at greater haulage distances from the centre of the county which would be a less sustainable outcome than maintaining adequate supplies locally. The local market is recognised as an economic growth area, and an assured local supply of mineral would assist in the development needs of this part of the plan area. Locations for further working are addressed through specific site allocations in the Joint Plan, which have been subject to assessment, including in relation to their potential for impact on landscapes and amenity interests. Policy support for the continued availability of Jurassic Limestone, which is a well-established element of the supply of crushed rock in the locality, is important in that it could help to



0116
North Yorkshire
County Council

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title: Miss	Initial(s): P
Surname: Craddock		
Organisation (if applicable): Ryedale District Council		
Address:	Ryedale House	
	Old Malton Road	
	Malton	
Post Code: YO17 7HH		
Telephone: 01653-600666		
Email: paula.craddock@ryedale.gov.uk		

Agent contact details (if applicable)

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in separate guidance notes. You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.

A separate Part B form MUST be produced for each separate representation you wish to make. After this stage, further submissions will only be at the invitation of the inspector who will conduct an Examination in Public of the Joint Plan, based on the matters they identify during the Examination.

All responses should be returned by 5pm on Wednesday 21st December 2016. Please note that representations cannot be received after this deadline.

Responses can be returned by email to: mwjointplan@northyorks.gov.uk or by post using the address below:

Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
------------------------	--------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	<input type="text" value="D01-D13"/>	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	--------------------------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="text"/>	No	<input type="text"/>
2.(2) Sound	Yes	<input type="text" value="x"/>	No	<input type="text"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Justified</i>	Yes	<input type="text"/>	No	<input type="text"/>
<i>Effective</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Consistent with National Policy</i>	Yes	<input type="text"/>	No	<input type="text"/>
2 (3) Complies with the Duty to co-operate	Yes	<input type="text"/>	No	<input type="text"/>					

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

It is considered that the suite of development management policies broadly reflect national policy and are considered to be sound. This Council had previously suggested that the Development management policies relating to landscape and heritage should make more specific references to locally designated landscapes and wider types of heritage assets. However, given that the landscape policy aims to protect all landscapes from the harmful effects of development and the heritage policy aims to conserve the significance of all heritage assets, it is considered that the policies are not considered to be unsound.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

--

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [REDACTED]	Date: 21 December 2016
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Official Use Only Reference Number

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
------------------------	--------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	W11	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

It is considered that the policy that establishes waste site identification principles (W11) is sound.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
------------------------	--------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	W10	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

It is considered that the policy that establishes locational principles for the provision of waste capacity (W10) is sound.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [REDACTED]	Date: 21 December 2016
-----------------------------------------------------------------------------------	------------------------

Official Use Only Reference Number				
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; border: 1px solid black;"> </td> <td style="width: 25%; border: 1px solid black;"> </td> <td style="width: 25%; border: 1px solid black;"> </td> <td style="width: 25%; border: 1px solid black;"> </td> </tr> </table>				

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
------------------------	--------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	w05	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

It is considered that the policy WO5 covering the allocation of sites for waste are sound. The Council support the fact that Whitewall Quarry is not allocated as a waste site in the Plan.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
------------------------	--------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	W04	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

It is considered that the policy WO4 covering the allocation of sites for waste are sound. The Council support the fact that Whitewall Quarry is not allocated as a waste site in the Plan.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [REDACTED]	Date: 21 December 2016
-----------------------------------------------------------------------------------	------------------------

Official Use Only	Reference Number
[REDACTED]	[REDACTED]

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
------------------------	--------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	W03	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

It is considered that the policy W03 covering the allocation of sites for waste is sound. The Council support the fact that Whitewall Quarry is not allocated as a waste site in the Plan.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
------------------------	--------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	S03	Policies Map	<input checked="" type="checkbox"/>
----------------------------------------------	----------------------	------------	-----	--------------	-------------------------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	--------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The District Council strongly supports the provision of a transfer facility at Tofts Road, KirbyMisperton. Although the site is safeguarded for this purpose in the Plan, the District Council is concerned that there is current uncertainty over whether the facility will actually be provided in this location. This has significant implications for this Authority in terms of costs, service planning and service delivery. There would be little point in identifying the site as a safeguarded site if it is no longer the intention to deliver the facility. The District Council is of the view that unless it is confirmed that the facility is deliverable, the policy is unsound as currently drafted. Moreover, if a decision has been made to not provide the facility or that there is doubt over its deliverability, the plan would need to safeguard or allocate a further site within Ryedale. This would ensure that the plan is sufficiently flexible if the proposed safeguarded site is not delivered and again, without this flexibility the Plan is considered to be unsound in respect of this matter.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
------------------------	--------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	S03	Policies Map	<input checked="" type="checkbox"/>
----------------------------------------------	----------------------	------------	-----	--------------	-------------------------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The RDC transfer site at Showfield Lane (for recyclable materials only) is not recognised in the plan. It is considered that the facility needs to be identified in the plan/on the Policies Map for safeguarding in advance of the Tofts Road facility becoming operational and that Policy S03 (Waste Management Facility Safeguarding) is unsound (not effective) if the site is not included.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
------------------------	--------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	S03	Policies Map	<input checked="" type="checkbox"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The Plan omits to safeguard Knapton Quarry as a transfer station. The site currently operates as a waste transfer facility as well as a composting facility. Policy SO3 is considered to be unsound if the sites use as a transfer station is not safeguarded and the extent of the facility defined on the Policies Map.

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.
After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [REDACTED]	Date: 21 December 2016
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Official Use Only Reference Number

Publication stage Response form - Part B
Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	W11	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

It is considered that the policy that establishes waste site identification principles (W11) is sound.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [REDACTED]	Date: 21 December 2016
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Official Use Only Reference Number
[REDACTED]

Publication stage Response form - Part B
Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	W05	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

It is considered that the policy W05 covering the allocation of sites for waste are sound. The Council support the fact that Whitewall Quarry is not allocated as a waste site in the Plan.

(continue on a separate sheet/expand box if necessary)

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	W03	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

It is considered that the policy W03 covering the allocation of sites for waste is sound. The Council support the fact that Whitewall Quarry is not allocated as a waste site in the Plan.

(continue on a separate sheet/expand box if necessary)

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	S03	Policies Map	<input checked="" type="checkbox"/>
----------------------------------------------	----------------------	------------	-----	--------------	-------------------------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The RDC transfer site at Showfield Lane (for recyclable materials only) is not recognised in the plan. It is considered that the facility needs to be identified in the plan/on the Policies Map for safeguarding in advance of the Tofts Road facility becoming operational and that Policy S03 (Waste Management Facility Safeguarding) is unsound (not effective) if the site is not included.

(continue on a separate sheet/expand box if necessary)

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M08	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

It is considered that the proposed site specific policy MO8 is appropriate and meets each of the soundness tests.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

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Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature:

[Redacted Signature]

Date: 21 December 2016

Official Use Only Reference Number

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M09	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	--------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

It is considered that the proposed site specific policy MO9 is appropriate and meets each of the soundness tests. The Council supports the fact that the proposed allocation of Whitewall Quarry has not been taken forward into the plan, following recognition in the completed assessment process of the high potential adverse impact associated with traffic generation on Malton and Norton.

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [REDACTED]	Date: 21 December 2016
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Official Use Only Reference Number
[REDACTED]

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
------------------------	--------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M16	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	--------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The two areas of local landscape value identified by the Ryedale Local Plan - the Yorkshire Wolds and the Vale of Pickering should be included in the policy at the end of the section b) i). It is considered that unless these areas are provided with the protection that the policy affords to the other landscapes, historic and biodiversity assets, the Plan will not be effective in providing appropriate protection to these landscapes, particularly given the potential density of development activity. The landscape qualities and character of the Wolds and the Vale of Pickering will be eroded. This will undermine the objectives and policies in the Ryedale Plan and undermines the alignment of policies for this area of North Yorkshire.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
------------------------	--------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M16	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes x No

2.(2) Sound Yes No x

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No x

Effective Yes No x Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The District Council is not aware of the evidence that has supported the proposed 3.5km buffer zone around the National Park and Howardian Hills AONB. The policy will not be effective and cannot be justified if this is an arbitrary figure. Much of the Vale of Pickering is low lying and affords distance views to these nationally protected landscapes (in a similar way in which the topography of the Vale of York affords views to the Minster from some locations). At a landscape scale the Vale of Pickering and the Wolds form part of the setting of the nationally protected landscapes and on that basis it is considered that any proposal for surface hydrocarbon development in these locations needs to undertake a detailed assessment of the impact (including cumulative impact) on the nationally designated areas.

As written, it is considered that M16 is inconsistent. It is entirely appropriate that the views/ character of the historic city are protected. However, in policy terms development in the setting of the historic City of York (and affecting the views of the historic city) should be treated no differently to that proposed in the setting of the nationally protected landscapes and the implications of development within their setting. The areas around the City to be protected by the policy do not appear to be identified in the Plan and a buffer zone is not identified for that particular sensitivity. The District Council has no objection to the need to provide policy protection for the historic City but as currently written it would appear that the policy affords more weight to the protection of the City from development within its setting than it does for development within the setting of the nationally protected landscapes.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
------------------------	--------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.146"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	--------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The District Council is not clear on how the figure of 500m is justified. It is considered that the evidence supporting the choice of this figure needs to be better understood before the approach can be considered to be effective. Whilst it is appreciated that this figure is not carried forward into the policy, there is a danger that it is interpreted and becomes established as an acceptable separation distance.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
------------------------	--------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.145"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The District Council is concerned that the proposed monitoring framework focuses entirely on quantitative data relating to planning applications. As an example, this paragraph in the plan acknowledges the potential significant impact that unconventional hydrocarbon activity may have on the local economy. It is not clear how the economic effects of the activity will be effectively monitored over time or indeed the social or environmental effects will be monitored.

(continue on a separate sheet/expand box if necessary)

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
------------------------	--------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	<input type="text" value="M17"/>	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	----------------------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="text"/>	No	<input type="text"/>
2.(2) Sound	Yes	<input type="text"/>	No	<input checked="" type="text" value="x"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Justified</i>	Yes	<input type="text"/>	No	<input type="text"/>
<i>Effective</i>	Yes	<input type="text"/>	No	<input checked="" type="text" value="x"/>	<i>Consistent with National Policy</i>	Yes	<input type="text"/>	No	<input type="text"/>

2 (3) Complies with the Duty to co-operate	Yes	<input type="text"/>	No	<input type="text"/>
--------------------------------------------	-----	----------------------	----	----------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The policy should require a noise assessment in addition to the Air Quality Monitoring Plan and Health Impact Assessment. As a point of clarification, the Council believe that the reference to the Air Quality Monitoring Plan requirement should be for an Air Quality Assessment and that any monitoring plan should follow from the assessment.

(continue on a separate sheet/expand box if necessary)

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
------------------------	--------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M16,M17, M18	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	--------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The District Council recognises that the Joint Plan does need to include a policy framework for hydrocarbon development in order for proposals to be considered on their merits that is consistent with national policy and advice available. However, the Council does not support the development of unconventional hydrocarbon development in Ryedale until the full implications of the effects of the processes involved are more readily understood and that there would be no unacceptable impacts, cumulative or otherwise.

The District Council recognises that the Policies (M16, M17 and M18) are consistent with national policy, justified and have been positively prepared and that in relation to onshore hydrocarbon development, the policies may need to be reviewed and updated in the future.

The District Council particularly welcomes the recognition that there are still substantial uncertainties remaining regarding the scale and distribution of future proposals that could come forward, as well as there still being a high degree of uncertainty about the commercial viability of any resources in the area, or indeed in the UK in general.

The District Council welcomes the use of transport assessments and the recognition of other landscape designations for protection assessed through a Landscape Assessment as well as air quality monitoring and a Health Impact Assessment, and the use of the precautionary principle with respect to reinjection of flowback fluid. The Council supports the Plan being clear that cumulative impacts would outweigh any density considerations and the use of criteria to assess proposals leading to cumulative impacts together with the requirement of developers to present how their proposals fit into an overall production plan for the whole of the PEDL area.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M16,M17, M18	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	--------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The District Council recognises that the Joint Plan does need to include a policy framework for hydrocarbon development in order for proposals to be considered on their merits that is consistent with national policy and advice available. However, the Council does not support the development of unconventional hydrocarbon development in Ryedale until the full implications of the effects of the processes involved are more readily understood and that there would be no unacceptable impacts, cumulative or otherwise.

The District Council recognises that the Policies (M16, M17 and M18) are consistent with national policy, justified and have been positively prepared and that in relation to onshore hydrocarbon development, the policies may need to be reviewed and updated in the future.

The District Council particularly welcomes the recognition that there are still substantial uncertainties remaining regarding the scale and distribution of future proposals that could come forward, as well as there still being a high degree of uncertainty about the commercial viability of any resources in the area, or indeed in the UK in general.

The District Council welcomes the use of transport assessments and the recognition of other landscape designations for protection assessed through a Landscape Assessment as well as air quality monitoring and a Health Impact Assessment, and the use of the precautionary principle with respect to reinjection of flowback fluid. The Council supports the Plan being clear that cumulative impacts would outweigh any density considerations and the use of criteria to assess proposals leading to cumulative impacts together with the requirement of developers to present how their proposals fit into an overall production plan for the whole of the PEDL area.

(continue on a separate sheet/expand box if necessary)

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.145"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	--------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The District Council is concerned over the use of unqualified /loose words and phrases and permissive comments in the justification sections of the hydrocarbons policies. The reference to 'short term' in paragraph 5.145 is an example and is not representative of the impact that could be associated with unconventional hydrocarbon activity over such a large area into the future.

(continue on a separate sheet/expand box if necessary)

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="checkbox"/>	Policy No.	M17	Policies Map	<input type="checkbox"/>
----------------------------------------------	--------------------------	------------	-----	--------------	--------------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The policy should require a noise assessment in addition to the Air Quality Monitoring Plan and Health Impact Assessment. As a point of clarification, the Council believe that the reference to the Air Quality Monitoring Plan requirement should be for an Air Quality Assessment and that any monitoring plan should follow from the assessment.

(continue on a separate sheet/expand box if necessary)

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
------------------------	--------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.145"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	--------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The District Council is concerned that the proposed monitoring framework focuses entirely on quantitative data relating to planning applications. As an example, this paragraph in the plan acknowledges the potential significant impact that unconventional hydrocarbon activity may have on the local economy. It is not clear how the economic effects of the activity will be effectively monitored over time or indeed the social or environmental effects will be monitored.

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

A the monitoring framework needs to be capable of monitoring the social, environmental and economic effects of the policies in operation.

(continue on a separate sheet/expand box if necessary)

**Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.
After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.**

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

For the District Council and Local Planning Authority to participate in the proceedings.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: 

Date: 21 December 2016

Official Use Only Reference Number



Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
------------------------	--------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.146"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="text"/>	No	<input type="text"/>
2.(2) Sound	Yes	<input type="text"/>	No	<input checked="" type="text" value="x"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Justified</i>	Yes	<input type="text"/>	No	<input checked="" type="text" value="x"/>
<i>Effective</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Consistent with National Policy</i>	Yes	<input type="text"/>	No	<input type="text"/>

2 (3) Complies with the Duty to co-operate	Yes	<input type="text"/>	No	<input type="text"/>
--------------------------------------------	-----	----------------------	----	----------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The District Council is not clear on how the figure of 500m is justified. It is considered that the evidence supporting the choice of this figure needs to be better understood before the approach can be considered to be effective. Whilst it is appreciated that this figure is not carried forward into the policy, there is a danger that it is interpreted and becomes established as an acceptable separation distance.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
------------------------	--------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M16	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The District Council is not aware of the evidence that has supported the proposed 3.5km buffer zone around the National Park and Howardian Hills AONB. The policy will not be effective and cannot be justified if this is an arbitrary figure. Much of the Vale of Pickering is low lying and affords distance views to these nationally protected landscapes (in a similar way in which the topography of the Vale of York affords views to the Minster from some locations). At a landscape scale the Vale of Pickering and the Wolds form part of the setting of the nationally protected landscapes and on that basis it is considered that any proposal for surface hydrocarbon development in these locations needs to undertake a detailed assessment of the impact (including cumulative impact) on the nationally designated areas.

As written, it is considered that M16 is inconsistent. It is entirely appropriate that the views/ character of the historic city are protected. However, in policy terms development in the setting of the historic City of York (and affecting the views of the historic city) should be treated no differently to that proposed in the setting of the nationally protected landscapes and the implications of development within their setting. The areas around the City to be protected by the policy do not appear to be identified in the Plan and a buffer zone is not identified for that particular sensitivity. The District Council has no objection to the need to provide policy protection for the historic City but as currently written it would appear that the policy affords more weight to the protection of the City from development within its setting than it does for development within the setting of the nationally protected landscapes.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
------------------------	--------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	<input type="text" value="M16"/>	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	----------------------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="text" value="x"/>	No	<input type="text"/>
2.(2) Sound	Yes	<input type="text"/>	No	<input type="text" value="x"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Justified</i>	Yes	<input type="text"/>	No	<input type="text" value="x"/>
<i>Effective</i>	Yes	<input type="text"/>	No	<input type="text" value="x"/>	<i>Consistent with National Policy</i>	Yes	<input type="text"/>	No	<input type="text"/>

2 (3) Complies with the Duty to co-operate	Yes	<input type="text"/>	No	<input type="text"/>
--------------------------------------------	-----	----------------------	----	----------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The two areas of local landscape value identified by the Ryedale Local Plan - the Yorkshire Wolds and the Vale of Pickering should be included in the policy at the end of the section b) i). It is considered that unless these areas are provided with the protection that the policy affords to the other landscapes, historic and biodiversity assets, the Plan will not be effective in providing appropriate protection to these landscapes, particularly given the potential density of development activity. The landscape qualities and character of the Wolds and the Vale of Pickering will be eroded. This will undermine the objectives and policies in the Ryedale Plan and undermines the alignment of policies for this area of North Yorkshire.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
------------------------	--------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M09	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="text"/>	No	<input type="text"/>
2.(2) Sound	Yes	<input checked="" type="text"/>	No	<input type="text"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Justified</i>	Yes	<input type="text"/>	No	<input type="text"/>
<i>Effective</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Consistent with National Policy</i>	Yes	<input type="text"/>	No	<input type="text"/>

2 (3) Complies with the Duty to co-operate	Yes	<input type="text"/>	No	<input type="text"/>
--------------------------------------------	-----	----------------------	----	----------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

It is considered that the proposed site specific policy MO9 is appropriate and meets each of the soundness tests. The Council supports the fact that the proposed allocation of Whitewall Quarry has not been taken forward into the plan, following recognition in the completed assessment process of the high potential adverse impact associated with traffic generation on Malton and Norton.

(continue on a separate sheet/expand box if necessary)

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Ryedale District Council
------------------------	--------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	<input type="text" value="M01"/>	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	----------------------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="text"/>	No	<input type="text"/>
2.(2) Sound	Yes	<input type="text" value="x"/>	No	<input type="text"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Justified</i>	Yes	<input type="text"/>	No	<input type="text"/>
<i>Effective</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Consistent with National Policy</i>	Yes	<input type="text"/>	No	<input type="text"/>

2 (3) Complies with the Duty to co-operate	Yes	<input type="text"/>	No	<input type="text"/>
--------------------------------------------	-----	----------------------	----	----------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

It is considered that Policy MO1 is appropriate and meets each of the soundness tests.

0119

Date: 20 December 2016
Our ref: 201149



Minerals and Waste Planning Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH
mwjointplan@northyorks.gov.uk

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Minerals and Waste Planning Team

Planning consultation: Minerals and Waste Joint Plan - Publication (November 2016 - December 2016) Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012

Thank you for your consultation on the above dated 09 November 2016 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England has had very limited capacity to review the Kirklees Publication Draft Local Plan consultations and have therefore concentrated on areas of greatest concern with regards to our interests. If there are any additional specific issues or elements of the consultation documents you would like us to provide comments on then please contact Merlin Ash at merlin.ash@naturalengland.org.uk or on 02080 266382.

We recognise that comments at this stage of the plan making process should be based on the Tests of Soundness as set out in paragraph 182 of the National Planning Policy Framework (NPPF). Therefore we have set out comments below under section 1 'Legal compliance and soundness concerns', along with Section 2 'Additional advice' on improvements to the Plan, which should be considered before formal submission to the Secretary of State.

1. Legal compliance and soundness concerns

1.1 MJP14 Ripon Quarry

As advised in our previous response Natural England has an outstanding objection with regards to application NY/2011/0429/ENV and do not consider that sufficient information has been provided at this stage to determine that the minerals extraction at this site will not destroy or damage the interest features for which Ripon Parks Site of Special Scientific Interest (SSSI) and River Ure Bank Ripon Parks SSSI are designated.

Natural England has had further discussions with both the county council and the applicant since our last response which has resolved a number of issues, however we still have outstanding concerns regarding the impact of the proposal on hydrology and geomorphology. For more information please see our correspondence with the county council regarding this consultation.

We are expecting further information in the near future which may address our concerns however at

this stage we are unable to withdraw our objection. As a result Natural England considers that there is insufficient evidence on which to base the assessment of this site in the Sustainability Appraisal and that therefore we consider it not to be legally compliant.

Natural England advises that, unless sufficient evidence can be provided to rule out damage to Ripon Parks SSSI and River Ure Bank Ripon Parks SSSI this allocation should be removed from the plan. Should this further evidence determine that the proposal cannot go ahead without damage to the SSSI's it will be for the county council to determine whether there are other sustainability considerations which outweigh the damage to the SSSI. However we advise that as nationally designated sites the SSSIs should be given great weight in decision making.

2. Additional advice

2.1 We previously raised concerns regarding the assessment of MJP35 Ruddings Farm Walshford in the Habitats Regulations Assessment report but note that this allocation has been removed from the plan at this stage.

2.2 We also note that MJP15 Blubberhouses Quarry has been discounted at this stage.

2.3 Natural England welcomes the reference to Landscape Character Assessment in the supporting text for policy D06 Landscape.

2.4 We welcome the specific references to designated sites in proximity to allocations in the site briefs in Appendix 1.

3. Sustainability Appraisal

3.1 Notwithstanding the comments regarding MJP14 Ripon Quarry Natural England is otherwise broadly satisfied with the Sustainability Appraisal and has no further comments to make.

4. Habitats Regulations Assessment

4.1 Natural England welcomes the assessment and has no further comments to make.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter please contact Merlin Ash at merlin.ash@naturalengland.org.uk or on 02080 266382. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours faithfully

Merlin Ash
Yorkshire and Northern Lincolnshire Team
Natural England

j) <i>The timeliness of us negotiating revised deadlines (where applicable)</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
k) <i>Our response within agreed deadlines</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
l) <i>The extent to which you felt you had been treated fairly and with respect</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
m) <i>The ease of completion of application/renewal</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
n) <i>The clarity of published guidance for completing an application</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
o) <i>The helpfulness of advice from staff on site visit?</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Improving the overall quality of our service

3) Please add any suggestions or feedback you may have to improving our service for you, and include the name of anyone who had been particularly helpful to you. If you have responded 'dissatisfied' or 'very dissatisfied' for any question we would appreciate further details so we can investigate and improve our service in the future

We would like to update you on any action we have taken following your comments and suggestions. If you would like an update, please add your name and email or telephone number

Thank you for taking the time to let us have your views.

Ian Fugler, Director for Sustainable Development.

Using and sharing your information

The data controller is Natural England, 4th Floor, Foss House, Kings Pool, 1-2 Peasholme Green, York, YO1 7PX. Your information will be stored and processed in accordance with the Data Protection Act 1998. This Act gives you, as an individual, the right to know what data we hold on you, how we use it, with whom we share it and for it to be accurate.

Any information you provide will only be used by Natural England for the purposes of service standard monitoring.

Submit by Email

Joan Jackson

From: Ash, Merlin (NE) <Merlin.Ash@naturalengland.org.uk>
Sent: 20 December 2016 13:18
To: mwjointplan
Cc: Hall, Richard (NE); O'Reilly, Liam (NE); Reaney Ruth (NE); Newton, Joanne L (NE)
Subject: RE: Minerals and Waste Joint Plan - Publication Stage
Attachments: 201149 Natural England Response.pdf; NE Feedback Form 2016.pdf

Dear Minerals and Waste Planning Team,

Thank you for consulting Natural England on the Publication Draft of the North Yorkshire Minerals and Waste Joint Plan.

Unfortunately Natural England has had very limited capacity to review the Publication Draft of the North Yorkshire Minerals and Waste Joint Plan consultation and have therefore concentrated on areas of greatest concern with regards to our interests. If there are any additional specific issues or elements of the consultation documents you would like us to provide comments on then please contact Merlin Ash at merlin.ash@naturalengland.org.uk or on 02080 266382.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours faithfully,

Merlin Ash
Lead Adviser
Sustainable Development and Marine
Yorkshire and Northern Lincolnshire
Natural England
Foss House, 1-2 Peasholme Green, York, YO1 7PX
Tel: 02080 266382

www.naturalengland.org.uk

We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

Natural England offers two chargeable services – The Discretionary Advice Service (**DAS**) provides pre-application, pre-determination and post-consent advice on proposals to developers and consultants as well as pre-licensing species advice and pre-assent and consent advice. The Pre-submission Screening Service (**PSS**) provides advice for protected species mitigation licence applications.

These services help applicants take appropriate account of environmental considerations at an early stage of project development, reduce uncertainty, reduce the risk of delay and added cost at a later stage, whilst securing good results for the natural environment.

In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.

From: mwjointplan [<mailto:mwjointplan@northyorks.gov.uk>]
Sent: 09 November 2016 13:38
To: mwjointplan
Subject: Minerals and Waste Joint Plan - Publication Stage

Dear Sir/Madam,

Minerals and Waste Joint Plan – Publication

North Yorkshire County Council, City of York Council and the North York Moors National Park Authority are working together to produce a Minerals and Waste Joint Plan covering all three planning authority areas. When finalised the new Joint Plan will help the three authorities take decisions on planning applications for minerals and waste development up to 31 December 2030. A number of public consultations have already taken place to help develop the new Plan, including an 'Issues and Options' consultation in 2014 and a 'Preferred Options' consultation in 2015.

A final draft of the Joint Plan has now been prepared and is being published for a six week period to allow for representations to be made, before it is submitted for examination in public by an independent planning inspector. At this stage only representations relating to the legal compliance and soundness of the Joint Plan are required. More information about this is contained in the guidance notes attached with this email.

The formal publication period commences on **Wednesday 9th November 2016** and will close on **Wednesday 21st December 2016**. All responses must be received by **5pm** on that day. Please note we will be unable to accept responses after this deadline.

The Joint Plan and supporting documents are available to view on the Joint Plan Website: www.northyorks.gov.uk/mwconsult. Paper copies of the Joint Plan and main supporting documents, including a response form and guidance notes, are available to view during normal opening hours at all public libraries in the area covered by the Joint Plan, including mobile libraries and at all main offices of the three Authorities, as well as at District and Borough Council main offices and the National Park Centres.

Please see attached to this email:

- Formal Publication Letter,
- Statement of Representations Procedure,
- Response Form (Part A & Part B) and
- Guidance Notes

For further information about the Minerals and Waste Joint Plan please visit our website: www.northyorks.gov.uk/mwconsult

Yours faithfully

Minerals and Waste Joint Plan Team

On behalf of:

North Yorkshire County Council, City of York Council and North York Moors National Park Authority

This email has been sent on behalf of North Yorkshire County Council (NYCC), City of York Council (CYC) and North York Moors National Park Authority (NYMNPAA).

WARNING

Any opinions or statements expressed in this e-mail are those of the individual and not necessarily those of NYCC, CYC or NYMNPAA.

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30 November 2016

Dear Sirs,

Minerals and Waste Joint Plan – Publication Draft

Thank you for consulting Historic England about the Publication Draft of the Minerals and Waste Joint Plan. We have the following comments to make regarding its contents:-

Page	Section	Sound/ Unsound	Comments	Suggested Change
16	Paragraph 2.14	Sound	This makes it clear that the primary purpose of the Green Belt around York is to protect the character and setting of the historic City.	-
16	Paragraph 2.15	Sound	This provides a good summary of the heritage assets of the plan area and underlines why it is so important that mineral and waste developments are delivered in a manner consistent with safeguarding the significance of these assets.	-
35	Paragraph 3.4	Sound	We would endorse the following as being a key issue and challenges which the Local Plan needs to address:- <u>Minerals</u> <ul style="list-style-type: none"> • Continuing to provide a supply of building stone for repair of traditional buildings and for new build; • Ensuring there are sufficient safeguards in place to minimise the impacts of minerals extraction on communities, the environment and other important assets <u>Waste</u> <ul style="list-style-type: none"> • Ensuring there are sufficient safeguards 	-

Page	Section	Sound/ Unsound	Comments	Suggested Change
			<p>in place to minimise the local impacts of waste management on communities, the environment and other important assets</p> <p><u>General</u></p> <ul style="list-style-type: none"> • Establishing policies which are appropriate across the diverse characteristics of the Plan area; • Developing an appropriate approach to the protection and enhancement of the Plan areas' important landscapes, and natural and heritage assets including the North York Moors National Park, AONBs and World Heritage Site, the historic city of York, numerous Conservation Areas, Green Belt, and listed buildings; as well as the wide range of non-designated assets which are important for their own intrinsic value; 	
37	Paragraph 4.1, Vision	Sound	<p>We support that part of the proposed Vision which relates to maintaining a careful balance between meeting future needs whilst protecting and enhancing the Plan area's environment. Given the high environmental quality of the plan area (and the huge contribution which the environment of North Yorkshire and York makes to the quality of life of its communities and the economic well-being of the area) it is essential that the need for minerals and waste developments takes place in a manner which is consistent with safeguarding these assets.</p>	-
37	Priority ii	Sound	<p>We support the intention to make provision for local materials to help maintain and improve the quality of the area's built environment. North Yorkshire's rich architectural heritage owes much to the great variety of stones used in its buildings and other structures and the Joint Plan area has, historically, been a supplier of building</p>	-

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			stone not just for the local area but also elsewhere across the Country	
38	Priority iii	Sound	<p>We support the inclusion of environmental considerations in determining whether or not to allow developments which would deliver a good match between locations of mineral supply and demand.</p> <p>There is a large demand for aggregates from the area lying outside and to the north of the Plan area. However, the northern part of the Joint Plan area contains not only a National Park but also some very important archaeological landscapes. The inclusion of environmental considerations in this Priority will ensure that pressure is not put on some of the most important landscapes of the plan area to meet the needs of areas outside North Yorkshire.</p>	-
38	Priority vi	Sound	<p>We support the intention that, in identifying appropriate locations for the delivery of both minerals and waste developments, the distinguished natural, historic and cultural environment and unique and special landscapes of the Plan area will have been protected, with particular protection afforded to the North York Moors National Park, the Areas of Outstanding Natural Beauty, the historic City of York and the World Heritage Site at Fountains Abbey/Studley Royal.</p> <p>The County's environmental assets make an important contribution to the character of this part of Yorkshire, to the area's economic well-being, and to quality of life of its communities. The particular areas identified in this Priority are recognised as being of especially importance to the character of the plan area and it is wholly appropriate that the plan identifies these area as warranting particular attention in the consideration of</p>	-

Page	Section	Sound/ Unsound	Comments	Suggested Change
			minerals and waste developments.	
37	Priority vii	Sound	<p>We support the intention that minerals and waste developments will be expected to take place in accordance with the highest practicable standards of design, operation and mitigation in order to ensure that the high-quality environment of the Plan area is given robust protection.</p> <p>The County's environmental assets make an important contribution to the character of this part of Yorkshire, to the area's economic well-being, and to quality of life of its communities. It is wholly appropriate, therefore that mineral and waste developments take place in a manner which safeguards these assets.</p>	-
39	Objective 3	Sound	<p>We support the Objective of safeguarding important minerals resources for the future. As one of the important mineral resources of the Joint Plan area, there is a need ensure that potential sources of building and roofing stone (which are essential to the repair and maintenance of the heritage assets of the County and beyond) are not sterilized by other uses.</p>	
40	Objective 5	Sound	<p>We support that part of the Objective which relates to the ensuring an adequate supply of minerals to contribute to local distinctiveness. North Yorkshire's rich architectural heritage owes much to the great variety of stones used in buildings and other structures and the Joint Plan area has, historically, been a supplier of building stone not just for the local area but also elsewhere across the Country.</p>	
41	Objective 9	Sound	<p>We support the Objective of protecting and, where appropriate, enhancing the natural and historic environment, the landscapes and the tranquil areas of this part of North Yorkshire. This Objective will help to deliver that part of the Vision which seeks to ensure</p>	

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			that the demand for minerals takes place in a manner which protects the environmental assets of the County.	
48	Policy M01	Sound	<p>We support this Policy. Given the landscape sensitivity of the National Park and the AONBs, their generally poor connectivity to the primary road network, and the breadth of their environmental assets, we support the intention to meet the demand for aggregates from outside these areas</p> <p>We also endorse:-</p> <ul style="list-style-type: none"> • The requirement that any crushed rock aggregate which occurs as an incidental part of building stone extraction does not compromise the supply of the building stone from that quarry (Criterion 2), and • The requirement that any applications for small-scale extraction of sand and gravel around York need to be consistent with safeguarding the special historic character and setting of the City. 	
51	Policy M03	Sound	<p>Whilst the approach of Policy M03 would reduce the distances which aggregates would have to travel, this strategy (which seeks to establish new sources of supply as close as practicable to the main external markets) could put pressure for the development of new quarries in some of the most environmentally-sensitive parts of the Joint Plan area. This approach could, potentially, pose a greater threat to the environment of the County than a strategy which enables the assessed needs for sand and gravel to be met from across the whole of the Plan area (excluding the National Parks and AONBs). Therefore we welcome the intention that, should it not be possible to meet the overall provision through the grant of planning permission on allocated sites, that the requirements will be met</p>	-

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			across both areas in combination. This should assist in ensuring that there is not pressure for increased sand and gravel extraction in the more environmentally-sensitive areas purely to meet the demands from outside the county	
53	Policy M05	Unsound	<p>In the past, the Minerals Plan for the County has not sought to identify a separate provision for Magnesian Limestone. Indeed, it recognised that some of the demand for this type of crushed rock may be able to be met from other sources. We are concerned about the potential impact which the approach set out in this Policy (of identifying a separate provision for Magnesian Limestone and in seeking to ensure that there is a separate 10 year landbank of this resource) might have upon the County's heritage assets. There is a considerable concentration of designated and undesignated heritage assets along the Southern Magnesian Limestone Ridge. These include the Neolithic ritual landscape at Thornborough (which is considered to be internationally significant and ranks alongside the monuments of Wessex and Orkney in its potential contribution to our understanding of late Neolithic cosmology and the inter-relationship between architecture and the surrounding landscape).</p> <p>Whilst the scale of provision is relatively small in the context of the geographical extent of the ridge and the site-specific allocations within that area have taken account of the impact upon the historic environment and historic landscapes, nevertheless, the inclusion of a separate provision for Magnesian Limestone and the identification of a separate landbank for this type of crushed rock and an intention to</p>	Policy M05 delete reference to a specific figure for the amount of Magnesian Limestone to be provided in the Plan or for a 10-year landbank of this type of crushed rock

Page	Section	Sound/ Unsound	Comments	Suggested Change
			maintain a 10-year supply, could increase pressure for mineral extraction in an area of known archaeological importance and which has a significance number of other designated heritage assets..	
55	Policy M06, first Paragraph	Unsound	<p>In the past, the Minerals Plan for the County has not sought to identify a separate provision for Magnesian Limestone. Indeed, it recognised that some of the demand for this type of crushed rock may be able to be met from other sources. We are concerned about the potential impact which the approach set out in this Policy (of identifying a separate provision for Magnesian Limestone and in seeking to ensure that there is a separate 10 year landbank of this resource) might have upon the County's heritage assets. There is a considerable concentration of designated and undesignated heritage assets along the Southern Magnesian Limestone Ridge. These include the Neolithic ritual landscape at Thornborough (which is considered to be internationally significant and ranks alongside the monuments of Wessex and Orkney in its potential contribution to our understanding of late Neolithic cosmology and the inter-relationship between architecture and the surrounding landscape).</p> <p>Whilst the scale of provision is relatively small in the context of the geographical extent of the ridge and the site-specific allocations within that area have taken account of the impact upon the historic environment and historic landscapes, nevertheless, the inclusion of a separate provision for Magnesian Limestone and the identification of a separate landbank for this type of crushed rock and an intention to maintain a 10-year supply, could increase</p>	Policy M06, first Paragraph delete reference to a specific figure for the amount of Magnesian Limestone to be provided in the Plan or for a 10-year landbank of this type of crushed rock

Page	Section	Sound/ Unsound	Comments	Suggested Change
			pressure for mineral extraction in an area of known archaeological importance.	
55	Policy M06, second Paragraph	Sound	In view of the sensitivity of the landscapes of the AONB and the National Park, the advice given in national policy guidance, and the estimated reserves of crushed rock across the remainder of the Joint Plan, we support the intention that there should be a zero requirement for the reserves for crushed rock to be met from sites from within these areas.	-
56	Policy M07, Part (1)(i) and(1) (ii)	Unsound	<p>We have concerns about the impact which mineral development from the following sites might have upon the historic environment:-</p> <ul style="list-style-type: none"> • Land at Killerby (MJP21) • Land at Home Farm, Kirkby Fleetham (MJP33) • Land South of Catterick (MJP17) <p>In all these cases, the Sustainability Heritage Impact Assessment considers that minerals extraction would be likely to have a “moderately negative effect” on the significance of nearby Listed Buildings. This is the second-highest degree of harm in the scoring system used in that Assessment. In all these cases, it does not appear from the Appraisal that this harm is capable of mitigation in a manner which, itself, would not harm the significance of these designated heritage assets.</p> <p>When considering the impact of proposals upon the significance of a designated heritage asset, Paragraph 132 makes it clear that “great weight” should be given to the conservation of those assets. The more important the asset, the greater the weight should be.</p> <p>In addition, there is a requirement under S66 of the Planning (Listed Buildings and</p>	<p>Policy M07, Part (1)(i) and(1) (ii) for the following allocations:-</p> <ul style="list-style-type: none"> • Land at Killerby (MJP21) • Land at Home Farm, Kirkby Fleetham (MJP33) • Land South of Catterick (MJP17) <p>either:-</p> <p>(a) These allocations should be deleted, or</p> <p>(b) The extent of the allocations should be reduced to a size which would safeguard the setting of the nearby Listed Buildings, or</p> <p>(c) The Plan needs to explain what public benefits justify the Allocation of a site which is likely to result in harm to the</p>

Page	Section	Sound/ Unsound	Comments	Suggested Change
			<p>Conservation Areas) Act that “special regard” should be had to the desirability of preserving Listed Buildings or their setting or any features of special architectural or historic interest which they possess.</p> <p>Therefore, an allocation which would be likely to result in harm to an element which contributes to the significance of a number of Listed Buildings in its vicinity is contrary to both the provisions of the NPPF and to the statutory requirements set out in the 1990 Act.</p> <p>In view of the fact that the harm to these Listed Buildings seems incapable of effective mitigation, either:-</p> <p>(a) These allocations should be deleted, or</p> <p>(b) The extent of the allocations should be reduced to a size which would safeguard the setting of the nearby Listed Buildings, or</p> <p>(c) The Plan needs to explain what public benefits justify the Allocation of a site which is likely to result in harm to the significance of a designated heritage asset (as is required by NPPF, Paragraph 133 or 134).</p>	significance of a designated heritage asset (as is required by NPPF, Paragraph 133 or 134).
56	Policy M07, final Paragraph	Sound	Appendix 1 of sets out details of the key sensitivities of each site and the development requirements that need to be taken into account in order to ensure that mineral extraction takes place in a manner which will minimise harm to the environmental assets in the area. This Paragraph ensures that these development principles are effectively tied into the Local Plan and helps to provide certainty to both potential developers and local communities about precisely what will, and will not, be permitted on these sites..	-

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57	Paragraph 5.38	Sound	<p>The Preferred Area at Oaklands (MJP07) lies within the Swale/Ure river catchments. This larger area contains the most significant concentration of Neolithic and Bronze Age monuments and related archaeological deposits in the north of England. Within this area are seven henges, two cursus monuments, several barrows, enclosures, pit alignments and the Devil's Arrows standing stones. Many of the features within this landscape are scheduled as nationally important. The three henges on Thornborough Moor are unparalleled in their size, alignment and form, and the degree of preservation. The northern henge, currently under woodland, is probably the best-preserved such monument in the country; only the great bank and ditch at Avebury exceeds it in scale</p> <p>Archaeological evaluations within the site area have demonstrated the presence of archaeological features in the southern half of this site (identified in the Environmental Statement which accompanied Application No NY/2011/0242/ENV as Area D). These should be considered as having high archaeological value and are part of, and contribute to, our understanding of the significance of the Thornborough landscape.</p> <p>We fully support the statement in this Paragraph that the potential for mineral development may be for a significantly reduced area than that shown.</p>	-
59	Policy M08, final Paragraph	Sound	<p>Appendix 1 of sets out details of the key sensitivities of each site and the development requirements that need to be taken into account in order to ensure that mineral extraction takes place in a manner which will minimise harm to the environmental assets in the area. This</p>	-

Page	Section	Sound/ Unsound	Comments	Suggested Change
			Paragraph ensures that these development principles are effectively tied into the Local Plan and helps to provide certainty to both potential developers and local communities about precisely what will, and will not, be permitted on these sites.	
60	Policy M09, final Paragraph	Sound	Appendix 1 of sets out details of the key sensitivities of each site and the development requirements that need to be taken into account in order to ensure that mineral extraction takes place in a manner which will minimise harm to the environmental assets in the area. This Paragraph ensures that these development principles are effectively tied into the Local Plan and helps to provide certainty to both potential developers and local communities about precisely what will, and will not, be permitted on these sites.	-
65	Policy M11, Criterion (2)	Sound	The landscape character of a number of areas within North Yorkshire (including large areas within the North York Moors National Park) and the significance of some of its heritage assets is the result of previous extractive and industrial activities. In these areas, the waste from these processes now contributes to the distinctive character of the local area, it may be of archaeological importance, and can also, potentially, contribute to understanding of past industrial activity. It is important, therefore, that any proposals for reworking such areas are carefully examined against the potential harm they might have upon those elements which contribute to the landscape character and the contribution they make to the significance of heritage assets in the area.	-
69	Policy M13, Criterion (3)	Sound	Appendix 1 of sets out details of the key sensitivities of each site and the development requirements that need to be taken into account in order to ensure that mineral extraction takes place in a manner	-

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			which will minimise harm to the environmental assets in the area. This Paragraph ensures that these development principles are effectively tied into the Local Plan and helps to provide certainty to both potential developers and local communities about precisely what will, and will not, be permitted on these sites.	
72	Policy M15	Sound	<p>We support the approach to the supply of building stone that is set out in this Policy. North Yorkshire's rich architectural heritage owes much to the great variety of stones used in its buildings and other structures. It is essential, therefore, that the plan sets out a framework which will support the delivery of the necessary supplies of new matching stone which are needed for repair and restoration of the area's heritage assets and for new construction within sensitive areas. Given the importance of this resource and the contribution which locally-sourced building and roofing stone plays in delivering the Objectives for conserving and enhancing the historic environment which are set out in the numerous Local Plans within this part of Yorkshire, it is essential that the Joint Minerals and Waste Plan clearly expresses its support for the principle of the continued production of such stone.</p> <p>For the repair and restoration of some heritage assets, it will be essential that the material used comes from the original source of the building stone or, where they exist, from a compatible quarry source. Therefore, in some cases, the only option will be to reopen a face on a currently-disused or dormant quarry. Therefore, we welcome Criterion (1)(iii).</p>	-
72	Policy M15, Criterion 4	Sound	We support the allocation of Site MJP63 (Brows Quarry) as a Preferred Area for the supply of Building Stone. Stone from the	-

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			adjacent site has been used for the construction of a number of important buildings in the local area and the stone from this extension would help the maintenance and repair of the heritage assets in the County.	
83	Policy M16, Criterion (b)(i)	Sound	<p>We welcome the intention to limit support for surface proposals associated with hydrocarbon developments only where they are outside:-</p> <ul style="list-style-type: none"> • one of the designated heritage assets which the NPPF recognises as being of the highest significance, • an AONB • the National Park, or • where they would affect the character and setting of historic City of York. <p>The Plan area is characterised by a very high-quality environment and it is essential that those assets which are acknowledged of being of especial importance to the area are not harmed.</p>	-
83	Policy M16, Criterion (b)(ii)	Unsound	<p>Whilst we welcome the intention to only allow proposals underneath one of the designated heritage assets which the NPPF recognises as being of the highest significance where it can be demonstrated that it will not result in harm to these assets, we are concerned about the degree of harm that this Criterion would, potentially, allow.</p> <p>The Plan area is characterised by a very high-quality environment and it is essential that those assets which are acknowledged of being of especial importance to the area are not harmed.</p> <p>When considering the impact of proposals upon the significance of a designated heritage asset NPPF Paragraph 132 makes it clear that “great weight” should be given to</p>	<p>Policy M16, Criterion (b)(ii), line 4 amend to read:-</p> <p><i>“... demonstrated that they would not harm the significance of those assets... etc ”</i></p>

Page	Section	Sound/ Unsound	Comments	Suggested Change
			<p>the conservation of those assets. The more important the asset, the greater the weight should be. All the designated heritage assets identified in Policy M16, Criterion (b)(i) are those which the Government considers to be of the highest significance (and, therefore, to which the greatest weight to their conservation should be given).</p> <p>Therefore, as drafted Criterion (b)(ii) (which would permit as a matter of course some degree of harm to designated heritage assets which the Government considers to be of the highest significance) would appear to be contrary to national policy guidance.</p> <p>If there is harm, then it would not necessarily prevent lateral drilling where it can be shown that it will deliver sufficient public benefits to outweigh that harm</p>	
90	Policy M17	Sound	<p>We support the caveats within this Policy to ensure that hydrocarbon developments take place in a manner which minimises harm to the environmental assets of the plan area particularly that:-</p> <ul style="list-style-type: none"> • Gas pipelines should be routed to have the least practicable environmental impact (Criterion (1)(iii)) • In assessing the cumulative impact of such developments, account should be taken of the sensitivity of the receiving environment, taking account of the nature and distribution of any environmental constraints (Criterion (2)(ii)(c)) • Hydrocarbon developments will be permitted in locations where a high standard of protection can be provided to environmental, cultural or heritage assets important to the local economy (Criterion (3)) 	-

Page	Section	Sound/ Unsound	Comments	Suggested Change
			The Plan area is characterised by a very high-quality environment and these assets make an important contribution to the economy of the area. Consequently, it is essential that such development take place in a manner consistent with safeguarding the elements which contribute to the significance of these assets.	
102	Policy M22	Sound	We support this Policy which should help to ensure that developments associated with the supply of potash, polyhalite and salt take place in a manner which will safeguard the special qualities of the National Park.	-
104	Policy M23	Sound	We support this Policy especially the requirement that:- <ul style="list-style-type: none"> • The location, siting and design of surface developments should ensure a high standard of protection for the environment • The effects of any subsidence upon the historic environment will be monitored and controlled so as to prevent unacceptable impacts. 	-
105	Policy M24	Sound	We support Criterion (iii) relating to the need for the extraction of vein minerals to have particular regard to the impact upon heritage assets. The parts of the plan area where these minerals occur have a rich historic environment which make an important contribution to the local tourism economy. It is essential, therefore, that any extraction pays particular attention to ensuring that these assets are not harmed.	-
124	Policy W04, Criterion (3)	Sound	Appendix 1 of sets out details of the key sensitivities of each site and the development requirements that need to be taken into account in order to ensure that any waste management facilities takes place in a manner which will minimise harm to the environmental assets in the area. This Paragraph ensures that these development principles are effectively tied into the Local	-

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			Plan and helps to provide certainty to both potential developers and local communities about precisely what will, and will not, be permitted on these sites.	
128	Policy W05, Criterion (3)	Sound	Appendix 1 of sets out details of the key sensitivities of each site and the development requirements that need to be taken into account in order to ensure that any waste management facilities takes place in a manner which will minimise harm to the environmental assets in the area. This Paragraph ensures that these development principles are effectively tied into the Local Plan and helps to provide certainty to both potential developers and local communities about precisely what will, and will not, be permitted on these sites.	-
137	Policy W10	Sound	We support the intention to avoid locating new waste management facilities within the National Park or AONBs 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. This will help to ensure that the most important landscapes of the Plan area are appropriately protected.	-
149	Policy S01	Sound	Given the importance of the building and roofing stone resources of the Joint Plan area to the conservation of the historic assets of both North Yorkshire and beyond, we support the proposed approach of safeguarding both active and known former building stone quarries together with a 250m buffer around them. This reflects the recommendations of BGS and should ensure that these reserves are not sterilised.	-
149	Policy S02, Part 1	Sound	Given the importance of the building and roofing stone resources of the Joint Plan area to the conservation of the historic	-

Page	Section	Sound/ Unsound	Comments	Suggested Change
			assets of both North Yorkshire and beyond, we support the proposed approach towards the consideration of development proposals in the Minerals Safeguarding Areas.	
163	Policy D03	Sound	We support the approach to minerals transportation that is set out in Policy D03 and the prioritization of minerals and waste developments which can be accessed by means of non-road transport.	-
166	Policy D04	Sound	We support the approach to development which might affect the landscapes of the National Parks and the AONBs that is set out in Policy D03. It is important that the special qualities of these protected landscapes are not harmed through inappropriate mineral or waste development.	-
168	Policy D05 and Paragraph 9.29	Sound	<p>The York Green Belt is different from the West Yorkshire Green Belt insofar as 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 nowhere near as important as this primary purpose.</p> <p>The Policy and this part of the justification make it clear to users of the document that the purposes (and hence considerations) for developments affecting the West Yorkshire Green Belt and York Green Belt are substantially different.</p>	-
170	Policy D06	Sound	We support the approach to the protection of the landscape of the Plan area that is set out in Policy D06. The range and variety of different landscapes across the plan area makes a huge contribution to the distinctive character of the County, to the quality of life of its communities, and are one of the reasons why the area has so many visitors. It is important, therefore, that the Joint Plan ensures that the qualities of all these	

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			landscapes (not simply those which are identified as being of national importance) are not harmed through inappropriate mineral or waste developments. This Policy will help to deliver that part of Objective 9 relating to the protection of the landscapes of the plan area.	
176	Policy D08	Sound	<p>We support the approach that is set out in Policy D08. The Plan area has an immensely rich and diverse historic environment. Its heritage assets make an important contribution to the distinct identity of the County's towns, villages and countryside, they contribute to the quality of life of its communities, and they play a key role in encouraging people to live, visit and invest in the area. It is essential, therefore, that the Local Plan sets out a sufficiently robust Policy framework for the consideration of development proposals likely to affect this resource.</p> <p>We particularly welcome the identification in the Policy of those aspects of the plan area's extensive range of heritage assets which are considered to be of especial importance to the character of the County (Criterion (2)). The identification of those elements within this Policy help the decision-maker determine whether or not a particular proposal would be likely to harm one of the key attributes which contribute to the area's distinctiveness (and, therefore, ought to be weighed more heavily in the decision-making process).</p> <p>We would fully endorse the advice in Paragraph 9.67 regarding the use of the good practice advice contained in the <i>Managing Landscape Change Study</i> to inform the preparation of planning applications. Evaluation of mineral and waste</p>	-

Page	Section	Sound/ Unsound	Comments	Suggested Change
			<p>developments needs to be based upon a robust assessment of the likely impacts which they might have upon the environment. The <i>Managing Landscape Change Study</i> should assist in this process.</p> <p>The framework which is set out in Policy D08 and its justification provides the type of approach needed to satisfy the requirements of NPPF Paragraph 126 by helping to clearly set out how a decision-maker should react to a development proposal affecting the historic environment and will assist in the delivery of Objective 9 of the plan insofar as it relates to the historic environment.</p>	
183	Policy D10, part 2, Criterion (v)	Sound	We support the approach which is set out in Criterion (v) of part 2 of Policy D10 relating to restoration proposals in the vicinity of heritage assets. In the past, the potential which the restoration of minerals sites might provide in helping to deliver enhancements for the historic environment have often been ignored. This should ensure that this does not happen in future reclamation and afteruse schemes.	-

Proposed Allocated Sites and Areas of Search

Our comments on the Proposed Allocated Sites and Areas of Search are set out in the attached Schedule.

If you have any queries about any of the matters raised above or would like to discuss anything further, please do not hesitate to contact me.

Yours faithfully,

Ian Smith
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Schedule of Comments on the Publication Draft of the Minerals and Waste Joint plan Allocated Sites and Areas of Search

Appendix 1 Page	Site Ref.	Location	Sound/ Unsound	Comments	Suggested Change
10	WJP 13	Halton East, near Skipton	Sound	<p>There are three Conservation Areas within 1.2km of this site. We, welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of these Conservation Areas and, in the Development Requirements Section, for proposals to mitigate the impact upon them.</p> <p>This will make those preparing schemes for the development of this site and those considering the appropriateness of any proposals which do come forward aware of the need to take account of the Plan's Policies for the historic environment and the duties under the Planning (Listed Buildings and Conservation Areas) Act, 1990. It should help to ensure that the development of this area takes place in a manner which will safeguard the character and appearance of these Conservation Areas.</p>	
16	MJP 06	Langwith Hall Farm, East of Well	Unsound	<p>The application site lies within the Swale/Ure river catchments. This larger area contains the most significant concentration of Neolithic and Bronze Age monuments and related archaeological deposits in the north of England. Within this area are seven henges, two cursus monuments, several barrows, enclosures, pit alignments and the Devil's Arrows standing stones. Many of the features within this landscape are scheduled as nationally important. The three henges on Thornborough Moor are unparalleled in their size, alignment and form, and the degree of preservation. The northern henge, currently under woodland, is probably the best-preserved such monument in the country; only the great bank and ditch at Avebury exceeds it in scale.</p> <p>Historic England was involved in discussions regarding the application for mineral extraction from this site (Langwith House Farm) which is currently awaiting determination. In our response, we commented that we considered that the supporting information had demonstrated that that</p>	<p>MJP06, Development Requirements insert an extra bullet-point before the third bullet-point as follows:- <i>"Applications should be informed by a comprehensive archaeological assessment (including an evaluation against the framework set out in Managing Landscape Change project)"</i></p>

Appendix 1 Page	Site Ref.	Location	Sound/ Unsound	Comments	Suggested Change
				<p>there will not be a direct physical impact on known archaeological deposits associated with the Thornborough Henges or their key visual relationships.</p> <p>However, we did consider that further mineral extraction in this area would have a harmful cumulative impact on the setting of the heritage assets (designated and undesignated) associated with the Thornborough Henges, the promontory of Thornborough Moor on which they sit and, specifically, the ability to appreciate and experience them in their landscape. However, we considered that the mitigation measures proposed as part of that application offered a clear opportunity to reverse some of the harmful impacts of past quarrying in the landscape and to reconnect the henges with their landscape setting.</p> <p>We welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of these assets and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them. We also support the requirement for restoration schemes using opportunities to reconnect the Henges to their landscape setting</p> <p>However, given the potential for nationally-important archaeological remains on at least part this site, it is essential that any application is informed by a comprehensive archaeological assessment (including an evaluation against the framework set out in Managing Landscape Change project). This was a recommendation of the Sustainability Appraisal Heritage Impact Assessment and should be included as a Development Requirement.</p>	
20	MJP 07	Oaklands, near Well	Unsound	<p>The application site lies within the Swale/Ure river catchments. This larger area contains the most significant concentration of Neolithic and Bronze Age monuments and related archaeological deposits in the north of</p>	MJP07, Development Requirements

Appendix 1 Page	Site Ref.	Location	Sound/ Unsound	Comments	Suggested Change
				<p>England. Within this area are seven henges, two cursus monuments, several barrows, enclosures, pit alignments and the Devil's Arrows standing stones. Many of the features within this landscape are scheduled as nationally important. The three henges on Thornborough Moor are unparalleled in their size, alignment and form, and the degree of preservation. The northern henge, currently under woodland, is probably the best-preserved such monument in the country; only the great bank and ditch at Avebury exceeds it in scale</p> <p>Archaeological evaluations within the site area have demonstrated the presence of archaeological features in the southern half of this site (identified in the Environmental Statement which accompanied Application No NY/2011/0242/ENV as Area D). These should be considered as having high archaeological value and are part of, and contribute to, our understanding of the significance of the Thornborough landscape.</p> <p>We fully support the statement in the penultimate Paragraph that the potential for mineral development may be for a significantly reduced area than that shown.</p> <p>We welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of these assets and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them. However:-</p> <p>(a) Given the potential for nationally-important archaeological remains on at least part this site, it is essential that any application is informed by a comprehensive archaeological assessment (including an evaluation against the framework set out in Managing Landscape Change project). This was a recommendation of the Sustainability Appraisal Heritage Impact</p>	<p>(a) Insert an extra bullet-point before the third bullet-point as follows:- <i>"Applications should be informed by a comprehensive archaeological assessment (including an evaluation against the framework set out in Managing Landscape Change project)"</i></p> <p>(b) Amend the final bullet-point to read:- <i>"An appropriate restoration scheme using opportunities for habitat creation and reconnecting the Henges to their landscape setting ...etc"</i></p>

Appendix 1 Page	Site Ref.	Location	Sound/ Unsound	Comments	Suggested Change
24	MJP 33	Home Farm, Kirkby Fleetham	Unsound	<p>Assessment and should be included as a Development Requirement.</p> <p>(b) The Development Requirements for the site East of Well includes one relating to the restoration scheme using opportunities to reconnect the Henges to their landscape setting. In view of the proximity of these two sites, a similar requirement should be included within its development Requirements</p> <p>We have significant concerns about the impact which mineral development on this site might have upon the heritage assets in its vicinity.</p> <p>The Heritage Impact Assessment which accompanies the Sustainability Appraisal identifies that the loss of this site and its subsequent development for minerals development would be likely to have a "moderately negative effect" on the significance of the Grade II* Listed Buildings at Kirkby Fleetham. Under the appraisal system set out in the Heritage Impact Assessment, this is the second-highest level of harm to an asset which is considered to be of the second-highest Value (i.e. this harm is at the upper end of the spectrum of harm). The Heritage Impact Assessment also considers that it would have a "moderately negative effect" on the significance of the Grade II Listed Building 100 metres west of the site at Hook Carr Farmhouse. It does not appear from the Appraisal that this harm is capable of mitigation in a manner which, itself, would not harm the significance of these designated heritage assets.</p> <p>The NPPF makes it clear that the Government considers Grade II* Listed Buildings to be in the category of designated heritage assets of the highest significance. When considering the impact of proposals upon the significance of a designated heritage asset, Paragraph 132 makes it clear that "great weight" should be given to the conservation of those assets. The more important the asset, the greater the weight should be.</p>	<p>Site MJP33 either:-</p> <p>(a) The allocation should be deleted, or</p> <p>(b) The extent of the allocation should be reduced to a size which would safeguard the setting of these Listed Buildings, or</p> <p>(c) The Plan needs to explain what public benefits justify the Allocation of a site which is likely to result in harm to the significance of a designated heritage asset (as is required by NPPF, Paragraph 133 or 134).</p>

Appendix 1 Page	Site Ref.	Location	Sound/ Unsound	Comments	Suggested Change
				<p>In addition, there is a requirement under S66 of the Planning (Listed Buildings and Conservation Areas) Act that “<i>special regard</i>” should be had to the desirability of preserving Listed Buildings or their setting or any features of special architectural or historic interest which they possess.</p> <p>Therefore, an allocation which would be likely to result in harm to an element which contributes to the significance of a number of Listed Buildings in its vicinity including to two to which the Government considers to be of the highest significance and to which the greatest weight should be given to their conservation is contrary to both the provisions of the NPPF and to the statutory requirements set out in the 1990 Act..</p> <p>In view of the fact that the harm to these Listed Buildings seems incapable of effective mitigation, either:-</p> <p>(a) The allocation should be deleted, or</p> <p>(b) The extent of the allocation should be reduced to a size which would safeguard the setting of these Listed Buildings, or</p> <p>(c) The Plan needs to explain what public benefits justify the Allocation of a site which is likely to result in harm to the significance of a designated heritage asset (as is required by NPPF, Paragraph 133 or 134).</p>	
28	MJP 11	Gebdykes Quarry, Near Masham	Sound	<p>The following designated heritage assets could be affected by the proposed extension of the existing quarry onto this site:-</p> <ul style="list-style-type: none"> • There is a Grade II Listed dovecote 640 metres from the eastern edge of this site. 	-

Appendix 1 Page	Site Ref.	Location	Sound/ Unsound	Comments	Suggested Change
				<ul style="list-style-type: none"> • Northern edge of Masham Conservation Area is 1.6 km to the south of this site • Grade II Listed Low Mains Farmhouse lies just over 1 km from the western edge of this site • Grade II Listed Low Burton Hall lies 1.2 km from southern boundary. <p>We, welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of these heritage assets and, in the Development Requirements Section, for proposals to mitigate the impact of the development upon them.</p> <p>These will make those preparing schemes for the development of this site (and those considering the appropriateness of any proposals which do come forward) aware of the need to take account of the Plan's Policies for the historic environment and the duties under the Planning (Listed Buildings and Conservation Areas) Act, 1990. These should help to ensure that the development of this area takes place in a manner which will minimize harm upon these heritage assets.</p>	
32	MJP 21	Land at Killerby	Unsound	<p>We have concerns about the impact which mineral development in this location might have upon the Grade II Listed stable block to Killerby Hall and disagree with the conclusions in the Heritage Impact Assessment which accompanies the Sustainability Appraisal about the degree of harm that the development of this area would be likely to cause to this designated heritage asset.</p> <p>The Heritage Impact Assessment which accompanies the Sustainability Appraisal considers that this site <i>"forms an important part of the agricultural landscape context of the overall farm/hall complex, which is the primary setting of the building"</i>. If that is the case, then the loss of this area must,</p>	<p>Site MJP21 either:-</p> <p>(a) The allocation should be deleted, or</p> <p>(b) The extent of the allocation should be reduced to a size which would safeguard the setting of these Listed Buildings, or</p>

Appendix 1 Page	Site Ref.	Location	Sound/ Unsound	Comments	Suggested Change
				<p>according to the scoring system for assessing the magnitude of the impact in the Heritage Impact Assessment, have a "Moderate Negative Effect" upon that designated heritage asset. Moreover, it does not appear from the Appraisal that this harm is capable of mitigation in a manner which, itself, would not harm the significance of this Listed Building.</p> <p>When considering the impact of proposals upon the significance of a designated heritage asset, Paragraph 132 makes it clear that "great weight" should be given to the conservation of those assets. In addition, there is a requirement under S66 of the Planning (Listed Buildings and Conservation Areas) Act that "special regard" should be had to the desirability of preserving Listed Buildings or their setting or any features of special architectural or historic interest which they possess.</p> <p>Therefore, an allocation which would be likely to result in harm to an element which contributes to the significance of a number of a Listed Building in its vicinity is contrary to both the provisions of the NPPF and to the statutory requirements set out in the 1990 Act.</p> <p>In view of the fact that the harm to this Listed Building is incapable of effective mitigation, either:-</p> <ul style="list-style-type: none"> (a) The allocation should be deleted, or (b) The extent of the allocation should be reduced to a size which would safeguard the setting of these Listed Buildings, or (c) The Plan needs to explain what public benefits justify the Allocation of a site which is likely to result in harm to the significance of a designated heritage asset (as is required by NPPF, Paragraph 133 or 	<p>(c) The Plan needs to explain what public benefits justify the Allocation of a site which is likely to result in harm to the significance of a designated heritage asset (as is required by NPPF, Paragraph 133 or 134).</p>

Appendix 1 Page	Site Ref.	Location	Sound/ Unsound	Comments	Suggested Change
36	MJP 17	Land to south of Catterick	Unsound	<p>134).</p> <p>We have significant concerns about the impact which mineral development of this site might have upon the significance of the Grade II Listed Buildings at Gyll Hall and Rudd Hall.</p> <p>The Heritage Impact Assessment which accompanies the Sustainability Appraisal considers that this site <i>“forms an important part of the agricultural landscape context”</i> of Rudd Hall and part of <i>“the wider agricultural landscape (which) is also important to the setting”</i> of Gyll Hall. As a result, the Heritage Impact Assessment considers that the loss of this site and its subsequent development for minerals extraction would be likely to have a <i>“moderately negative effect”</i> on the significance of the both these Listed Buildings. It does not appear from the Appraisal that this harm is capable of mitigation in a manner which, itself, would not harm the significance of these designated heritage assets.</p> <p>When considering the impact of proposals upon the significance of a designated heritage asset, Paragraph 132 makes it clear that <i>“great weight”</i> should be given to the conservation of those assets. In addition, there is a requirement under S66 of the Planning (Listed Buildings and Conservation Areas) Act that <i>“special regard”</i> should be had to the desirability of preserving Listed Buildings or their setting or any features of special architectural or historic interest which they possess.</p> <p>Therefore, an allocation which would be likely to result in harm to an element which contributes to the significance of a number of Listed Buildings in its vicinity is contrary to both the provisions of the NPPF and to the statutory requirements set out in the 1990 Act.</p>	<p>Site MJP 17 either:-</p> <p>(a) The allocation should be deleted, or</p> <p>(b) The extent of the allocation should be reduced to a size which would safeguard the setting of these Listed Buildings, or</p> <p>(c) The Plan needs to explain what public benefits justify the Allocation of a site which is likely to result in harm to the significance of a designated heritage asset (as is required by NPPF, Paragraph 133 or 134).</p>

Appendix 1 Page	Site Ref.	Location	Sound/ Unsound	Comments	Suggested Change
				<p>In view of the fact that the harm to these Listed Buildings seems incapable of effective mitigation, either:-</p> <p>(a) The allocation should be deleted, or</p> <p>(b) The extent of the allocation should be reduced to a size which would safeguard the setting of these Listed Buildings, or</p> <p>(c) The Plan needs to explain what public benefits justify the Allocation of a site which is likely to result in harm to the significance of a designated heritage asset (as is required by NPPF, Paragraph 133 or 134).</p>	
40	MJP 14	Ripon Quarry, North Stainley	Sound	<p>Historic England was involved in discussions regarding the application for mineral extraction from this site which is currently awaiting determination. In our response, we commented that we concurred with the conclusions of Environmental Statement regarding the potential impact which mineral extraction might have on the setting of Norton Conyers house and its park and garden and that there is likely to be limited archaeological potential across the extraction area. Whilst there were likely to be significant deposits in the area proposed for top soil storage, under that scheme, these were excluded from any direct impacts. The application included proposals for tree planting along the edge of the quarry site and within the Registered Park. Subject to this landscaping being undertaken we considered that there would be no long-term impact upon heritage assets in its vicinity.</p> <p>We, welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of these assets and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them.</p>	

Appendix 1 Page	Site Ref.	Location	Sound/ Unsound	Comments	Suggested Change
44	MJP 10	Potgate Quarry, North Stainley	Sound	<p>If the current Application is not approved, these will make those preparing alternative schemes for the development of this site (and those considering the appropriateness of any proposals which do come forward) aware of the need to take account of the Plan's Policies for the historic environment and the duties under the Planning (Listed Buildings and Conservation Areas) Act, 1990. These should help to ensure that the development of this area takes place in a manner which will minimize harm upon these heritage assets.</p> <p>There are a number of designated heritage assets in the vicinity of this site including:-</p> <ul style="list-style-type: none"> • The Grade II* Listed Stainley Hall which lies 530 metres from the eastern boundary of this area • Friars Hurst, a Grade II Listed Building which lies just 270 metres from the northern edge of this site. • A group of four Grade II Listed Buildings around Old Sleningford Hall, the nearest being 650 metres from the western edge of this site. • A group of Grade II Listed Buildings at Sleningford Park the nearest being 520 metres to the north of the site. <p>We, welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of this building and the other heritage assets in the vicinity of this site and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them.</p> <p>This will make those preparing schemes for the development of this site (and those considering the appropriateness of any proposals which do come forward) aware of the need to take account of the Plan's Policies for the historic environment and the duties under the Planning (Listed</p>	

Appendix 1 Page	Site Ref.	Location	Sound/ Unsound	Comments	Suggested Change
48	WJP08	Allerton Park, near Knaresborough	Sound	<p>Buildings and Conservation Areas) Act, 1990. It should help to ensure that the development of this area takes place in a manner which will minimize harm upon these heritage assets.</p> <p>There are a number of designated heritage assets which could be affected by the proposed development on this site:-</p> <ul style="list-style-type: none"> • This site lies to the north of and includes part of the Grade II Historic Park and Garden of Allerton Park. This landscape includes the Grade I Listed Mansion, and the Grade II* Listed Church of St Mary and the Temple of Victory. • The Grade II* Temple of Victory lies 820 metres from the site's southern boundary • The boundary of Coneythorpe Conservation Area lies 1.1 km to the west of this site <p>We, welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of these assets and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them.</p> <p>This will make those preparing schemes for the development of this site (and those considering the appropriateness of any proposals which do come forward) aware of the need to take account of the Plan's Policies for the historic environment and the duties under the Planning (Listed Buildings and Conservation Areas) Act, 1990. It should help to ensure that the development of this area takes place in a manner which will minimize harm upon these heritage assets.</p>	
58	MJP	Settring-	Sound	<p>There are a number of designated heritage assets which could be affected</p>	-

Appendix 1 Page	Site Ref.	Location	Sound/ Unsound	Comments	Suggested Change
	08	ton Quarry, Settrington		<p>by the proposed development on this site:-</p> <ul style="list-style-type: none"> Two Grade II Listed Buildings (Settrington Grange Farmhouse and the farm buildings to the north) lie within 360 metres of the eastern boundary of this site. The boundary of Settrington Conservation Area, which has numerous Listed Buildings including the Grade II* Listed Church of All Saints and the Riding School lies 750 metres from the eastern edge of this site. <p>We, welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of these assets and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them.</p> <p>This will make those preparing schemes for the development of this site (and those considering the appropriateness of any proposals which do come forward) aware of the need to take account of the Plan's Policies for the historic environment and the duties under the Planning (Listed Buildings and Conservation Areas) Act, 1990. It should help to ensure that the development of this area takes place in a manner which will minimize harm upon these heritage assets.</p>	
62	MJP 30	West Heslerton Quarry	Sound	<p>There is a high likelihood of important archaeological remains in this area some of which may, potentially, be of national importance. The Vale of Pickering area exhibits evidence of continuing human habitation and activity from the early prehistoric periods through the Roman period, and up to the present day. The buried prehistoric landscapes and the unique, continuous "ladder" settlements are an extraordinary survival of human activity on a landscape scale, preserved beneath thick sand-blown deposits across the Vale.</p>	

Appendix 1 Page	Site Ref.	Location	Sound/ Unsound	Comments	Suggested Change
				<p>We, welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of these assets and, in the Development Requirements Section, the need for an appropriate archaeological assessment and for proposals to mitigate the impact of the development upon them.</p> <p>This will make those preparing schemes for the development of this site (and those considering the appropriateness of any proposals which do come forward) aware of the need to take account of the Plan's Policies for the historic environment. It should help to ensure that the development of this area takes place in a manner which will minimize harm upon these heritage assets.</p>	
65	MJP 63	Brows Quarry, York Road, Malton	Sound	<p>We support the allocation of this site as a Preferred Area for the supply of Building Stone. Stone from the adjacent site has been used for the construction of a number of important buildings in the local area and the material from this site would help the maintenance and repair of the heritage assets in the local area</p>	
69	WJP15	Seamer Carr, Eastfield, Scar- borough	Sound	<p>This site lies approximately 550 metres from the boundary of the Scheduled Monument of the Star Carr Early Mesolithic settlement site.</p> <p>We, welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of this monument and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them.</p> <p>This will make those preparing schemes for the development of this site (and those considering the appropriateness of any proposals which do come forward) aware of the need to take account of the Plan's Policies for the historic environment. It should help to ensure that the development of this area takes place in a manner which will minimize harm upon this</p>	

Appendix 1 Page	Site Ref.	Location	Sound/ Unsound	Comments	Suggested Change
77	MJP 55	Land adjacent to former Escrick brickworks	Sound	<p>77important heritage asset.</p> <p>The Escrick Conservation Area (which contains a number of Listed Buildings including the Grade II* Listed Escrick Park and the Coach House and Stables). lies less than 500 metres from the north-eastern extent of this site.</p> <p>We, welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of these assets and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them.</p> <p>This will make those preparing schemes for the development of this site (and those considering the appropriateness of any proposals which do come forward) aware of the need to take account of the Plan's Policies for the historic environment and the duties under the Planning (Listed Buildings and Conservation Areas) Act, 1990. It should help to ensure that the development of this area takes place in a manner which will minimize harm upon these heritage assets.</p>	-
84	MJP 29	Went Edge Quarry near Kirk Smeaton	Sound	<p>There are a number of designated heritage assets which could be affected by the proposed development on this site:-</p> <ul style="list-style-type: none"> • The boundary of Wentbridge Conservation Area lies 700 metres to the west of this site • Wentbridge Viaduct (470 metres to the west of this site) is a Grade II Listed Building. <p>We, welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of these assets and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them.</p> <p>This will make those preparing schemes for the development of this site</p>	-

Appendix 1 Page	Site Ref.	Location	Sound/ Unsound	Comments	Suggested Change
88	MJP 23	Jackdaw Crag West, Sutton	Sound	<p>(and those considering the appropriateness of any proposals which do come forward) aware of the need to take account of the Plan's Policies for the historic environment and the duties under the Planning (Listed Buildings and Conservation Areas) Act, 1990. It should help to ensure that the development of this area takes place in a manner which will minimize harm upon these heritage assets.</p> <p>There are a number of designated heritage assets which could be affected by the proposed development on this site:-</p> <ul style="list-style-type: none"> • This site lies 1.6 km from the northern edge of the Registered Battlefield at Towton. • There are several Listed Building around Hazlewood Castle (1.6 km to the south-west of this area) including the Grade I Listed Hazlewood Castle and the Roman Catholic Chapel of St Leonard <p>We, welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of these assets and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them.</p> <p>This will make those preparing schemes for the development of this site (and those considering the appropriateness of any proposals which do come forward) aware of the need to take account of the Plan's Policies for the historic environment and the duties under the Planning (Listed Buildings and Conservation Areas) Act, 1990. It should help to ensure that the development of this area takes place in a manner which will minimize harm upon these heritage assets.</p>	-
92	MJP 22	Hensall Quarry	Sound	<p>There are two Grade II* Listed Buildings (The Red House and the Church of St Paul) 670 metres to the west of this site which could be affected by the proposed development.</p>	-

Appendix 1 Page	Site Ref.	Location	Sound/ Unsound	Comments	Suggested Change
				<p>We, welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of these assets and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them.</p> <p>This will make those preparing schemes for the development of this site (and those considering the appropriateness of any proposals which do come forward) aware of the need to take account of the Plan's Policies for the historic environment and the duties under the Planning (Listed Buildings and Conservation Areas) Act, 1990. It should help to ensure that the development of this area takes place in a manner which will minimize harm upon these heritage assets.</p>	
119	WJP 06	Land adjacent to former Escrick brickworks	Sound	<p>The Escrick Conservation Area (which contains a number of Listed Buildings including the Grade II* Listed Escrick Park and the Coach House and Stables). lies less than 500 metres from the north-eastern extent of this site.</p> <p>We, welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of these assets and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them.</p> <p>This will make those preparing schemes for the development of this site (and those considering the appropriateness of any proposals which do come forward) aware of the need to take account of the Plan's Policies for the historic environment and the duties under the Planning (Listed Buildings and Conservation Areas) Act, 1990. It should help to ensure that the development of this area takes place in a manner which will minimize harm upon these heritage assets.</p>	
122	WJP21	Brotherton Quarry.	Sound	<p>This proposal could sterilise a potential source of stone for the future repair of York Minster. Therefore we welcome the requirement that the site should be geologically/petro-graphically surveyed, in order to assess the quality of</p>	

Appendix 1 Page	Site Ref.	Location	Sound/ Unsound	Comments	Suggested Change
134	WJP19	Burton Salmon Fairfield Road, Whitby	Sound	<p>the remaining stone, before any further infilling is permitted.</p> <p>The development of this area could, potentially, impact on views from Whitby Headland.</p> <p>We, welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of these assets and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them.</p> <p>This will make those preparing schemes for the development of this site (and those considering the appropriateness of any proposals which do come forward) aware of the need to take account of the Plan's Policies for the historic environment and the duties under the Planning (Listed Buildings and Conservation Areas) Act, 1990. It should help to ensure that the development of this area takes place in a manner which will minimize harm upon these heritage assets.</p>	-
137	MJP 52	Field to the north of Duttons Farm, Upper Poppleton	Sound	<p>Upper Poppleton Conservation Area, which lies 1.2 km to the east of this site, could be affected by this proposal. As it also lies in the York Green Belt, it could also impact upon elements which contribute to the special character and setting of the historic City.</p> <p>We, welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of the Conservation Area and the fact that the site lies within the York Green Belt and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them.</p> <p>This will make those preparing schemes for the development of this site (and those considering the appropriateness of any proposals which do</p>	-

Appendix 1 Page	Site Ref.	Location	Sound/ Unsound	Comments	Suggested Change
144	WJP05	Field to the north of Duttons Farm, Upper Poppleton	Sound	<p>come forward) aware of the need to take account of the Plan's Policies for the historic environment and the duties under the Planning (Listed Buildings and Conservation Areas) Act, 1990. It should help to ensure that the development of this area takes place in a manner which will minimize harm upon these heritage assets.</p> <p>Upper Poppleton Conservation Area, which lies 1.2 km to the east of this site, could be affected by this proposal. As it also lies in the York Green Belt, it could also impact upon elements which contribute to the special character and setting of the historic City.</p> <p>We, welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of the Conservation Area and the fact that the site lies within the York Green Belt and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them.</p> <p>This will make those preparing schemes for the development of this site (and those considering the appropriateness of any proposals which do come forward) aware of the need to take account of the Plan's Policies for the historic environment and the duties under the Planning (Listed Buildings and Conservation Areas) Act, 1990. It should help to ensure that the development of this area takes place in a manner which will minimize harm upon these heritage assets.</p>	
147	WJP 11	Harewood Whin, Rufforth	Sound	<p>There are a number of Listed Buildings in Rufforth village which may, potentially be affected by development on this site. The site also lies within the York Green Belt.</p> <p>We, welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of the these assets and the fact that the site lies within the York Green Belt and, in the Development</p>	

Appendix 1 Page	Site Ref.	Location	Sound/ Unsound	Comments	Suggested Change
152	Area of Search A	Area of Search A	Sound	<p>Requirements Section, the need for proposals to mitigate the impact of the development upon them.</p> <p>This will make those preparing schemes for the development of this site (and those considering the appropriateness of any proposals which do come forward) aware of the need to take account of the Plan's Policies for the historic environment and the duties under the Planning (Listed Buildings and Conservation Areas) Act, 1990. It should help to ensure that the development of this area takes place in a manner which will minimize harm upon these heritage assets.</p> <p>As the Plan notes, there are a considerable number of designated heritage assets in and around this area including a couple of Scheduled Monuments to the east of the River Swale.</p> <p>We, welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of the these assets and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them.</p> <p>This will make those preparing schemes for the development of this site (and those considering the appropriateness of any proposals which do come forward) aware of the need to take account of the Plan's Policies for the historic environment and the duties under the Planning (Listed Buildings and Conservation Areas) Act, 1990. It should help to ensure that the development of this area takes place in a manner which will minimize harm upon these heritage assets.</p> <p>As the Plan notes, there are a considerable number of designated heritage assets in and around this area including the Farnham Conservation Area and several high-Grade Listed Buildings.</p> <p>We, welcome the inclusion of the reference within the Key Sensitivities</p>	
154	Area of Search C	Area of Search C	Sound		

Appendix 1 Page	Site Ref.	Location	Sound/ Unsound	Comments	Suggested Change
				<p>Section alerting users to the proximity of these assets and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them.</p> <p>This will make those preparing schemes for the development of this site (and those considering the appropriateness of any proposals which do come forward) aware of the need to take account of the Plan's Policies for the historic environment and the duties under the Planning (Listed Buildings and Conservation Areas) Act, 1990. It should help to ensure that the development of this area takes place in a manner which will minimize harm upon these heritage assets.</p>	

Minerals and Waste Joint Plan Team,
Planning Services,
North Yorkshire County Council,
County Hall,
NORTHALLERTON
DL7 8AH

Our Ref: HD/P5069/23
Your Ref:

Telephone: 01904 601977
Mobile: 0797 4312960

30 November 2016

Dear Sirs,

Minerals and Waste Joint Plan – Publication Draft Sustainability Report

Thank you for consulting Historic England about the Sustainability Appraisal Report of the Publication Draft of the Minerals and Waste Joint Plan. On the whole, we would broadly agree with the conclusions in the document regarding the likely significant effects which the Policies and proposals of the Plan would be likely to have upon the historic environment. Where there is likely to be an adverse effect, we would concur with the mitigation measures which have been suggested.

Heritage Impact Assessment Supporting Paper

In terms of the proposed Allocations, we welcome the production of the Heritage Impact Assessment. Although, as you can see from our comments, below, we have a number of reservations about certain aspects of that document, on the whole it does provide a good evaluation of the potential impact which the development of the sites to which we expressed particular concerns in the last iteration of the Plan might have upon the historic environment.

The only aspects of the document where we do not agree are as follows:-

Page	Section	Comments
4	Table 1	Grade II Listed Buildings are of National importance. Therefore, they should be in the "High" column
5	Table 3 and 4	In order to evaluate the significance of the impact, it would have been helpful to have included an additional Table which had "Magnitude of Impact" (Tables 3 and 4) on one axis and "Value of Heritage Assets" (Tables 1 and 2) on the other. This would have helped to flag-up that, for example, harm to a Grade II* Listed Building would be likely to be more of a concern than harm to a Grade II Listed Building.

Page	Section	Comments
18	Appendix 4 (MJP17)	<p>The Heritage Impact Assessment which accompanies the Sustainability Appraisal considers that this site <i>"forms an important part of the agricultural landscape context"</i> of Rudd Hall and part of <i>"the wider agricultural landscape (which) is also important to the setting"</i> of Gyll Hall. As a result, the Heritage Impact Assessment considers that the loss of this site and its subsequent development for minerals extraction would be likely to have a "moderately negative effect" on the significance of the both these Listed Buildings.</p> <p>If complete restoration of the landscape is unlikely to be possible, then the harm identified to the significance of these assets post excavation is not capable of effective mitigation.</p> <p>As a result, both the extraction of the mineral and the restoration is likely to harm the setting of these Listed Buildings. Therefore, the only effective mitigation measure either:-</p> <p>(a) The allocation should be deleted, or</p> <p>(b) The extent of the allocation should be reduced to a size which would safeguard the setting of these Listed Buildings, or</p> <p>(c) The Plan needs to explain what public benefits justify the Allocation of a site which is likely to result in harm to the significance of a designated heritage asset (as is required by NPPF, Paragraph 133 or 134).</p>
23	Appendix 5 (MJP21)	<p>The Heritage Impact Assessment which accompanies the Sustainability Appraisal considers that this site <i>"forms an important part of the agricultural landscape context of the overall farm/hall complex, which is the primary setting of"</i> the Grade II Listed stable block to Killerby Hall. If that is the case, then the loss of this area must, according to the scoring system for assessing the magnitude of the impact in the Heritage Impact Assessment, have a "Moderate Negative Effect" upon that designated heritage asset.</p> <p>If complete restoration of the landscape is unlikely to be possible, then the harm identified to the significance of these assets post excavation is not capable of effective mitigation.</p> <p>As a result, both the extraction of the mineral and the restoration is likely to harm the setting of these Listed Buildings. Therefore, the only effective mitigation measure either:-</p>

Page	Section	Comments
		<p>(a) The allocation should be deleted, or</p> <p>(b) The extent of the allocation should be reduced to a size which would safeguard the setting of these Listed Buildings, or</p> <p>(c) The Plan needs to explain what public benefits justify the Allocation of a site which is likely to result in harm to the significance of a designated heritage asset (as is required by NPPF, Paragraph 133 or 134).</p>
31	Appendix 7 (MJP33)	<p>The Heritage Impact Assessment which accompanies the Sustainability Appraisal identifies that the loss of this site and its subsequent development for minerals development would be likely to have a “moderately negative effect” on the significance of the Grade II* Listed Buildings at Kirkby Fleetham. Under the appraisal system set out in the Heritage Impact Assessment, this is the second-highest level of harm to an asset which is considered to be of the second-highest Value (i.e. this harm is at the upper end of the spectrum of harm and, therefore, is a significant sustainability issue in terms of the historic environment)</p> <p>If complete restoration of the landscape is unlikely to be possible, then the harm identified to the significance of these assets post excavation is not capable of effective mitigation.</p> <p>As a result, both the extraction of the mineral and the restoration is likely to harm the setting of these Listed Buildings. Therefore, the only effective mitigation measure either:-</p> <p>(a) The allocation should be deleted, or</p> <p>(b) The extent of the allocation should be reduced to a size which would safeguard the setting of these Listed Buildings, or</p> <p>(c) The Plan needs to explain what public benefits justify the Allocation of a site which is likely to result in harm to the significance of a designated heritage asset (as is required by NPPF, Paragraph 133 or 134).</p>

If necessary, the above considerations also need to be reflected in the respective Tables in the main Sustainability Appraisal

Finally, we should like to stress that this opinion is based on the information provided by you with your letter correspondence received on 13th November, 2015. To avoid any doubt, this

does not affect our obligation to provide further advice and, potentially, object to specific proposals which may subsequently arise (either as a result of this consultation or in later versions of the Plan) where we consider that, despite the SA/SEA, these would have an adverse effect upon the historic environment.

If you have any queries about this matter or would like to discuss anything further, please do not hesitate to contact me.

Yours faithfully,

Ian Smith
Historic Environment Planning Adviser (Yorkshire)
e-mail: ian.smith@english-heritage.org.uk

North Yorkshire County Council
Minerals and Waste Planning Unit
County Hall
Northallerton
North Yorkshire
DL7 8AH



21 December 2016

Dear Sir/Madam

MINERALS AND WASTE JOINT PLAN PUBLICATION STAGE CONSULTATION

Thank you for consulting us on the North Yorkshire County Council, City of York Council and North York Moors National Park Authority Minerals and Waste Joint Plan ('MWJP') publication draft. We have the following comments to make:

I refer to our preferred options consultation response dated 27th January 2016 in which the Environment Agency (EA) highlighted that our main concern related to insufficient consideration of the plan's obligations under the Water Framework Directive.

We are satisfied that this concern has been addressed in the publication draft version of the plan (see further details below) and that the comments that we raised at the preferred options stage have been taken into consideration. Therefore, insofar as the matters under our remit are concerned, we consider the MWJP to be positively prepared, justified, effective and consistent with national policy.

Further comments

We would like to take this opportunity to provide you with some further comments that may be helpful to you. Please note that the comments below are recommendations only; we do not consider them to affect the soundness of the plan.

Chapter 5: Minerals – Hydrocarbons (oil and gas)

Figure 13, p 79

The text box in the flow chart that currently states 'Environment Agency issues environmental permit' should be amended to say 'Environment Agency determines environmental permit'.

Paragraph 5.116

With regard to the second sentence of this paragraph, we would like to clarify that the responsibility for giving final consent for drilling lies with the Oil and Gas Authority (OGA) rather than DBEIS.

Chapter 9: Development Management

Policy D09: Water Environment

We are pleased to see that part 2 of policy D09 has been amended to make it clear that development which would lead to an unacceptable risk of pollution, or harmful disturbance to groundwater flow, will not be permitted. This amendment ensures greater consistency with Environment Agency guidance, specifically 'Groundwater protection: Principles and practice (GP3), August 2013' and ensures a greater level of protection for surface and groundwater.

We are also pleased to see that part three of policy D09 has been amended in line with our suggestion at the preferred options stage, in order to clarify that all sources of flooding must be considered. We would however point out that the second reference to groundwater in the last sentence of part 3 of this policy needs to be removed:

'(i.e. surface and groundwater flooding and groundwater flooding from rivers and coastal waters)'

We suggest that this text is amended to read:

'(i.e. flooding from surface water, groundwater, rivers or coastal waters).'

In our response to the preferred options consultation (dated 27th January 2016) we highlighted concerns regarding the plan's minimal reference to the Water Framework Directive (WFD). We are pleased to see that the policy justification text relating to policy D09 has been amended to acknowledge that in addition to developers, the planning authorities also have an obligation under the WFD to ensure that no deterioration of any waterbody should take place as a result of development. We welcome the inclusion of clarification that the WFD covers all waterbodies including non-main rivers, lakes and groundwater. We are satisfied that the policy justification text now clearly states that, where appropriate mitigation cannot be provided to prevent deterioration of surface water or groundwater bodies, the development would be contrary to the objectives of the WFD and should not therefore be permitted.

We would however suggest that the second to last sentence of paragraph 9.71 is amended as the second part of the sentence is currently unclear. We suggest that this sentence should read:

'Supporting the achievement of water body objectives outlined in River Basin Management Plans and their supporting documents is important in meeting obligations under the WFD.'

Appendix 1: Allocated Sites and Areas of Search

MJP33

This site lies immediately adjacent to the River Swale and this is not currently listed as a 'key sensitivity' in the proforma on p.25 . Any work here must not result in any pollution, including sediments, entering the river from the site. The operations must also not impact upon the geomorphological processes of the river i.e. increase erosion or deposition elsewhere. This should be added to the key sensitivities and development requirements sections of the site proforma.

Duty to Co-operate

The Environment Agency is identified under Regulation 4 of the Local Planning Regulations 2012 with regard to the Duty to Co-operate. This duty is detailed under Section 33A (1)(c) and requires local authorities and other bodies to work together to effectively address strategic issues.

We have worked closely with the MWJP authorities during the development of the plan and we can advise that we consider there are no outstanding strategic issues raised by the MWJP which necessitate attention under the duty to co-operate.

If you require any clarification or wish to discuss these comments further, please do not hesitate to contact me.

Yours faithfully

Ms Clare Dance
Sustainable Places – Planning Adviser

Tel: 020 847 48366

Email: clare.dance@environment-agency.gov.uk

Minerals and Waste Joint Plan

Publication Stage - Response Form

Part A - Contact details

Your contact details

Name:	Title: Mr	Initial(s): T
Surname: Love		
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	Poplar Way, Catcliffe, Rotherham	
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Post Code: S60 5TR		
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Agent contact details (if applicable)

Name:	Title: Mrs	Initial(s): C
Surname: Kent		
Organisation (if applicable): Barton Willmore		
Address:	14 King Street	
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Telephone: 0113 2044 777		
Email: claire.kent@bartonwillmore.co.uk		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in separate **guidance notes**. **You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.**

A separate **Part B** form **MUST** be produced for each separate representation you wish to make. After this stage, further submissions will only be at the invitation of the inspector who will conduct an Examination in Public of the Joint Plan, based on the matters they identify during the Examination.

All responses should be returned by 5pm on Wednesday 21st December 2016. Please note that representations cannot be received after this deadline.

Responses can be returned by email to: mwjointplan@northyorks.gov.uk or by post using the address below:

Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

Data Protection:

North Yorkshire County Council, the North York Moors National Park Authority and the City of York Council are registered under the Data Protection Act 1998. For the purposes of the Data Protection Act legislation, your contact details and responses will only be retained for the preparation of the Minerals and Waste Joint Plan. Representations made at Publication stage cannot remain anonymous, but details will only be used in relation to the Minerals and Waste Joint Plan. Your response will be made available to view on the website and as part of the examination.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Harworth
------------------------	----------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
--------------------------------------------	-----	--------------------------	----	-------------------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please see separate representations

Representations to the North Yorkshire, York and North York Moors Minerals and Waste Joint Plan

Publication Draft

Prepared on Behalf of Harworth Group

December 2016

**Representations to the North Yorkshire, York and North York Moors Minerals and Waste
Joint Plan
Publication Consultation Draft**

Prepared on Behalf of Harworth Group

Status:	Draft	FINAL
Issue/ Rev:	01	02
Date:	5 Dec 2016	16 Dec 2016
Prepared by:	ME	ME
Checked by:	CK	CK
Authorised by:		CK

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Date: December 2016

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Appendices

Appendix A Southmoor Energy Centre: Suggested Amended Safeguarding/Allocation Boundary

1.0 INTRODUCTION

- 1.1 Barton Willmore is instructed by Harworth Group ('our client') to submit representations to the North Yorkshire, York and North York Moors Minerals and Waste Joint Plan Publication Draft.

Background

- 1.2 Our client's interests within the Selby District, lie within the jurisdiction of North Yorkshire County Council as the relevant minerals and waste planning authority.
- 1.3 Selby District Council has previously consulted on various iterations of the Selby District Core Strategy Local Plan, which our client consistently made representations through to its adoption in October 2013. Our client has also made representations in response to consultation drafts of the Employment Land Review and the emerging site allocations local plan known as and PLAN Selby. Most recently, representations have been made to the Selby District Economic Development Strategy Final Consultation and our client is actively working with Selby District Council to assist in bringing the aims and objectives of the Economic Strategy forward.
- 1.4 Our client's land interests within Selby which are relevant to the Minerals and Waste Joint Plan are outlined below;
- The Sherburn Rail Freight Terminal site (formerly known as Gascoigne Wood Interchange)
 - The Former Kellingley Colliery Site (known now as the Kellingley Site which includes both the Tri-Modal 34 Employment Site and the Southmoor Energy Centre Site)
- 1.5 Comments are made on the Minerals and Waste Joint Plan as the Plan identifies part of the Kellingley Site as an allocated site for use as an Energy from Waste facility, a safeguarded waste site for Energy recovery and safeguarded transport infrastructure relating to its rail sidings and canal wharf. The Sherburn Rail Freight Terminal/Gascoigne Wood rail sidings are also safeguarded for transport infrastructure.

2.0 POLICY BACKGROUND AND CONTEXT

Selby District Core Strategy

- 2.1 Page 83 of the adopted Selby Core Strategy draws attention to the necessity of the District to promote economic prosperity, with an overriding concern that *'as a result of a high level of out-commuting to Leeds and York, (the District) has become a dormitory location for these cities, supplying them with skilled labour, at the expense of the local economy and sustainable development objectives.'*
- 2.2 The Core Strategy refers to the fact that there is an extant planning permission at Gascoigne Wood (Sherburn Rail Freight Terminal) which allows for reuse of the buildings on the site for employment purposes in connection with the railhead. In addition paragraph 6.34 makes clear that the District Council supports the reuse of the site linked to the use of the existing rail infrastructure of the site. Moreover, the same paragraph states that support exists for the reuse of former employment sites (which includes former mine sites) for employment uses.
- 2.3 The need for policy of all kinds to support employment growth is essential and in this context these representations are made based on the ability or otherwise for the Minerals and Waste Joint Plan to either support or hinder the development of our client's interests, as existing and emerging employment/regeneration development sites.

Selby Economic Development Strategy, 2016-2020 and Beyond

- 2.4 Selby District Council recently consulted on its Economic Development Strategy which aims to support business growth within the District and create significant new job opportunities.
- 2.5 The Economic Development Strategy identifies the Kellingley Site as one of the District's main employment development sites and Gascoigne Wood (Sherburn Rail Freight Terminal) as a potential growth zone. Enhancement of transport infrastructure in order to maximise connections at Gascoigne Wood, is identified as a key action.

PLAN Selby

- 2.6 Our client has promoted the Kellingley and the Sherburn Rail Freight Interchange sites to be allocated for employment/transport infrastructure uses and is actively working with Selby District Council and other partners such as the LEPs to bring them forward.

The Transport for the North (TfN) Freight and Logistics Strategy

- 2.7 The TfN Freight and Logistics Strategy sets out a vision for the North of England to have world-class infrastructure for the efficient movement of freight by 2033, potentially creating 25,000-38,000 new jobs in the sector.
- 2.8 TfN is continuing to develop the UK's first pan-regional freight and logistics strategy. This will articulate the vision for a vibrant and well-connected northern economy underpinned by a world-class transport network that supports a thriving freight and logistics capability delivered through collaborative public-private sector action. It will also reflect the role of freight in supporting delivery and operation of ambitious development aspirations, including Nationally Significant Infrastructure Projects in specific locations.
- 2.9 The initial work that has been undertaken by TfN indicates that significant economic benefits can be delivered (including £32BN) through reducing the cost of freight movement within, to and from the North of England. Draft key principles for action include:
- Increasing network capacity and resilience for freight, with particular emphasis on rail and water but also addressing road pinch points;
 - Supporting growth for strategically located rail and water connected freight interchanges/distribution centres in the north of England; and
 - Working collaboratively across Local Transport and Planning Authorities on the efficient implementation of measures.
- 2.10 The Northern Transport Strategy: Spring 2016 Report explains that TfN is:
- "looking at the proposed development of a rail and water-connected distribution network; investment in the port and hinterland connections and infrastructure; the utilisation of capacity released on the rail network by HS2 and Northern Powerhouse Rail for freight services; and a package of infrastructure solutions that would facilitate new Strategic Rail Freight Interchanges in the North and would allow larger and longer freight trains to access these interchanges, including gauge clearance where necessary."***

Harworth's Aspirations

- 2.11 The above policy background supports Harworth's aspirations to bring forward both of its sites for employment/transport infrastructure purposes.
- 2.12 The Sherburn Rail Freight Interchange (Gascoigne Wood) is a large site within suitable topography that has exceptionally useful rail connections well located close to the East Coast

Main Line (ECML) and to the west for the Trans-Pennine route, as well as the strategic road network. The site benefits from two sets of sidings: Gascoigne Wood Down Sidings to the north and Selby Mine Sidings to the South. The southern Selby Mine Sidings are suitable for use as a strategic rail freight terminal with the required connections in place, and able to accept the longest 775m trains. The northern siding will also accept the maximum current length of train available to run on the Trans-Pennine route to and from the Port of Liverpool, at 404m.

- 2.13 Minimal alterations to the sidings would be required to make them suitable for handling intermodal trains. Rail capacity is likely to be available for train services from a mix of origins, particularly over the ECML. The site has the potential to act as a regional hub.
- 2.14 With regard to the Kellingley Site, an outline planning application seeking consent for up to 1.45 Million square ft of employment development is currently under consideration by Selby District Council. This is discussed in further detail in the next section of these representations.

3.0 REPRESENTATIONS TO CHAPTER 7: MINERALS AND WASTE TRANSPORT AND OTHER INFRASTRUCTURE

Non-Road Transport Infrastructure for Minerals and Waste

- 3.1 Paragraph 7.4 of the Plan refers to Figure 18 which shows the known locations of existing rail and water transport infrastructure in the area for minerals and waste. It is stated that 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."*
- 3.2 The rail and wharf infrastructure at Kellingley and the rail infrastructure at Gascoigne Wood (Sherburn Rail Freight Interchange) are both identified on the Plan at Figure 18. As referred to above, the Kellingley Site is the subject of a current planning application, which seeks to redevelop the majority of the former colliery site for employment purposes. In addition to this, a S.73 planning application is currently being prepared relating to the Southmoor Energy Centre, which seeks to amend the consented scheme to take account of the colliery closure and the new circumstances on site, including the wider employment application and associated indicative masterplan. Changes to the rail facility as proposed to enable a joint rail facility for use by either scheme.
- 3.3 In addition to this, plans are being developed for the expansion of the existing employment operations at the Gascoigne Wood/Sherburn Rail Freight interchange site including the development of a rail freight interchange. As referred to above, the site already benefits from an extant consent which allows use of the rail for employment purposes and the adopted Core Strategy supports such use.
- 3.4 The Publication Minerals and Waste Joint Plan does not appear to have taken account of these considerations. The implications of this are explored further in the following section of these representations.

4.0 REPRESENTATIONS TO CHAPTER 8: MINERALS AND WASTE SAFEGUARDING

- 4.1 Our client understands the rationale behind safeguarding. However the Minerals and Waste Joint Plan needs to ensure consistency between the planning policies of the two-tier system, in this case between North Yorkshire County Council as minerals and waste planning authority and Selby District Council as local planning authority.
- 4.2 It is noted that paragraph 8.2 states that the purpose of safeguarding is not to prevent other forms of development on or near to a safeguarded resource or infrastructure, but to ensure that the presence of the resource or infrastructure is taken into account when other development proposals are under consideration. Consultation is required where development with the potential to sterilise minerals resources or impact on identified infrastructure are proposed in a safeguarding area. Certain developments are exempt and are listed within this Chapter.
- 4.3 A schedule of minerals and waste infrastructure sites to be safeguarded is provided in Appendix 2. This includes:
- The safeguarding of Southmoor Energy Centre (located within the Kellingley Site) as a safeguarded waste site.
 - The safeguarding of the railway sidings at Gascoigne Wood as safeguarded transport infrastructure.
 - The safeguarding of the railhead and wharves at Kellingley as safeguarded transport infrastructure.
- 4.4 A 'buffer zone' is also proposed around safeguarded resources which comprises 250 metres for all waste sites and 100 metres for all transport infrastructure.
- 4.5 Our client is concerned about the implications that the above safeguarding and/or buffer zones could have on their plans to bring forward alternative forms of development at the Kellingley and Sherburn Rail Freight Interchange (former Gascoigne Wood) sites and could impact and prejudice the regeneration and employment strategies of the District Council. These concerns are set out below.

Policy S03: Waste Management Facility Safeguarding

- 4.6 Our client objects to the wording of Policy S03: Waste Management Facility Safeguarding. At present the policy stipulates that;

"Waste management sites identified on the Policies Map, with a 250m buffer zone, will be safeguarded against development which would prevent or frustrate the use of the site for waste development, unless:

- i. The Need for the alternative development outweighs the benefits of retaining the site; and*
- ii. Where the site is in active use for waste management purposes, a suitable alternative location can be provided for the displaced infrastructure; or*
- iii. The site is not in use and there is no reasonable prospect of it being used for waste management in the foreseeable future.*

Where development, other than exempt development as defined in the Safeguarding Exemption Criteria List, is proposed within an identified buffer zone permission will be granted where adequate mitigation can, if necessary, be provided to reduce any impact from the existing or proposed adjacent waste uses to an acceptable level, and the benefits of the proposed use outweigh any safeguarding considerations."

- 4.7 Our client has no objection in principle to the safeguarding of Southmoor Energy Centre, however there are significant concerns regarding the extent of the safeguarding as currently shown, together with the 250 metre buffer zone, which is considered to be **unnecessary, unduly restrictive** and not **positively prepared** and therefore is **unsound**. In addition to this, our client considers that additional clarification/wording is required to the policy criteria in order to make the policy **sound**.

Extent of Safeguarding

- 4.8 Our client is also concerned that the safeguarding boundary for Southmoor Energy Centre at Appendix 2 is not up to date. It currently follows the red line of the planning application boundary which includes other uses and development areas relating to the former colliery uses and associated infrastructure such as access roads. This again causes conflict and crossover with the employment application and associated masterplan which seeks to redevelop some of these disused areas for employment purposes. Accordingly, in order to be **sound**, it is requested that the boundary is amended to reflect the land taken up by the energy centre facility itself. We have provided a plan showing this suggested alternative boundary at **Appendix A**. For consistency, it is also suggested that the Energy from Waste facility allocation boundary is also updated. A **Modification** is therefore required, ahead of submission of the Plan to Secretary of State.

Buffer Zones

- 4.9 Paragraph 8.30 suggests that the purposes of the 250 metre buffer zone is to ensure that amenity impacts of other forms of development in close proximity to waste uses can be properly taken into account. Paragraph 8.31 goes on to explain that Selby District Council would be required to consult with the County Planning Authority on any non-exempt development not only on a safeguarded waste site but also on the accompanying buffer zone before any decision can be made on a planning application for alternative development.
- 4.10 In contrast to the NPPF with respect to minerals, the National Planning Policy for Waste does not include any reference to the safeguarding of existing or proposed waste sites, in the sense of protecting them from development that may inhibit their development or effective use.
- 4.11 Paragraph 8.30 states that it is not practical to define individual buffers zones for each facility, suggesting it would not be illogical or inappropriate to do so. Equally, the actual extent of any buffer needed around each waste site will depend upon the nature of the proposed use (e.g. in terms of its sensitivity) and on the specific impacts of the current waste operation. Therefore the policy provision should not be set as a worst case scenario or blanket restriction, particularly where there is evidence that such a distance is unnecessary.
- 4.12 It is clear that the 250m buffer zone around Southmoor Energy Centre significantly overlaps with the wider masterplan for the Kellingley Site and the employment use proposals being brought forward to develop areas overlying the safeguarding buffer. The attachment of a restrictive buffer zone surrounding the Southmoor Energy Centre site is considered unnecessary and does not serve any meaningful purpose, whilst placing an additional administrative burden on Selby District Council and our client. There is no evidence base for this distance to be imposed.
- 4.13 The Southmoor Energy Centre facility forms part of a wider regeneration scheme for the former colliery site which is strongly supported by Selby District Council and is reflected in the Selby District Economic Development Strategy and emerging PLAN Selby evidence base as evidenced in Section 2 of these representations.
- 4.14 In this regard, our client is unsure (and would welcome clarification) as to the specific discussions which have taken place as part of the Duty to Cooperate between the authors of the Minerals and Waste Joint Plan and Selby District Council in relation to the extent of the safeguarding/buffer zone.
- 4.15 The policy cites that the buffer only safeguards against development, which would prevent or frustrate the use of the site for waste development. However, the addition of a buffer only

brings about a further level of subjective assessment; in terms of what constitutes 'frustration' and how this is to be assessed. In this regard, it is vague and subjective and fails these test of **precision**. The buffer is therefore considered to be **unsound** and should be removed in order to make the policy **sound**.

- 4.16 With regard safeguarding more generally, the policy requirements would also be benefit from a clear understanding of how the process of consultation (between the District Council and County Council) and decision making is to work in practice. Planning decisions should be made based upon consideration of a range of factors relevant to each individual case.

Safeguarding Criteria

- 4.17 In terms of the criteria set out in the policy itself, the additional following criteria/wording is suggested in order to ensure that viability considerations are adequately taken into account and ensure that the wording makes clear that safeguarding will not apply if the facility is not viable or incapable of being made so.

"iv) The facility is not viable or capable of being made viable."

- 4.18 This would therefore ensure **effectiveness**.

Safeguarding Exemption Criteria

- 4.19 Policy S03 cross refers to the Safeguarding Exemption Criteria which comprises a list of application types that will be regarded as 'exempt' development and do not require consideration under the safeguarding policies within the Joint Plan. This includes *"applications for development on land which is already allocated in an adopted local plan were the plan took account of mineral and waste safeguarding requirements."*

- 4.20 In order for this section of the plan to be sound the following **revised/additional wording** is requested to ensure that due regard is had to the different stages that the plans which make up to overall Development Plans are at:

"Applications for development on land which is already allocated in an adopted **or emerging** local plan were the plan ~~took~~ **has taken** account of mineral and waste safeguarding requirements."

- 4.21 This is particularly pertinent In the case of Selby District Council given the differing stages that the Local Plan (PLAN Selby) and Joint Minerals and Waste Plan are at. The exemption criteria provides clearly indicates that the adopted Local Plan takes precedence where it has taken account of minerals and waste safeguarding requirements, however it is obviously also logical for the emerging of the Minerals and Waste Joint Plan to take account of the emerging Local Plan and its supporting evidence now.

Policy S04: Transport Infrastructure Safeguarding

- 4.22 Our client has similar concerns and objections regarding Policy S04 which relates to the safeguarding of transport infrastructure including a 100 metre buffer zone. Our client again **objects** to the inclusion of an arbitrary safeguarding buffer. Whilst it is logical to seek to preserve rare transport infrastructure assets, such as the rail sidings available at Kellingley and the Sherburn Rail Freight Terminal (Gascoigne Wood), this needs to be considered in light of the Development Plan aspirations as a whole. It is also considered short-sighted to add buffer zones which can potentially have the effect of stifling further development and changes to these assets. In both cases, future changes and expansion of the rail infrastructure are proposed in order to deliver the employment development that is supported by the Selby Economic Strategy and emerging PLAN Selby. The rail sidings are a significant asset of benefit to a variety of uses; not just for minerals and waste transport purposes, and as such there should not be a precedence set for such a narrow scope of use, with a presumption against other uses unless certain criteria are met.
- 4.23 Indeed, Chapter 7 of the Joint Minerals and Waste Plan suggests that the existing rail infrastructure that has been identified as safeguarded transport infrastructure, have not yet been subject to redevelopment for other uses. However this is not the case with respect to the Sherburn Rail Freight Terminal (Gascoigne Wood) where the site has been subject to redevelopment for employment purposes and benefits from an extant consent which allows for the use of the rail facilities in connection with such uses. Similarly, the Kellingley Site is currently the subject of a planning application to redevelop the vast majority of the former colliery site for employment purposes.
- 4.24 Therefore in terms of the definition provided within Chapter 7, neither of the rail facilities should be identified as safeguarded.
- 4.25 It is our client's view that the transport safeguarding policy should only apply to 'existing' facilities i.e. those that have permanent planning permission for minerals and waste uses and are used for the management of minerals and waste (i.e. rail depots/infrastructure and wharfs) in order for them to be continued to be used to produce and transport minerals and manage waste. Currently, in respect of our client's landholdings this is not the case.
- 4.26 Furthermore the aim of the policy should be to avoid development which would impair the effectiveness of the infrastructure but not set a restriction or limit as to its use as this has the ability to cause conflict and inconsistencies with other Development Plan policies as is demonstrated above.
- 4.27 With regard to the extent of the transport safeguarding boundary shown in respect of the Kellingley Site at page 217, a significant part of Harworth's landholdings have been identified

to the south of the canal. This land does not sit within the jurisdiction of North Yorkshire County Council or Selby District Council and is located within Wakefield Metropolitan District Council's administrative area. Accordingly, the Joint Minerals and Waste Plan has no authority to safeguard this land and to continue to do so would be unsound. A **Modification** is therefore required ahead of submission of the Plan to Secretary of State.

Safeguarding Exemption Criteria

- 4.28 Policy S04 also cross refers to the same Safeguarding Exemption List as for Policy S03. There is no mention in this list however to applications for development on land which are allocated where the plan took account of 'transport' safeguarding requirements, only waste and minerals. It is therefore requested that this additional wording is incorporated in addition to the wording set out above under our comments to Policy S03 in order to make the policy clear and **precise** and therefore **sound**.

Sites Proposed for Safeguarding

- 4.29 Further explanatory text is provided at Paragraph 8.48 which states that the aim of safeguarding the waste sites and transport infrastructure is 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.*" Again, it is stressed that neither of our client's sites are currently in use for minerals and waste uses and the Sherburn Rail Freight Interchange (Gascoigne Wood) Site benefits from an extant consent for employment uses. Our client strongly considers that such uses should take precedence given that they are suitable, realistic and necessary uses that are in line with the District's Local Plan. Similarly, with regard to the Kellingley Site, the principle of safeguarding the Southmoor Energy Centre scheme is recognised, but this should not be at the expense of the wider employment uses coming forward.
- 4.30 The identification of the existing rail sidings at the former Gascoigne Wood site as being preserved for minerals and waste transport uses is contradictory to the wider aspirations that Selby District Council and our client has for the site. The safeguarding policy also fails to provide suitable flexibility for the use and expansion of the asset.
- 4.31 Paragraph 8.33 specifically states that the rail links at the former Gascoigne Wood Mine Site and the rail link at Kellingley Colliery have previously played a role in the transport of minerals, and future potential may still exist. Whilst it is noted that there is an endeavour to preserve the assets in respect of potential future minerals and waste uses, this must be matched against the reality of the situation rather than working on a premise of vague potential, rather than any substantive evidence. As is already acknowledged within the Minerals and Waste Joint Plan, there is very little chance of the Kellingley Site (as a former

deep mine) being brought back into use as a minerals resource and Gascoigne Wood has been redeveloped for alternative employment uses. Therefore the regeneration and future development (as employment sites) takes precedence over the preservation of transport infrastructure solely for mineral or waste transportation purposes. The extraction of minerals has ceased at both sites and their regeneration is being led through the delivery of successful employment development and uses going forward.

- 4.32 The safeguarding and the buffer zones creates a conflict between the two plans and is therefore considered to be an **unsound** approach which limits the **effectiveness** of both plans.

5.0 CONCLUSIONS

- 5.1 In conclusion, it is clear that the North Yorkshire, York and North York Moors Minerals and Waste Joint Publication Draft Plan has not sufficiently considered how it will interact with the Selby District Local Plan in respect of our client's sites. Nor has it taken account of the latest evidence relating to those sites.
- 5.2 Several policies as currently worded, introduce inconsistencies and unnecessary hurdles and barriers to development that should be removed and the policies more positively prepared in order to make the Minerals and Waste Joint Plan **sound and consistent with national planning policy**.
- 5.3 It is respectfully requested that our client's suggested comments to be taken on board. Our client looks forward to further discussion and engagement on the matters raised ahead of submission to Secretary of State. The right is reserved to comment further at the forthcoming Examination in Public.

The utility of this drawing cannot be ascertained without reference to the original drawing.

■ Existing boundaries
 ■ Proposed boundaries
 ■ Utility easements
 ■ Other

■ Proposed boundaries
 ■ Utility easements
 ■ Other

■ Proposed boundaries
 ■ Utility easements
 ■ Other

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 ENGINEERS & ARCHITECTS
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mwjointplan

From: Martyn Earle <Martyn.Earle@bartonwillmore.co.uk>
Sent: 20 December 2016 15:27
To: mwjointplan
Cc: Claire Kent; Liam Tate
Subject: 20970.A3 - Selby Sites - Minerals and Waste Joint Plan Representations
Attachments: 20970.A5.ME.kb.M&WRepsCK.161219.pdf; Publication_response_form_part_B1.docx; Publication_response_form_part_A1.docx

Afternoon,

To whom it may concern I attach our representations to the Minerals and Waste Joint Plan on behalf of our client Harworth Estates.

Also attached are your publication response forms Part A and B.

I would appreciate acknowledgement of receipt.

Many thanks and I look forward to discussing further.

Regards

Martyn Earle
Associate Planner

Planning . Design . Delivery

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Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title: Mr	Initial(s): E
Surname: Peat		
Organisation (if applicable): Harworth		
Address:	Advantage House	
	Poplar Way, Catcliffe, Rotherham	
	South Yorkshire	
Post Code: S60 5TR		
Telephone: N/a		
Email: N/a		

Agent contact details (if applicable)

Name:	Title: Mrs	Initial(s): C
Surname: Kent		
Organisation (if applicable): Barton Willmore		
Address:	14 King Street	
	Leeds	
	West Yorkshire	
Post Code: LS1 2HL		
Telephone: 0113 2044 777		
Email: claire.kent@bartonwillmore.co.uk		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in separate guidance notes. You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.

A separate Part B form **MUST** be produced for each separate representation you wish to make. After this stage, further submissions will only be at the invitation of the inspector who will conduct an Examination in Public of the Joint Plan, based on the matters they identify during the Examination.

All responses should be returned by 5pm on Wednesday 21st December 2016. Please note that representations cannot be received after this deadline.

Responses can be returned by email to: mwjointplan@northyorks.gov.uk or by post using the address below:

Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

Data Protection:

North Yorkshire County Council, the North York Moors National Park Authority and the City of York Council are registered under the Data Protection Act 1998. For the purposes of the Data Protection Act legislation, your contact details and responses will only be retained for the preparation of the Minerals and Waste Joint Plan. Representations made at Publication stage cannot remain anonymous, but details will only be used in relation to the Minerals and Waste Joint Plan. Your response will be made available to view on the website and as part of the examination.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Harworth
------------------------	----------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
--------------------------------------------	-----	--------------------------	----	-------------------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please see separate representations

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please see separate representations

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please see separate representations

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [Redacted] Date: 20th December 2016

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Sent By Post and Email – mwjointplan@northyorks.gov.uk

20970/A3/LT/kb

21st December 2016

Dear Sir/Madam

**REPRESENTATIONS TO THE MINERALS AND WASTE JOINT PLAN: PUBLICATION
CONSULTATION DRAFT**

On behalf of Harworth Group ("our Client") we write in response to the Minerals and Waste Joint Plan Publication Consultation.

Our Client has land interests across the plan area including the former North Selby Mine site, Gascoigne Wood and the former Kellingley Colliery Site. Our Client is therefore grateful for this opportunity to engage in the forward planning process.

Please note that these representations are made solely in respect of the Former North Selby Mine Site ('Site') within the District of York. Separate representations have been made by Barton Willmore on behalf of our Client in respect of their interests at Gascoigne Wood and Kellingley, both within the Selby District.

1. Current Consultation

North Yorkshire County Council ('Council') has previously consulted on various iterations of the Minerals and Waste Joint Plan ('the Plan'), with which our Client has made representations at the appropriate stages. Once adopted, the emerging Plan will form part of the statutory Development Plan and relevant authorities will use it as a starting point for decisions on planning applications for development relating to these activities.

This round of consultation seeks comments on the Publication Draft of the Plan before it is formally submitted to the Secretary of State in March 2017 ahead of formal examination between April 2017 to October 2017. Adoption is currently anticipated to take place in November 2017.

2. The National Planning Context and Basis of These Representations

Given that the Council are consulting on the proposed Publication Draft of the Plan, where appropriate these representations refer to relevant paragraphs in the National Planning Policy Framework ('Framework'), with which the Local Plan must be consistent including the tests of soundness outlined at paragraph 182. The relevant tests are outlined below for the avoidance of doubt:



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"Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;

Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework."

Reference is also made, where relevant, to the more recently published National Planning Practice Guidance ('PPG') which provides further explanation to the policies within the Framework.

These representations respond to, and addresses specific elements of the Publication Draft along with making recommendations and suggested amendments. We trust that the comments provided are useful and look forward to ongoing engagement in the emerging Plan process.

3. Representations to Chapter 6: Provision of Waste Management Capacity and Infrastructure

Meeting Future Waste Management Needs

Section 6 of the Plan deals specifically with planning for the management of waste generated in the Plan area.

In respect of North Selby Mine, paragraph 6.59 highlights that permission was granted in 2014 for a substantial anaerobic digestion facility. It does however flag that this permission remains unimplemented at the time of writing. It is however worth noting that the landowners, have since commenced the first phase of works on the site. Demolition of the former colliery structures started towards the beginning of November, following the discharge of relevant pre-commencement conditions. These demolition works have been carried out under the terms of the current planning permission and will ensure the planning permission remains extant in perpetuity.

The Plan recognises the important contribution the Site can make in meeting its aims and aspirations, we note the Plan proposes its allocation under Policy W04: Meeting waste management capacity requirements. The policy states:

1) Net self-sufficiently in capacity for management of C&I Waste will be supported through:

- iii. **Providing large scale capacity for recovery of energy and anaerobic digestion for C&I waste through a combination of spare capacity within the Allerton Waste Recovery Park facility and the Southmoor Energy Centre (WJP03), 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;**

The recognition of the Sites potential and the proposed allocation itself is supported by our Client. Although progress on the construction of the facility has been limited since planning permission was granted, as noted above work has now started though the demolition of the existing former colliery buildings.

The third part of the draft policy states;

- 3) "Proposals for development of the allocated sites referred to in 1) and 2) above will be required to take account of the key sensitives and incorporate the necessary mitigation measures that are set out in Appendix 1."

Having undertaken a full review of Appendix 1, our Client has fundamental concerns with some of its contents. It currently contains information that is incorrect or misleading and therefore **unsound**. In order to address these concerns and ensure the allocation and the supporting text is based on the latest and accurate information it is strongly requested that the following amendments are made:

	Comments
Estimated date of commencement	<p>As explained above, the extant planning permission (12/03385/FULM) was implemented in November this year.</p> <p>It is therefore requested that the reference to the date of commencement is updated to reflect this.</p>
Key Sensitivities identified by Site Assessment	<p><u>Green Belt</u></p> <p>The site assessment rightly highlights that the site is currently located within the York Green Belt.</p> <p>The reference does however go on to state that the emerging York Local Plan will continue to designate the land as Green Belt.</p> <p>The National Planning Policy Framework ('the Framework') makes it clear that local planning authorities have the responsibility of defining Green Belt Boundaries within the Local Plans. It explains that once established Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan.</p> <p>As part of the ongoing work on the preparation of the emerging Local Plan, the Council have accepted that they need to undertake a full review of the existing York Green Belt to ensure the emerging plan meets the full needs of the district. Given delays that have been experienced to date, the emerging Local Plan is still some way from adoption with a preferred sites consultation taking place in November this year.</p> <p>Given the status of the plan, it is inappropriate and premature at this stage to imply that the emerging York Local Plan will continue to designate the site as Green Belt. If the Minerals and Waste Plan is to progress in advance of the emerging York Local Plan, it should be amended to state the site is currently within the Green Belt and should not pre-empt the conclusions of the emerging Local Plan and comprehensive Green Belt review.</p> <p>Recommendation: Remove references to the emerging York Local Plan will continue to designate</p>

Development Requirements	<p>this land as Green Belt.</p> <p><u>Public Right of Way</u></p> <p>Bridleway 23/05/10 runs from north to south along the western boundary of the main site, parallel with Bridge Dike. This connects with Bridleway 6/4/20 running along the sites northern boundary.</p> <p>The relationship of these existing Bridleways with the site and the potential impacts of the development was fully assessed as part of the extant planning permission.</p> <p>The Landscape section of the Environmental Statement acknowledges that there are currently limited views through to the site from the Bridleways. However due to the comprehensive landscaping mitigation measures proposed together with the re-profiling of the bunding will ensure that at year 15 the proposed development is completely screened.</p> <p>The presence and alignment of the Bridleways are acknowledged but as demonstrated by the extant consent, they should not be regarded as an overriding constraint. The extant consent demonstrates that through sensitive design and landscaping, any impacts can be fully mitigated. This should be acknowledged within the final policy wording.</p>
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4. Representations to Chapter 8: Minerals and Waste Safeguarding

In addition to allocating sites for minerals and waste developments, the Plan looks to safeguard minerals resources and minerals and waste infrastructure. Paragraph 8.2 explains that the purpose of safeguarding the assets is not to prevent other forms of development on or near the infrastructure or resource but is to ensure that the presence of the resource and infrastructure is taken into account when other development proposals are under consideration.

The proposed safeguarding of waste management facilities is dealt with via Policy S03: Waste Management Facility Safeguarding. Policy S03 states;

"Waste management sites identified on the Policies Map, with a 250m buffer zone, will be safeguarded against development which would prevent or frustrate the use of the site for waste development, unless:

- i. The need for the alternative development outweighs the benefits of retaining the site; and**
- ii. Where the site is in active use for waste management purposes, a suitable alternative location can be provided for the displaced infrastructure; or**
- iii. The site is not in use and there is no reasonable prospect of it being used for waste management in the foreseeable future.**

Where development, other than exempt development as defined in the Safeguarding Exemption Criteria list, is proposed within an identified buffer zone permission will be granted where adequate mitigation can, if necessary, be provided to reduce any impacts from the existing or

proposed adjacent waste uses to an acceptable level, and the benefits of the proposed use outweigh any safeguarding considerations”.

Our Client recognises the need to ensure the Plan is positively planned and ensure sufficient assets are identified and safeguarded to ensure the full aspirations of the Plan are met in the Plan period. However, as drafted our Client considers that policy SO3 does not meet the tests of soundness and is therefore **unsound**.

The Plan acknowledges that the purposes of the safeguarding policy is not to prevent other forms of development or infrastructure from being developed but to ensure they are fully considered during the determination process. As noted above, part of the former North Selby Mine site is already subject to an extant planning permission and this boundary is proposed to be safeguarded. The Policy however goes further and extends the safeguarding allocation to include a 250m buffer around the extent of the allocation. The justification provided explains that the “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”. This justification is extremely limited and in our Client’s opinion not sufficient to warrant the inclusion of this additional burden to be placed on the site.

Our Client is actively promoting the wider North Selby Mine complex site through the emerging City of York Local Plan. Although currently within the draft Green Belt, the site represents a brownfield site and therefore an area where development will be encouraged before the use of comparable greenfield sites. The National Planning Policy Framework also permits development on such sites in certain circumstances.

Once adopted the Plan will form part of the statutory Development Plan and will therefore form the starting point for the determination of any future planning applications. Applications that come forward for development in the future, in close proximity to allocation site WJP02, will therefore need to be considered on their own merits having regard to the operations taking place on the waste site and the proposals that are brought forward to development the wider site.

The inclusion of a 250m buffer around the full extent of the allocation, WJP02, is not justified and having regard to the tests outlined in the Framework, is **not considered to be sound**.

Recommendation: Remove references to a 250m buffer zone.

Safeguarding Criteria

In terms of the criteria set out in the policy itself, the additional following criteria/wording is suggested in order to ensure that viability considerations are adequately taken into account and ensure that the wording makes clear that safeguarding will not apply if the facility is not viable or incapable of being made so.

“iv) The facility is not viable or capable of being made viable.”

This would therefore ensure **effectiveness**.

5. Representations to Chapter 9: Development Management

Green Belt

Section 9 of the Plan sets out development management policies.

As the name suggests, Policy D05: Minerals and Waste Development in the Green Belt, sets out the position for assessing future planning applications proposed on sites within the Green Belt. In respect of our Client’s site, the North Selby Mine (WJP02), paragraph 9.37 highlights that the site is located

within the general extent of York's Green Belt. The same paragraph goes on to explain that the extent planning permission was approved "as it was considered compatible with the site's continued location within the Green Belt".

Turning to the policy itself, Part 2 of Policy D05 explains that the proposals for;

"Waste development in the Green Belt including new buildings or other forms of development which would result in an adverse impact on the openness of the Green Belt or on the purposes of including land within the Green Belt, including those elements which contribute to the historic character and setting of York, will be considered inappropriate".

The policy then goes on to set out forms of waste development which will be considered appropriate in the Green Belt. On the basis that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt.

Our Client acknowledges the fact that the government places great importance on the Green Belts. The policy position set out in the Framework explains that substantial weight should be given to any harm to the Green Belt.

National planning policy (the Framework and the National Planning Policy for Waste) does not however define uses which are considered appropriate within Green Belts areas nor does it place a requirement on local plan makers to define such uses. Instead it simply states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt unless it meets one of the defined exceptions (paragraph 89). This includes:

"Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development".

The current wording of the policy goes beyond this requirement and infers that only the uses listed will be considered appropriate in Green Belt areas. This is clearly in conflict with national policy and is therefore **unsound**.

Recommendation: Remove the final paragraph of Part 2 of policy D05: Minerals and Waste Development in the Green Belt

6. Overall Conclusions and Recommendations

These representations have been prepared on behalf of Harworth Group set out their comments in relation to the Minerals and Waste Joint Plan: Publication Draft.

Our Client has a keen interest in the Plan area, and is grateful for this opportunity to engage in the forward planning process. They are committed to ensuring the latest Joint Plan is prepared on a sound and robust basis which meets the tests of paragraph 182 of the Framework.

As drafted, our Client supports the allocation of their site at the former North Selby Mine complex in principle. However, our Client has raised fundamental concerns with the wording of some of the allocations. As drafted, they are not considered to meet the tests outlined in national planning policy and therefore the Plan is **unsound**.

We respectfully request that the recommendations set out above are fully considered and the necessary changes are made ahead of submission to the Secretary of State.

Notwithstanding the above, our Client reserves the right to comment further at the EIP Hearing Sessions.

Yours sincerely



CLAIRE KENT
Director

mwjointplan

From: Liam Tate <Liam.Tate@bartonwillmore.co.uk>
Sent: 21 December 2016 12:08
To: mwjointplan
Subject: 20970.A3 - Minerals and Waste Joint Plan Representations - Publication Draft
Attachments: 20970.A3.LT.kb.PublicationReps.161221.pdf

Dear Sirs,

On behalf of our client, the Harworth Group, please find attached representations to the Minerals and Waste Joint Plan Publication Consultation.

I would be grateful if you could acknowledge safe receipt.

Regards

Liam Tate
Senior Planner

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Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Sara Robin, Yorkshire Wildlife Trust
------------------------	--------------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="MJP55"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="text" value="x"/>	No	<input type="text"/>
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2.(2) Sound	Yes	<input type="text"/>	No	<input type="text" value="x"/>
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(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Justified</i>	Yes	<input type="text"/>	No	<input type="text" value="x"/>
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<i>Effective</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Consistent with National Policy</i>	Yes	<input type="text"/>	No	<input type="text"/>
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2 (3) Complies with the Duty to co-operate	Yes	<input type="text"/>	No	<input type="text"/>
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3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The information on this site in Appendix 1 Allocated Sites does not include the information that the York to Selby Cycle Path is a Site of Importance for Nature Conservation (SINC) and runs through the centre of the site. This provides further evidence of the value of the site for biodiversity. Given the sensitivities of the site there should be at least a partial restoration to nature conservation with a long term management plan and endowment. The restoration should focus on habitat connectivity in the area, with potential to connect habitat from north to south along the cycle path and east west along dykes and drains which run between the Ouse and Derwent. The restoration could potentially include ponds and wetland areas as brick ponds can be particularly valuable for aquatic invertebrates. This would be consistent with the NPPF paragraphs 109, and 114

109. The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity 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;

114. Local planning authorities should:

- set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure;

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Possible site aftercare on page 78 at present states:

“No detailed design available yet, but would be back to agriculture at or near original ground levels”

Could be changed to:

“Detailed designs should include partial restoration to nature conservation, potentially including ponds and wetland areas so that habitat is connected up in the area.”

The section:

“Key Sensitivities identified by Site Assessment

- Ecological issues, including impacts on: Skipwith Common SAC site and SSSI, Heron Wood SINC and ancient woodland, trees, protected species, potential habitats”

Changed to:

“• Ecological issues, including impacts on: Skipwith Common SAC site and SSSI, Heron Wood SINC, **the York to Selby Cycle path SINC** and ancient woodland, trees, protected species, potential habitats”

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

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5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature:

Date:

Official Use Only Reference Number

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Sara Robin, Yorkshire Wildlife Trust
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Please mark with an x as appropriate

2. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.106"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Shale gas extraction is said to be valuable:
 "as part of a transition towards use of lower carbon energy sources". This is then linked to policy D11 which is about reducing carbon dioxide emissions.

Although there are some opinions that shale gas could be seen as a bridge to a lower carbon economy this is definitely not a well supported conclusion. Recent research at Cornell University <http://onlinelibrary.wiley.com/doi/10.1002/ese3.35/pdf> has shown that increases in fugitive methane emissions due to shale gas extraction could negate any carbon emission reductions from using shale gas. The investment in shale gas extraction technology and infrastructure could also delay transition to a lower carbon economy by delaying investment in renewable energy infrastructure and carbon reduction technologies.

Using less carbon energy sources is part of a wider objective of combating global climate change, Natural gas is a fossil fuel and during exploration, production, transportation, post production (all possible phases and beyond) there is potential for methane leakage, a much more potent gas than CO2 which can far greater effects on climate change. It is essential to look at life cycle comparison of source not just at the point of combustion.

The authority cannot imply that by permitting shale gas extraction there will be a reduction in UK carbon emissions. The extraction of hydrocarbons which are at present locked into shale cannot be seen as part of a progression towards a lower carbon economy.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Sara Robin, Yorkshire Wildlife Trust
------------------------	--------------------------------------

Please mark with an x as appropriate

3. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.109"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>					

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The sentence:

“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”

The sentence does not include the information that flow-back fluid can also contain hazardous chemicals which have been dissolved from the shale and brought back to the surface. See http://ec.europa.eu/environment/integration/research/newsalert/pdf/chemical_composition_of_fracking_wastewater_404na4_en.pdf for example, a brief paper produced for the European Union. Due to the potentially hazardous nature of flow-back fluids the authority will need to be particularly aware of the importance of avoiding spills and ensuring safe disposal. Impacts on wildlife and biodiversity can be severe.

“typically 98-99% of the liquid is water, small quantities of chemicals are often added”

98-99% needs to be defined clearly. The statement is meaningless without context. 1-2% appears to be a small amount but if the total volume of fracking fluid is large the amounts of chemicals will also be large. Also chemicals are ALWAYS added, to fracking fluid. By using the word “often” this implies that at times no chemicals will be used which is incorrect.

Also in this paragraph it is important to know the likely quantities to be recycled and quantities to be disposed of, this is surely a very important part of planning for expansion in shale gas extraction – sites, road traffic, infrastructure will all be required to collect, treat and dispose of fracking fluid. The extra development will have implications for the local population and for biodiversity and wildlife.

(continue on a separate sheet/expand box if necessary)

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Sara Robin, Yorkshire Wildlife Trust
------------------------	--------------------------------------

Please mark with an x as appropriate

4. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	<input type="text" value="D07"/>	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	----------------------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="text" value="x"/>	No	<input type="text"/>
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2.(2) Sound	Yes	<input type="text"/>	No	<input type="text" value="x"/>
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(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Justified</i>	Yes	<input type="text"/>	No	<input type="text"/>
----------------------------	-----	----------------------	----	----------------------	------------------	-----	----------------------	----	----------------------

<i>Effective</i>	Yes	<input type="text"/>	No	<input type="text" value="x"/>	<i>Consistent with National Policy</i>	Yes	<input type="text"/>	No	<input type="text"/>
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2 (3) Complies with the Duty to co-operate	Yes	<input type="text" value="x"/>	No	<input type="text"/>
--------------------------------------------	-----	--------------------------------	----	----------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The Trust supports the overall intention in the policy to ensure a net gain for biodiversity. It is essential that there is consistency in measuring whether there is actually a net gain for biodiversity. Without accurate reporting prior to development and consistent measuring of impacts there could be long drawn out discussions based on opposing opinions and no net gain in biodiversity.

A consistent standard of ecological survey must be required for mineral sites in order to ensure that there is an objective baseline so that impacts on biodiversity are correctly assessed and net gains can be shown. The Trust would recommend that BS42020 is quoted as being the standard expected by the authority for ecological surveys.

In order to objectively assess net ecological impacts and therefore achieve net gains in biodiversity, as required by the NPPF, it is vital that a fair, robust mechanism for measuring these impacts is applied. To ensure they are consistently quantified, the application of the DEFRA and NE endorsed Biodiversity Impact Assessment Calculator (or an agreed updated version) will be required for all development with negative impacts on biodiversity.

(continue on a separate sheet/expand box if necessary)

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Sara Robin, Yorkshire Wildlife Trust
------------------------	--------------------------------------

Please mark with an x as appropriate

5. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	D10 part 2 viii	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

It is important when creating habitat networks that the habitats created are valuable and appropriate to the area. The habitats created should be "habitats of principle importance" see <http://jncc.defra.gov.uk/page-5706> which can connect to similar areas of habitat. For example in the River Swale corridor wetland restoration will be very valuable and will link with neighbouring habitat, woodland would not be so valuable. However for magnesian limestone quarries restoration to the rare magnesian limestone grassland with appropriate management will be the most valuable restoration. A study into targeting mineral site restoration by Golder Associates carried out for the Yorkshire and Humber Biodiversity Forum in 2009 showed how appropriate restorations could be carried out. Appropriate habitats are also mentioned in the background information for the Yorkshire Wildlife Trust Living Landscapes.

The Trust supports the restoration of mineral sites to nature conservation objectives. In order to ensure that net gains for biodiversity are indeed obtained the Trust would like to see similar improvements to the policy as suggested for Policy D 07.

It is essential that there is consistency in measuring whether there is actually a net gain for biodiversity. Without accurate reporting prior to development and consistent measuring of impacts there could be long drawn out discussions based on opposing opinions and no actual net gain in biodiversity.

A consistent standard of ecological survey must be required for mineral sites in order to ensure that there is an objective baseline so that impacts on biodiversity are correctly assessed and net gains can be shown. The Trust would recommend that BS42020 is quoted as being the standard expected by the authority for ecological surveys.

(continue on a separate sheet/expand box if necessary)

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5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

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Signature:

Date:

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The addition of the phrase in bold to the Development Requirements for the site:

An appropriate restoration scheme using opportunities for habitat creation **and connectivity and providing gains for biodiversity**, but which is also appropriate to location within a birdstrike safeguarding zone

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

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The addition of the phrase in bold to the Development Requirements for the site:

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Signature:

Date:

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Sara Robin, Yorkshire Wildlife Trust
------------------------	--------------------------------------

Please mark with an x as appropriate

8. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="WJP15"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="text" value="x"/>	No	<input type="text"/>
2.(2) Sound	Yes	<input type="text"/>	No	<input type="text" value="x"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Justified</i>	Yes	<input type="text"/>	No	<input type="text" value="x"/>
<i>Effective</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Consistent with National Policy</i>	Yes	<input type="text"/>	No	<input type="text"/>
2 (3) Complies with the Duty to co-operate	Yes	<input type="text" value="x"/>	No	<input type="text"/>					

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The site is immediately adjacent to the Yorkshire Wildlife Trust's reserve Burton Riggs which is also a Site of Importance for Nature Conservation, Burton Riggs Gravel Pitts. The site is also in the Yorkshire Wildlife Trust's Living Landscape for Cayton and Flixton Carrs. The restoration of the site should provide habitat which connects to Burton Riggs reserve and enhances the Cayton Flixton Carrs area.

The Yorkshire Wildlife Trust will be happy to comment on and help with suggested restoration schemes.

Official Use Only Reference Number
<input type="text"/>

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The “Key Sensitivities identified by Site Assessment”, and “Development requirements identified through Site Assessment and Consultation process” need to include the information about Burton Riggs nature reserve. Suggested changes in bold:

“Ecological issues, including impacts on: drains linked to the River Hertford SINC, **the Burton Riggs nature reserve and SINC**, protected species, potential habitats”

“Mitigation of ecological issues, in particular with regard to avoiding impacts on drains linked to the River Hertford SINC, **Burton Riggs reserve and SINC**, and protected species”

(continue on a separate sheet/expand box if necessary)

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Yes, I wish to participate at the oral examination

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Signature:

Date:

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Sara Robin, Yorkshire Wildlife Trust
------------------------	--------------------------------------

Please mark with an x as appropriate

9. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="WJP 06"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The comments are the same as for site MJP55:
 The information on this site in Appendix 1 Allocated Sites does not include the information that the York to Selby Cycle Path is a Site of Importance for Nature Conservation (SINC) and runs through the centre of the site. This provides further evidence of the value of the site for biodiversity. Given the sensitivities of the site there should be at least a partial restoration to nature conservation with a long term management plan and endowment. The restoration should focus on habitat connectivity in the area, with potential to connect habitat from north to south along the cycle path and east west along dykes and drains which run between the Ouse and Derwent. The restoration could potentially include ponds and wetland areas, as brick ponds can be particularly valuable for aquatic invertebrates and other wildlife. This would be consistent with the NPPF paragraphs 109, and 114.

109. The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity 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;

114. Local planning authorities should:

- set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure;

Official Use Only Reference Number
<input type="text"/>

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Possible site aftercare on page 78 at present states:

“No detailed design available yet, but would be back to agriculture at or near original ground levels”

Changed to:

“Detailed designs should include partial restoration to nature conservation, potentially including ponds and wetland areas so that habitat is connected up in the area.”

The section:

“Key Sensitivities identified by Site Assessment

• Ecological issues, including impacts on: Skipwith Common SAC site and SSSI, Heron Wood SINC and ancient woodland, trees, protected species, potential habitats”

Changed to:

“• Ecological issues, including impacts on: Skipwith Common SAC site and SSSI, Heron Wood SINC, **the York to Selby Cycle path SINC** and ancient woodland, trees, protected species, potential habitats”

(continue on a separate sheet/expand box if necessary)

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Yes, I wish to participate at the oral examination

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All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature:

Date:

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Sara Robin, Yorkshire Wildlife Trust
------------------------	--------------------------------------

Please mark with an x as appropriate

10. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="WJP02"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="text" value="x"/>	No	<input type="text"/>
2.(2) Sound	Yes	<input type="text"/>	No	<input type="text" value="x"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Justified</i>	Yes	<input type="text"/>	No	<input type="text" value="x"/>
<i>Effective</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Consistent with National Policy</i>	Yes	<input type="text"/>	No	<input type="text"/>

2 (3) Complies with the Duty to co-operate	Yes	<input type="text" value="x"/>	No	<input type="text"/>
--------------------------------------------	-----	--------------------------------	----	----------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The Key Sensitivities identified by Site Assessment does not include that part of the site is a SINC "North Selby Mine" designated by CYC. This information needs to be included in Development requirements identified through Site Assessment and Consultation processes to ensure that the SINC is protected in future developments.

Official Use Only Reference Number
<input type="text"/>

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Change the phrase in “Development requirements identified through Site Assessment and Consultation processes” from:

“Mitigation of ecological issues, in particular with regard to Spring Wood SINC and protected species”

To:

“Mitigation of ecological issues, in particular with regard to Spring Wood SINC, **North Selby Mine** and protected species”

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Sara Robin, Yorkshire Wildlife Trust
------------------------	--------------------------------------

Please mark with an x as appropriate

11. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.107"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
2 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>					

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The phrase:
"There are three main phases of onshore hydrocarbon development identified in national planning guidance: exploration, appraisal and production,"

Appears not to include post development issues. It is vital that well abandonment and site restoration is part of the joint development plan. The authority must be certain that methane leaks and any impacts on surface and groundwater from deteriorating infrastructure are covered in the plan.

A recent report within the last few days by the US Environmental Protection Agency has concluded that there are potential problems with impacts on water quality at all stages of the shale gas extraction process. The report can be accessed at <https://cfpub.epa.gov/ncea/hfstudy/recordisplay.cfm?deid=332990>

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Sara Robin, Yorkshire Wildlife Trust
------------------------	--------------------------------------

Please mark with an x as appropriate

12. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.111"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>					

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

This paragraph does not give sufficient detail as to the standards which will be required for noise and vibration. What are the tolerance levels for noise, vibration and where are these standards set? Will the standards be UK levels, or EU levels? Are these standards the same for the countryside and for a city? (i.e. are existing background/baseline levels of noise etc accounted for). How is an acceptable level set? What is the process for deciding on an appropriate location and what are the criteria for this? Without answers to these questions there is potential for very troubling impacts in the area and loss of biodiversity due to disturbance.

Road traffic increases will have significant impacts on noise and emissions and at present there is very little knowledge of what these impacts may be. See Goodman, P. S., Galatioto, F., Thorpe, N., Namdeo, A. K., Davies, R. J. & Bird, R. N. (2016) Investigating the traffic-related environmental impacts of hydraulic-fracturing (fracking) operations. *Environment International*, 89–90, 248-260 and at <https://www.ncbi.nlm.nih.gov/pubmed/26922565> which models potential impacts.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Sara Robin, Yorkshire Wildlife Trust
------------------------	--------------------------------------

Please mark with an x as appropriate

13. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="P81 5.112"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	----------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
2 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>					

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The paragraph implies that there are no health concerns as Public Health England considers there will not be significant risks to health.

"Whilst Public Health England has indicated that it does not consider that a properly regulated industry would be likely to give rise to significant risks to health,"

Recent research see Werneret al 2015, Environmental health impacts of unconventional natural gas development: A review of the current strength of evidence. *Science of The Total Environment*, 505(0), 1127-1141 and at

<http://www.sciencedirect.com/science/journal/00489697/vsi/106KSJ994CT>

It is important that the authority thoroughly considers the potential impacts of shale gas extraction and does not expose residents to risk. North Yorkshire needs to learn from the impact of shale gas extraction in the US.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Sara Robin, Yorkshire Wildlife Trust
------------------------	--------------------------------------

Please mark with an x as appropriate

14. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="And 5.116"/>	Policy No.	<input type="text" value="M18"/>	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy M18 needs to cover the importance of baseline data for air and water quality as without this it will be impossible to monitor the impacts of hydrocarbon extraction developments. See Jackson, R. B., Vengosh, A., Carey, J. W., Davies, R. J., Darrah, T. H., O'Sullivan, F. & Pétron, G. (2014) The Environmental Costs and Benefits of Fracking. *Annual Review of Environment and Resources*, 39(1), 327-362.

M18 point ii does not mention that there is more risk of seismic events from reinjection techniques. See Keranen et al 2014 <https://pubs.er.usgs.gov/publication/70137863> for information on wastewater injection techniques causing earthquakes in Oklahoma.

The authority will need to be extremely confident that reinjection does not have unacceptable seismic impacts.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Policy M18 needs a phrase such as:

Baseline air quality and surface and ground water quality data is required before any drilling operations commence.

Point ii should have the addition of:

As reinjection techniques have been shown to cause seismic events the authority will only give permission for this if the applicants can show to the satisfaction of the authority that these will not occur. Accurate monitoring will be essential and if seismic events do occur reinjection of waste water will cease.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: 	Date:
------------------------------------------------------------------------------------------------	-------

Official Use Only Reference Number


Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title: Mr	Initial(s): M
Surname: Abbott		
Organisation (if applicable): Egdon Resources UK Limited		
Address:	The Wheat House	
	98 High Street	
	Odiham, Hook	
Post Code: RG29 1LP		
Telephone:		
Email:		

Agent contact details (if applicable)

Name:	Title: Mr	Initial(s): P
Surname: Foster		
Organisation (if applicable): Barton Willmore LLP		
Address:	St Andrews House	
	St Andrews Road	
	Cambridge	
Post Code: CB4 1WB		
Telephone:		
Email: paul.foster@bartonwillmore.co.uk		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in separate guidance notes. **You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.**

A separate **Part B** form **MUST** be produced for each separate representation you wish to make. After this stage, further submissions will only be at the invitation of the inspector who will conduct an Examination in Public of the Joint Plan, based on the matters they identify during the Examination.

All responses should be returned by 5pm on Wednesday 21st December 2016. Please note that representations cannot be received after this deadline.

Responses can be returned by email to: mwjointplan@northyorks.gov.uk or by post using the address below:

Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

Data Protection:

North Yorkshire County Council, the North York Moors National Park Authority and the City of York Council are registered under the Data Protection Act 1998. For the purposes of the Data Protection Act legislation, your contact details and responses will only be retained for the preparation of the Minerals and Waste Joint Plan. Representations made at Publication stage cannot remain anonymous, but details will only be used in relation to the Minerals and Waste Joint Plan. Your response will be made available to view on the website and as part of the examination.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
------------------------	----------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	Sustainability Appraisal	Policy No.		Policies Map	
----------------------------------------------	--------------------------	------------	--	--------------	--

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>					

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Key spatial principles for oil and gas

The Sustainability Appraisal of the key spatial principles for oil and gas is flawed and, as a result, does not give a fair representation of the scores against the 17 sustainability appraisal objectives.

SA Objective 8 – Minimise Resource Use

This objective has been wrongly applied as it appears as a moderate negative effect in respect of options 1-5 and as a high negative effect in option 6. All options are judged to be negative in relation to minimising the use of resources "owing to the support they offer to the extraction of a non-renewable resource." By definition, therefore, if no hydrocarbon extraction activity took place, this sustainability objective would receive a positive score. This would conflict with national planning policy which states that there is a national need to explore for shale oil and gas. Instead, this scoring should be applied to the resources that are used to undertake extraction, not the material itself. The majority of resources are used during the construction of a wellsite using aggregates, and the drilling operations during exploratory activities. This correction would result in a considerably improved overall assessment for all options but, in particular, option 6. Option 6 would have less adverse negative impacts than any other option, including option 1. Option 6 would allow for the grant of planning permission for exploration, appraisal or production of oil and gas and unconventional hydrocarbons, provided they do not result in any significant adverse impact on local communities or the environment. This option is more aligned with national planning policy which places great weight upon the need for minerals whilst ensuring that the environment is protected.

SA Objectives 1, 10, 11, 14

The assessment concludes that Options 1-5 would all give rise to negative effects on the landscape, natural and historic environment and recreation. There is further justification, therefore for concluding that Option 6 performs the best overall.

Policy Progressed by the Plan

The option progressed by the Plan fails to support the principle of oil and gas development and does not reflect national planning policy. If a more balanced and sensible approach had been applied in respect of assessing the various options against SA objective 8, the Plan would have better reflected the guidance in both the NPPF and the Mineral PPG which supports the growth of sustainable hydrocarbon development.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
------------------------	----------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	<input type="text" value="S01(Part 2)"/>	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	------------------------------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy S01 (Part 2) – the second part of the policy protects reserves of potash and polyhalite, including a 2 km buffer zone from sterilisation by other forms of underground minerals extraction. There is no justification for this and it is not clear that there is any technical or scientific evidence as to why this has been suggested. This appears to not provide the same level of importance to hydrocarbons as it does for other minerals????

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Amend to more accurately reflect the great importance the Government attaches to hydrocarbon extraction in national policy and guidance and to enable the delivery of sustainable development.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

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5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

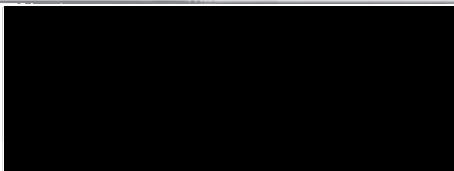
6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To bring Egdon's experience and knowledge to the discussion in order to assist the Inspector in his assessment of the Plan.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature:



Date: 21 December 2016

Official Use Only Reference Number

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
------------------------	----------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M18(2)(iii)	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy M18 (2) (iii) – following the High Court decision R(FoE and Anr) v N Yorks CC & Anr in December 2016, the provision of requiring a financial guarantee to ensure the site is restored and left in a beneficial use is not justified. In view of the regulatory regime provided by the OGA, the EA and the HSE, MPAs should assume that the regulatory regimes will operate effectively so as to control emissions, pollution and regulate health and safety measures.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Amend to more accurately reflect the great importance the Government attaches to hydrocarbon extraction in national policy and guidance and to enable the delivery of sustainable development.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

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Yes, I wish to participate at the oral examination

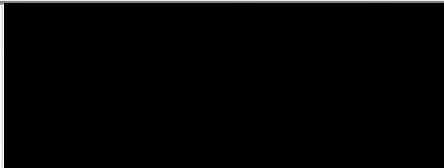
6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To bring Egdon's experience and knowledge to the discussion in order to assist the Inspector in his assessment of the Plan.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature:



Date: 21 December 2016

Official Use Only Reference Number

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
------------------------	----------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M17 4(iii)	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Justified	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Effective	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Consistent with National Policy	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>					

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Policy M17 – 4 (iii) There is no evidence to justify the requirement for any proposal involving hydraulic fracturing to be accompanied by both an air quality monitoring plan and a Health Impact Assessment. This would be the case if the definition for hydraulic fracturing used in the Infrastructure Act were to be applied but it is particularly the case if hydraulic fracturing is widened to include any form of injection, irrespective of the volume of fluid used. There are five main activities that are likely to result in emissions to the atmosphere – construction, vehicle movements associated with the use of the site, flaring of gas during flow testing, equipment associated with the operation of the site and from fugitive emissions. The main source of atmospheric emissions would be gases emitted when gas is burnt in a flare. There is no evidence to justify why both an air monitoring plan and a HIA would be required simply because of the involvement of hydraulic fracturing. It should also be noted that this proposal is overly excessive when considering the very short timescales involved when undertaking well testing – where gas may be flared for a few days only:- it is not an operator’s intent to flare gas that is a usable energy source for any longer than is necessary to gather flow and reservoir data.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Amend to more accurately reflect the great importance the Government attaches to hydrocarbon extraction in national policy and guidance and to enable the delivery of sustainable development.

Delete to accord with national planning policy.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

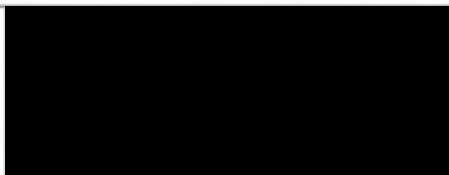
6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To bring Egdon's experience and knowledge to the discussion in order to assist the Inspector in his assessment of the Plan.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature:



Date: 21 December 2016

Official Use Only Reference Number

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
------------------------	----------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M17 4(i)	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy M17 – 4 (i) There is no justification for a separation distance arising from the need to ensure a high level of protection from emissions to air or ground and surface water and induced seismicity. Proximity to residential buildings and other sensitive receptors will have very little bearing upon the general requirement to mitigate against all forms of emissions and induced seismicity. There is no evidence that proposals for surface hydrocarbon development within 500m of residential buildings and other sensitive receptors are likely to have a more adverse impact than proposals in excess of this distance. The effect of screening and the specific nature of the proposed hydrocarbon development can often mean that distances of 300m are permissible. It does appear that no distinction has been made between convention and unconventional hydrocarbon development, which have different scales of activity.

(continue on a separate sheet/expand box if necessary)

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M17 (v)	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy M17 – (2) (v) It is unclear why the policy requires new infrastructure, as a first priority, to be sited on brownfield, industrial or employment land. "As a first priority" suggests that this should criterion should be applied above all others. Whilst the location of processing facilities has more flexibility compared to drilling wells which can only be located where the mineral lies, this policy relies upon allocated employment and industrial land identified within the local plans of non-mineral planning authorities. There is no evidence to demonstrate that demand for new energy generation infrastructure has been factored into account in those local plans covering the Joint Planning area. Given the strong support for hydrocarbon development in the written statement of September 2015 and in the NPPF and the PPG, there could potentially be a number of proposals for new processing infrastructure coming forward in the Plan period. Secondly, the distance in transporting hydrocarbons to a suitable brownfield site could have a bearing upon the viability of the proposal, yet this has not been taken into account. Thirdly, just because a site is brownfield or an existing or allocated site for industrial or employment use may not make it necessarily suitable for hydrocarbon infrastructure or energy generation, by virtue of its scale, location or setting.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :

Egdon Resources UK Limited

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.

Policy No.

M17 (2)(ii)

Policies Map

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant

Yes

No

2.(2) Sound

Yes

No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared

Yes

No

Justified

Yes

No

Effective

Yes

No

Consistent with National Policy

Yes

No

2 (3) Complies with the Duty to co-operate

Yes

No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy M17 – (2) (ii) There is no justification for setting a well pad density or an arbitrary limit to the number of individual wells within a PEDL area. Whilst an assessment of the cumulative effects of planned and existing developments within the immediate vicinity of a proposed hydrocarbon development may be justified to ensure that cumulative impacts are taken into account, there is no justification to restrict or refuse a proposed development simply because it is in close proximity to other existing, planned or unrestored well pads. The most intensive activities of a wellsite will generally be during the construction and drilling stages at an exploration phase and prior to production if a wellsite moves to the next stage. Many well sites will have no activities taking place for long periods of time. The proximity of an existing or unrestored well pad will therefore have very little bearing on the location of a new facility.

There appears to be no justification in the draft Plan for the requirement for applicants seeking planning permission for the production of unconventional hydrocarbons only to include information about how it will fit within an overall scheme of production development within the PEDL area. This would seem to have little bearing in planning terms on the merits of a planning application. It leaves open the possibility that permission could be influenced by how a particular proposal fits within a possible overall scheme for production which may not come about and which will not be subject to any legal status. Every planning application should be judged upon its merits and not be determined on the basis of how it fits within the PEDL area. The need to demonstrate that any production site is located in the least environmentally sensitive area of the resource may not be practically possible to deliver, for example, where a site may not be accessible or is unavailable. Instead, a more sensible and proportionate requirement should be to locate a proposal where the development would not have a material adverse impact, subject to appropriate mitigation.

(continue on a separate sheet/expand box if necessary)

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :

Egdon Resources UK Limited

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.

Policy No.

M17 (2)(i)

Policies Map

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant

Yes

No

2.(2) Sound

Yes

No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared

Yes

No

Justified

Yes

No

Effective

Yes

No

Consistent with National Policy

Yes

No

2 (3) Complies with the Duty to co-operate

Yes

No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy M17 – (2) (i) There is no justification for taking into account cumulative impacts arising from existing or unrestored hydrocarbons development in the vicinity of the proposal. The presence of any existing hydrocarbon development will be taken into account in the baseline technical assessments supporting any planning application, be it transport, visual impact or noise. The mere presence of other hydrocarbon development in the vicinity or within the same PEDL should not be a factor carrying any substantive weight in determining a planning application.

(continue on a separate sheet/expand box if necessary)

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M17 (1)(iii)	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>					

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy M17 – (1) (iii) – the pipeline route should be selected to achieve an acceptable route with appropriate mitigation rather than select the least practicable environmental or amenity impact. Elements of a route of any pipeline may not be available if landowner agreement cannot be secured for a particular route. If a proposed route does not give rise to any unacceptable environmental or amenity impacts, subject to agreed mitigation measures, this should be sufficient for the decision-maker to ensure a development is sustainable.

It is not justified for proposals to be located where an adequate water supply can be made available without the need for road transport where hydraulic fracturing is proposed. If a transport assessment demonstrates that there will be no unacceptable impacts upon the local highway network, there is no policy justification for banning any form of transport bringing in large volumes of water.

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Amend to more accurately reflect the great importance the Government attaches to hydrocarbon extraction in national policy and guidance and to enable the delivery of sustainable development.

Replace "least practicable" with "an acceptable". Delete the final sentence.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

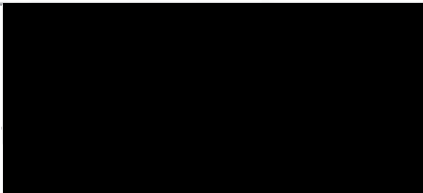
6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To bring Egdon's experience and knowledge to the discussion in order to assist the Inspector in his assessment of the Plan.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature:



Date: 21 December 2016

Official Use Only Reference Number

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M16(d)	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

M16 (d) There is no justification in planning policy grounds for the inclusion of a 3.5 km buffer zone to require a detailed assessment of the potential impacts of any surface hydrocarbon development. Para 18 of the Minerals PPG states that a buffer zone may be appropriate where it is clear a certain distance is required between the boundary of the minerals extraction area and an occupied residential property. Such a buffer zone should be based on a site-specific basis and should be effective, properly justified and reasonable. There is no evidence that the proposed policy demonstrates any of these three requirements. Secondly, the policy applies a broad-brushed blanket approach to including views of and from the associated landscapes from significant viewpoints. The impact of development should be judged from publicly accessible viewpoints from where the proposal is likely to be visible, irrespective of the depth of the buffer zone. Thirdly, there is no need for a reference to Policy D04 if the Plan is to be read as a whole.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M16(b)(iii)	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

M16 (b) (iii) This part of the policy is unnecessary if text is included to state that hydrocarbon development should accord with the policies of the Plan.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
------------------------	----------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M16(b)(ii)	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>					

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

M16 (b) (ii) there is no justification for applicants to have to demonstrate that sub-surface proposals below the designations in (i) would not cause significant harm. The considerable depth of the boreholes below the surface of the designated sites, likely to be in excess of between 300 and 1,000m will mean that there is likely to be either a minor or very negligible effect as a result. It should also be noted that there is a very rigorous environmental permitting regime regulated by the Environment Agency that ensures that operators demonstrate that sub-surface drilling and production activities will not cause environmental impact, and this includes an assessment of the impact on groundwaters and aquifers. Sub-surface proposals was not considered to be an issue of any substantive interest at the two recent Cuadrilla appeals. Moreover, there is no justification for lateral drilling beneath a National Park or AONB should comprise major development. Since the designation of the sites referred to in (i) applies to the surface and not the sub strata, the Joint Mineral Plan does not justify why applicants need to demonstrate evidence of no significant harm under these designations but not below land not designated. This part of the policy is unjustified and should be deleted.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
------------------------	----------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M16(b)(i)	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

M16 (b) (i) All phases of conventional hydrocarbons exploration, appraisal and production, that is, activities referred to in the first bullet point, should be acceptable in the designated areas specified in (i), subject to appropriate mitigation, in accordance with the NPPF. Conventional hydrocarbons extraction does not require associated hydraulic fracturing as defined in the Infrastructure Act 2015. There is no justification for not permitting the activities referred to in the first bullet point with the exception of surface proposals in the National Park and AONBs. In these two areas, the NPPF states that proposals should be refused unless it is in the public interest.

Activities referred to in the second bullet point should only be restricted in the National Park, AONBs, the Fountains Abbey/Studley Royal World Heritage Site, SPAs, SACs, Ramsar sites and SSSIs, in accordance with the Infrastructure Act 2015 and where hydraulic fracturing exceeds 1,000 cubic metres of water at each stage or more than 10,000 cubic metres of fluid in total. There is no justification for the inclusion of the other locations referred to in (i), subject to appropriate environmental protection and mitigation. Activities referred to in the second bullet point should not be permitted in the National Park, AONBs, the Fountains Abbey/Studley Royal World Heritage Site, SPAs, SACs, Ramsar sites and SSSIs, where hydraulic fracturing is below the volumes referred to above, unless the proposals are in the national interest. This would ensure consistency with the NPPF.

Activities referred to in the third bullet point, should be acceptable in the designated areas specified in (i), subject to appropriate mitigation, in accordance with the NPPF. The appraisal or production of unconventional hydrocarbons extraction does not require hydraulic fracturing as defined in the Infrastructure Act 2015. There is no justification for not permitting the activities referred to in the first bullet point with the exception of surface proposals in the National Park and AONBs. In these two areas, the NPPF states that proposals should be refused unless it is in the public interest.

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Amend to more accurately reflect the great importance the Government attaches to hydrocarbon extraction in national policy and guidance and to enable the delivery of sustainable development.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To bring Egdon's experience and knowledge to the discussion in order to assist the Inspector in his assessment of the Plan.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature:

[Redacted Signature]

Date: 21 December 2016

Official Use Only Reference Number

[Reference Number]

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
------------------------	----------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M16(b)	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	--------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy M16 (b) The definition of 'hydraulic fracturing' does not accord with the definition in the Infrastructure Act 2015. Associated hydraulic fracturing is defined in the Act as either 1,000 cubic metres per stage or more than 10,000 cubic metres overall. It is therefore not consistent with the statutory framework to apply a different definition of hydraulic fracturing and then severely restrict and limit activities which would not be deemed to be defined as hydraulic fracturing anywhere else. The definition should be changed to reflect the definition in law.

There is no justification in planning terms for distinguishing between conventional and unconventional hydrocarbon extraction. This is demonstrated in the adopted and emerging minerals plans of two East Midlands' authorities. The Lincolnshire Minerals and Waste Local Plan was adopted in June 2016. Policy M9 (Energy Minerals) of the adopted plan makes no distinction between conventional and unconventional hydrocarbons and is positively worded, allowing for the exploration, appraisal and production provided that proposals are in accordance with the Development Management policies in the Plan. Likewise, Policy MP12 (Hydrocarbon Minerals) in the emerging Nottinghamshire Minerals Local Plan is a single policy which applies to all forms of hydrocarbons. Para 4.115 states "It is considered that there is no justifiable reason in planning policy terms to separate shale gas from other hydrocarbon development. All hydrocarbon development has the potential to deliver national energy requirements, but should be subject to environmental safeguards." The supporting text goes on to state that the regulatory process of obtaining consent to drill a well is the same whether the well is targeting conventional or unconventional hydrocarbons. Egdon considers that this is the appropriate approach which is in consistent with the NPPF.

(continue on a separate sheet/expand box if necessary)

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	D04(Part 3)	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy D04 (Part 3) – the concept of the setting of the Designated Areas, namely the National Park and the AONBs, needs to be explained in clearer terms in both the policy and the supporting text. There is no legal or national policy in relation to the setting of National Parks unlike Listed Buildings and Conservation Areas.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	<input type="text" value="D03(2)"/>	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-------------------------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy D03 (2) – There is no justification for a green travel plan for hydrocarbon development. The use of road transport is needed owing to the nature of the proposal. The target reservoir can only be accessed from certain areas. Instead, a more important criterion which should be included in the Policy is that the proposed site location is within proximity of the main highway network using roads which avoid residential areas wherever possible. The site would not be accessible by members of the public and therefore a green travel plan is not appropriate for this form of development. Are green travel plans required for other industrial applications?

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="9.27"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	-----------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>					

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Para 9.27 - the concept of the setting of the Designated Areas, namely the National Park and the AONBs, needs to be explained in clearer terms in both the policy and the supporting text. There is no legal or national policy in relation to the setting of National Parks unlike Listed Buildings and Conservation Areas. We consider that the issue is whether or not the scale, nature and location of the proposal will have a significant adverse impact upon the landscape where the development lies outside but near to a Designated Area. It is appropriate that proposals outside but close to the boundary of a Designated Area such as the National Park should be assessed against their impact upon the Area in question. However, this should be restricted to the visibility of the proposed development from public viewpoints. The criterion should not be extended to an assessment of the special qualities of the Designated Areas.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Amend to more accurately reflect the great importance the Government attaches to hydrocarbon extraction in national policy and guidance and to enable the delivery of sustainable development.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

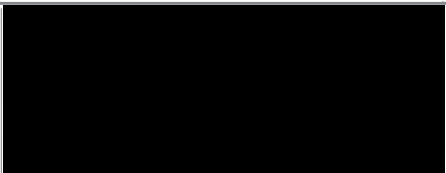
6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To bring Egdon's experience and knowledge to the discussion in order to assist the Inspector in his assessment of the Plan.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature:



Date: 21 December 2016

Official Use Only Reference Number

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	8.18	Policy No.		Policies Map	
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Para 8.18 – The suggestion that extraction of gas in proximity to underground mining operations can give rise to migration is not accepted. It is the presence of gas in close stratigraphic and geographic proximity to the potash, salt and polyhalite which in itself creates potential issues for mining and not specifically the extraction of gas or hydraulic fracturing operations. The mining process itself changes the geochemical properties of the area around the mine and has the potential to provide pathways for any gas to migrate towards and accumulate in mine tunnels. The blanket approach to defining safeguarded areas is inappropriate and not justified in an area where hydrocarbon minerals are present and where the Government has made clear that there is a national need for shale gas. A proper balance needs to be achieved between safeguarding potash, salt and polyhalite and allowing the exploration, appraisal and development of nationally important gas resources which are present in the area. Before any exploration activity can commence, approvals have to be sought from The Coal Authority in relation to both mine workings and coal reserves, so this is already regulated

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	5.159	Policy No.		Policies Map	
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Para 5.159 - following the High Court decision R(FoE and Anr) v N Yorks CC & Anr in December 2016, the provision of requiring a financial guarantee to ensure the site is restored and left in a beneficial use is not justified. In view of the regulatory regime provided by the OGA, the EA and the HSE, MPAs should assume that the regulatory regimes will operate effectively so as to control emissions, pollution and regulate health and safety measures.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.149"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Para 5.149 – there is no justification for requiring an air monitoring assessment and a Health Impact Assessment where hydraulic fracturing is proposed, particularly where the definition of hydraulic fracturing proposed by the MPA is applied. The main source of atmospheric pollutants which could be emitted would be gases during flaring, irrespective of whether hydraulic fracturing is proposed.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.148"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Para 5.148 – there is no justification for requiring information which demonstrates that an assessment of the potential for induced seismicity is required where hydraulic fracturing is proposed. There is no prescribed or safe distance for hydraulic fracturing from a fault line. The Plan acknowledges that there is no evidence to show that any earth tremors are likely to be anything other than of very low magnitude. The text makes no reference to other regulatory controls about seismicity. This is not within the remit of the Mineral Planning Authority.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.146"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Para 5.146 – drilling operations rarely give rise to any adverse impact upon local communities due to noise and light intrusion if appropriate mitigation measures are agreed. Very often separation distances of less than 500m is achievable without giving rise to any adverse impacts. Rather than impose an arbitrary separation distance that takes no account of topography, screening, wind direction, the policy instead should seek to seek appropriate mitigation to limit adverse impacts upon sensitive receptors. There is always a programme of community engagement undertaken by Operators to ensure that local communities are fully informed, and to ensure that any concerns are understood and mitigated.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.142"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>					

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

5.142 - Whilst the location of processing facilities has more flexibility compared to drilling wells which can only be located where the mineral lies, this policy relies upon allocated employment and industrial land identified within the local plans of non-mineral planning authorities. There is no evidence to demonstrate that demand for new energy generation infrastructure has been factored into account in those local plans covering the Joint Planning area. Given the strong support for hydrocarbon development in the written statement of September 2015 and in the NPPF and the PPG, there could potentially be a number of proposals for new processing infrastructure coming forward in the Plan period. Secondly, the distance in transporting hydrocarbons to a suitable brownfield site could have a bearing upon the viability of the proposal, yet this has not been taken into account. Thirdly, just because a site is brownfield or an existing or allocated site for industrial or employment use may not make it necessarily suitable for hydrocarbon infrastructure or energy generation, by virtue of its scale.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
------------------------	----------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.139"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>					

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Para 5.139 – there is no justification for taking into account the relationship of the proposed site and the location of existing sites for hydrocarbon development which have not yet been restored.

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Amend to more accurately reflect the great importance the Government attaches to hydrocarbon extraction in national policy and guidance and to enable the delivery of sustainable development.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

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5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

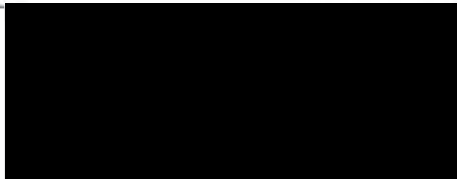
6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To bring Egdon's experience and knowledge to the discussion in order to assist the Inspector in his assessment of the Plan.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature:



Date: 21 December 2016

Official Use Only Reference Number

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
------------------------	----------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.138"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>					

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Para 5.138 – there is no justification for an applicant to demonstrate how a proposal for production will fit into an overall production scenario for the PEDL. Potential development activity within a PEDL over the entire duration of the licence period is commercially sensitive information and may not be known with any degree of certainty as production will be dependent upon a number of factors, including accessibility, testing results, investment, availability of processing facilities and infrastructure. It should also be noted that any development within a REDL licence area must be approved by the OGA under a Field Development Plan which sets out the context and rationale for the overall development scheme.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Amend to more accurately reflect the great importance the Government attaches to hydrocarbon extraction in national policy and guidance and to enable the delivery of sustainable development.

(continue on a separate sheet/expand box if necessary)

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Yes, I wish to participate at the oral examination

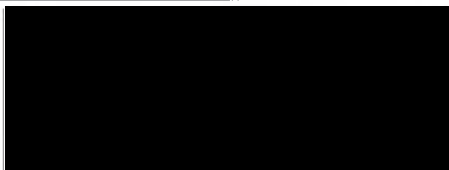
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Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature:



Date: 21 December 2016

Official Use Only Reference Number

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
------------------------	----------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.137"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

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Para 5.137 – There is no justification or evidence to demonstrate that a development density of more than 10 well pads per 100 sq km would result in any material adverse impacts. The inclusion of operational and restored sites within any assessment is flawed. Restored sites by their very nature will be returned to the original land use and are also subject to the satisfactory regulation under the Environmental Permitting regime. The policy should instead focus upon whether a proposed development will have an adverse impact upon its surroundings and not be concerned with whether or not a proposal results in a specific density of hydrocarbon development. In addition, there is no justification for applying a lower density within the Green Belt or where a high concentration of other land use constraints exist.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

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5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

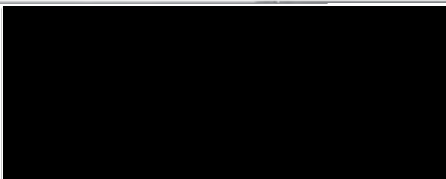
6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To bring Egdon's experience and knowledge to the discussion in order to assist the Inspector in his assessment of the Plan.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature:



Date: 21 December 2016

Official Use Only Reference Number

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.136"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Para 5.136 – whilst cumulative impacts can be taken into account where necessary, these should be based upon other proposals with planning permission but not implemented or proposals that are awaiting formal determination. Cumulative impacts from existing operational and restored sites should not form part of the assessment as these will have been taken into account in the baseline assessment if appropriate.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.132"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Para 5.132 – It may not always be possible to identify pipeline routes which minimise impacts, owing to factors such as the accessibility of land. Equally, it may not be possible to locate a development directly to a suitable local source of water. Where water needs to be transported by road, a transport assessment will enable the MPA to determine whether or not the highway network is appropriate.

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Amend to more accurately reflect the great importance the Government attaches to hydrocarbon extraction in national policy and guidance and to enable the delivery of sustainable development.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

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5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To bring Egdon's experience and knowledge to the discussion in order to assist the Inspector in his assessment of the Plan.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature:

[Redacted Signature]

Date: 21 December 2016

Official Use Only Reference Number

[Reference Number]

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
------------------------	----------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.131"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Para 5.131 – Owing to the fact that hydrocarbon minerals can only be extracted where they are found, it may not always be possible to ensure that hydrocarbon development is located where there is good access to suitable road networks. Suitable access to A and B classified roads may require the implementation of a traffic management plan to enable access during those stages of development when heavy vehicle movements may be greatest on sections of road that do not form part of the main road network.

(continue on a separate sheet/expand box if necessary)

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.128"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>					

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Para 5.128 - there is no policy justification that the 'setting' of a National Park or AONB could be used to justify a 3.5 km buffer zone around a National Park or AONB. Whilst the concept of a setting of a Listed Building or Conservation Area is acknowledged in national policy, there is no legal or policy provenance in relation to the setting of National Parks. If this is taken to be that the decision-maker should consider the indirect landscape and visual effects of a development outside but close to a National Park or AONB, this is accepted and agreed. If, however, references to setting are used to justify the need for a buffer zone, this is contrary to national policy.

Para 18 of the Minerals PPG states that a buffer zone may be appropriate where it is clear a certain distance is required between the boundary of the minerals extraction area and an occupied residential property. Such a buffer zone should be based on a site-specific basis and should be effective, properly justified and reasonable. There is no evidence that the proposed policy demonstrates any of these three requirements. Secondly, the policy applies a broad-brushed blanket approach to including views of and from the associated landscapes from significant viewpoints. The impact of development should be judged from publicly accessible viewpoints from where the proposal is likely to be visible, irrespective of the depth of the buffer zone.

(continue on a separate sheet/expand box if necessary)

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
------------------------	----------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.127"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Para 5.127 – there is no policy justification that the 'setting' of a National Park or AONB could be affected by a development outside the designated areas. Whilst the concept of a setting of a Listed Building or Conservation Area is acknowledged in national policy, there is no legal or policy provenance in relation to the setting of National Parks. If this is taken to be that the decision-maker should consider the indirect landscape and visual effects of a development outside but close to a National Park or AONB, this is accepted and agreed. If, however, references to setting are used to justify the need for a buffer zone, this is contrary to national policy. Whilst it is possible that drilling rigs may have a significant adverse impact upon a National Park or AONB, this is tempered by the fact that the development would be temporary in nature.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Amend to more accurately reflect the great importance the Government attaches to hydrocarbon extraction in national policy and guidance and to enable the delivery of sustainable development.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

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No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

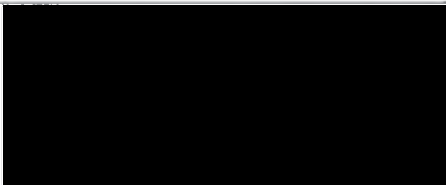
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All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature:



Date: 21 December 2016

Official Use Only Reference Number

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
------------------------	----------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.126"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
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(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
----------------------------	-----	--------------------------	----	-------------------------------------	------------------	-----	--------------------------	----	-------------------------------------

<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
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2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Para 5.126 – There is no justification for all applications for appraisal or production of unconventional hydrocarbons which would involve horizontal drilling beneath a National Park or AONB to be considered major development and therefore subject to paras 115 and 116 of the NPPF. The Written Ministerial Statement of September 2015 makes clear that there is a national need for exploring shale gas and oil. The Infrastructure Act 2015 permits lateral drilling beneath a National Park, AONB or World Heritage site subject to a depth of more than 1200m beneath the surface. There is no requirement for operators to have to justify drilling beneath these protected areas in terms of national need and no obligation for operators to have to steer these lateral boreholes away from these protected areas. There is no evidence that sub-surface development below 1200m in depth will have any impact upon the status of the National Park or AONBs.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Amend to more accurately reflect the great importance the Government attaches to hydrocarbon extraction in national policy and guidance and to enable the delivery of sustainable development.

Delete as unnecessary and not justified in national planning policy.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

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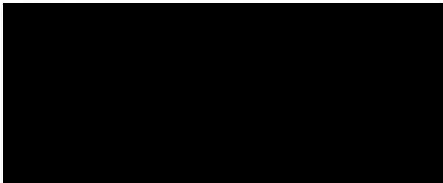
6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To bring Egdon's experience and knowledge to the discussion in order to assist the Inspector in his assessment of the Plan.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature:



Date: 21 December 2016

Official Use Only Reference Number

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
------------------------	----------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.125"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Para 5.125 – It is not accepted that there is limited protection provided by existing and proposed legislation as it applies to hydrocarbon production and that this justifies a much more restrictive policy regime in the joint Plan area. In terms of environmental protection, the onshore oil and gas industry is heavily regulated by the Environment Agency and the regulatory and legislative regimes already in place. The various PPGs and the National Planning Policy Framework provide a comprehensive basis for consistent and appropriate planning decisions by mineral planning authorities across England. The proposed changes justified in para 5.125 fail to recognise that national planning policy and guidance states clearly that mineral extraction, including hydrocarbon development is essential to the UK's economy and quality of life. This is balanced by clear support within planning guidance in legislation for ensuring that the designated landscapes and protected areas found in the joint Plan area are protected. The approach put forward in the Plan to a higher degree of protection is fundamentally inconsistent with one of the tests of soundness, namely consistency with national policy. It will potentially restrict the delivery of sustainable development which is in accordance with the policies in the Framework. Where a planning authority proposes a departure from national policy, there must be clear and convincing reasoning to justify the approach taken. No studies have been prepared by the Mineral Planning Authorities which forms part of the evidence supporting the draft Plan and which provides the rationale for departing from national policy.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
------------------------	----------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.124"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>					

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Para 5.124 – Parliament has determined the definition of hydraulic fracturing and the restrictions that apply to undertaking hydraulic fracturing operations from a sensitive location. It is accepted that there is the potential for environmental impacts to arise from proposals requiring the injection of fluids to stimulate hydrocarbon production. However, these impacts can be managed through the generic Development Management policies in chapter 9 of the draft Plan, together with the stringent Environmental Permitting mechanisms. It is not for the Plan to change the definition of hydraulic fracturing to place unnecessary restrictions where it cannot take place which Parliament has not intended. In applying a different all-encompassing definition, the Plan does not reflect the key message in the Written Ministerial Statement of 16 September 2015. This made clear that there is a national need to explore and development the UK’s shale gas and oil resources. There are potential economic benefits in building a new industry for the UK and for communities. The draft Plan would place severe restrictions on where shale gas and oil development can be undertaken which are not justified. Similarly, there is no justification for applying the same policy approach for the purposes of conventional hydrocarbon production.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Amend to more accurately reflect the great importance the Government attaches to hydrocarbon extraction in national policy and guidance and to enable the delivery of sustainable development.

(continue on a separate sheet/expand box if necessary)

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5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To bring Egdon's experience and knowledge to the discussion in order to assist the Inspector in his assessment of the Plan.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature:

[Redacted Signature]

Date: 21 December 2016

Official Use Only Reference Number

[Reference Number Grid]

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
------------------------	----------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph/No./ Site Allocation Reference No.	<input type="text" value="5.119 (g)"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	----------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Para 5.119 (g) – there is no justification in planning terms for distinguishing between conventional and unconventional hydrocarbon extraction. This is demonstrated in the adopted and emerging minerals plans of two East Midlands’ authorities. The Lincolnshire Minerals and Waste Local Plan was adopted in June 2016. Policy M9 (Energy Minerals) of the adopted plan makes no distinction between conventional and unconventional hydrocarbons and is positively worded, allowing for the exploration, appraisal and production provided that proposals are in accordance with the Development Management policies in the Plan. Likewise, Policy MP12 (Hydrocarbon Minerals) in the emerging Nottinghamshire Minerals Local Plan is a single policy which applies to all forms of hydrocarbons. Para 4.115 states “It is considered that there is no justifiable reason in planning policy terms to separate shale gas from other hydrocarbon development. All hydrocarbon development has the potential to deliver national energy requirements, but should be subject to environmental safeguards.” The supporting text goes on to state that the regulatory process of obtaining consent to drill a well is the same whether the well is targeting conventional or unconventional hydrocarbons. Egdon considers that this is the appropriate approach which is in consistent with the NPPF.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Amend to more accurately reflect the great importance the Government attaches to hydrocarbon extraction in national policy and guidance and to enable the delivery of sustainable development.

Change the text to state "It is considered that there is no justifiable reason in planning policy terms to separate shale gas from other hydrocarbon development. All hydrocarbon development has the potential to deliver national energy requirements, but should be subject to environmental safeguards."

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

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No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To bring Egdon's experience and knowledge to the discussion in order to assist the Inspector in his assessment of the Plan.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature:

[Redacted Signature]

Date: 21 December 2016

Official Use Only Reference Number

[Reference Number Grid]

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
------------------------	----------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.119 (f)"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	----------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Para 5.119 – (f) – the definition of 'hydraulic fracturing' does not accord with the definition in the Infrastructure Act 2015. Associated hydraulic fracturing is defined in the Act as either 1,000 cubic metres per stage or more than 10,000 cubic metres overall. It is therefore not consistent with the statutory framework to apply a different definition of hydraulic fracturing and then severely restrict and limit activities which would not be deemed to be defined as hydraulic fracturing anywhere else. The definition should be changed to reflect the definition in law.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Egdon Resources UK Limited
------------------------	----------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="1.14"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	-----------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Para 1.14 – the paragraph fails to take sufficient account of the great importance attached to mineral extraction set out in the NPPF. Para 142 of the NPPF states that minerals are essential to support economic growth and our quality of life. In particular, there is a lack of consistency between the proposed Joint Plan policies covering hydrocarbon development and the NPPF. Oil and gas are important mineral resources and primary sources of energy in the UK. National energy policy takes a broadly positive stance to onshore oil and gas, subject to necessary environmental safeguards. The Joint Plan does not provide a sufficient degree of flexibility for hydrocarbon development to take place within the PEDL licence areas which fall within the area covered by the Plan. Whilst the principle of environmental safeguarding is correct, the oil and gas sector have a proven record in terms of environmental protection and can demonstrate mitigation of environmental impacts. All onshore operations are governed under a strict Environmental Permitting regime regulated by the Environment Agency, which ensures protection of the environment. Given this, the general tone of the proposed policy framework is excessively weighted towards protection of the environment without factoring in the existing regulatory controls that enable UK oil and gas operators to safely and responsibly explore and develop both conventional and unconventional oil and gas.

MWSP



November 9th 2016

Dear reader.

Minerals & Waste Plan – Consultation thereon.

Thank you for keeping me advised as ‘discussions / disagreements’ continued.

A big item that disturbs me is the ‘forced’ closure of some of the quarries local to the places where their product is needed / used or the outright refusal to reopen old quarries that are better placed for traffic movements. This results in users of quarry products having to travel miles to meet their needs. For instance around York / Malton / Pickering if you want Tarmac you have to go to Middlesbrough, Leeds or Fridaythorpe or Hull. This results in the excessive use of diesel & resultant pollution. The only winner is the Chancellor of the Exchequer with his massive Road Taxes. You shut Spaunton quarry - one of the best stones in the area & put 12 men out of a job.

Recently I stood at the side of the road near Hamilton House, north of the weighbridge at New Bridge Quarry at Pickering. Looking north at the working face I was not impressed by the quality of stone that was being worked. It looked worse than that from Whitewall & Fenstone. I also noticed the continuous stream of lorries which, after being ‘tared’, have to travel a long way to load & return to the weighbridge. This long operation must put 20 – 30 minutes into every load out of the quarry, who pays? But what really appalled me was the pollution from these slow moving lorries. Begs the question – what damage to the owner’s vehicles? Not only that but the vehicles too & from the quarry have pass along the narrowest part of the town which is not easy in the Tourist season – which aspect is being heavily promoted by another part of your offices. The Planners declined the Planning request for a batching plant at Whitewall Quarry. When you study the traffic movements the decision was understandable but not necessarily agreed with. You have got to agree with a batching plant somewhere soon. Whereabouts will you suggest / agree to it?

No doubt a possible solution is to bring all the quarry product in by rail thus transferring the ‘nuisance’ to somewhere else. But where will you put the Railhead – the best ‘possibles’ have been built on? Mind, what about the derelict area south of Malton Station? A new bridge south of the Station to the A64 might be ideal.

Waste disposal. Really the only answer is incineration. No matter what the ‘Greens’ say (& I admire their work at times) you will always get ‘contaminants’ in the wheelie bins & ‘recycleables’ will not be recycled & they will just go in the landfill. Old carpets & nappies are better burnt. Out of interest I enclose a copy of a letter I sent to the Green Party asking how to deal with certain items of rubbish. To date no reply. Most of the listed items should be burnt & reduce Landfill Tax payable by Councils. .

I am not really in a position to comment on the West Riding quarries as I have little knowledge of their customers, needs or uses.

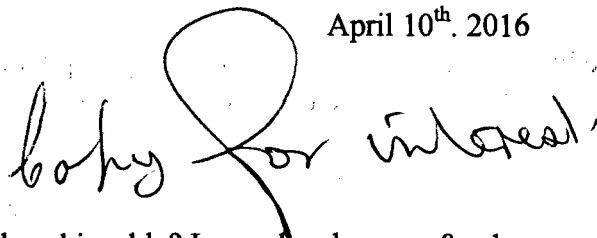
Yours faithfully



April 10th. 2016

Dear Sir

Your letter in York Press 26/1/16 Recycling.



Like you I would like to see 'zero waste'. But is this really achievable? I recycle wherever & whenever possible. Fortunately I am able to do so easily. But there are a lot of people who no room to separate 'waste' items. A lot of small metal items, etc., end up in the 'black' bin – too big for the small boxes we have. Not all of us can keep some of these listed items until such time as they can be taken to Hazel Court. Below I have made a list of items the recycling of which do not clearly come under the current separation of items listed by York council.

Bread paper waxed
" plastic

Cooking fat

Cooking oil

Carpet plastic

" Wool

" Underfelt

" Rubber

" Fabric

Curtains

" Rail

Clothing cotton

" Plastic

" Wool

Cycle tyres & other bits

D I Y stuff - builders bags, log bags (now that we have more wood burners), bathroom stuff, bit of rubble, guttering, doors, wood

Disposable nappies for young & old.

Feminine Sanitary products

Foil clean

" Dirty

Food wrappings

" Containers

" Greaseproof

" Plastic film

" Waste

" Waxed paper (often from Deli's)

Glass broken

" Windows

Gardening

" Containers

" Boxes

" Old fence bits

" Seed packets

" Plant pots

" Compost bags

Household stuff only happens occasionally,

Metal oddments like old tools

Metal wire off boxes

Paint tins metal

" Plastic

Plastic items too large for the Recycle box (buckets, very large 'plant' containers,).

Plastic 'wire' off boxes

Polystyrene food containers

“ packing

And the biggest waster of all - pill wrapping. If pills were loose the container could be recycled.

Out of interest - is the waste from commercial firms in their big wheeled bins ever sorted & recycled? Me thinks not.

Another interesting point. When 'recycleables' are melted down, or whatever, how much pollution comes from this operation? E.G. Dirty glass jam jar. Label, glue & contents. Metal. Paint, oil & other 'pollutants'. There must be quite a lot of noxious fumes emitted during meltdown! Noted these aspects are never mentioned in 'green' lobbying. But seeing that the UK is the sixth largest exporter of scrap these fumes happen elsewhere - not our worry

I would be most interested to receive your views as to how to dispose of the above listed items. For your ease of replying I have enclosed a second copy of the letter for your use.

The big question. How much better would that all you designate as 'landfill' be better burnt thus reducing volume, pollution & generating heat as in C O H P?

Thanking you in anticipation.

Yours faithfully



MINERAL AND WASTE JOINT PLAN (PUBLICATION STAGE) Consultation response

TITLE	█
INITIALS	█
SURNAME	██████
ADDRESS	██████████ ██████████
POSTCODE	██████
TELEPHONE	██████████
EMAIL	██████████████████

I would like to be kept informed of future developments.

SCOPE OF THE CONSULTATION

I have previously responded to previous rounds of consultation on the Mineral and Waste Joint Plan ("MWJP"). Whilst much of the plan builds on previous consultation drafts, there are substantive changes in Sections M16 to M18 (*Key spatial principles for hydrocarbon development, Other spatial and locational criteria applying to hydrocarbon development and Other specific criteria applying to hydrocarbons development*).

I am concerned that these sections have not been subject to adequate consultation where consideration of the responders comments on the entire scope of the new material could have been taken into account by the Local Authority when reaching their determination on the content of the MWJP.

The MWJP is a Local Plan within the meaning of the Town and Country Planning (Local Planning) England Regulations (2012). Regulation 12 (Public Participation) requires a local authority to state how the public has been consulted. It is an established legal principle that consultation at law is engagement with the public that is at an early enough stage for their views to be taken into account. The restricted scope of this current round of consultation (legality and soundness) means that sections M16 to M18 have not been subject to adequate consultation.

M16

- I strongly support that surface proposals for the exploration, appraisal and production of conventional hydrocarbons, involving hydraulic fracturing; the exploration for unconventional hydrocarbons, involving hydraulic fracturing and the appraisal and/or production of unconventional hydrocarbons will only be permitted where they would be outside : National Parks, 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.
- The inclusion of a 3.5km buffer zone around National Parks and AONBs is strongly supported.

Any hydraulic fracturing within 3.5 km of these areas cannot fail to impact upon their special and protected qualities. The MWJP should therefore prohibit hydraulic fracturing in these buffer zones completely.
- If the current approach is retained then the wording of M16 needs to be tightened up. The wording of M16 only specifies the impact on "views" as producing potential significant harm to National Parks/AONBs. It should be made clear in the wording of M16 that this is an example only of possible harms. The wording should as a minimum insert "(but not limited to)" after the word "includes". In addition as National Parks and AONBs are protected to preserve their landscape and views, tranquillity, biodiversity and geodiversity and rare species and heritage, the "special qualities" of these areas should be set out specifically in M16.

- The buffer zones should be extended to SSSIs, so that hydraulic fracturing wells are not permitted near the boundaries of these highly sensitive sites, which are nationally protected areas.

M17

- Footnote 16 states that *“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”*. In terms of the impacts of hydraulic fracturing, where impacts can be for 24 hours a day for substantive periods the term “local communities” should specifically be stated to include residential accommodation – i.e. the actual resident community. Many local communities will not contain “institutions” but are never-the-less communities.
- The MWJP suggests that an ‘acceptable’ cumulative impact can be achieved by a density of 10 well-pads per 10x10 km² PEDL licence block. Each well-pad can contain many wells. It should be made clear that each well is subject to planning control, as the drilling of each well and the hydraulic fracturing of each well is relevant to the cumulative impact (in terms of noise, air pollution and traffic movements for example). M17 2(ii) should be amended to make this clear. At present it focuses on well pads. Cumulative impact is also relevant to wells and to the number of wells per well-pad.
- MWJP says *“For PEDLs located within the Green Belt or where a relatively high concentration of other land use constraints exist, including significant access constraints, a lower density may be appropriate”*. This should be amended to ‘will be appropriate’.
- I support the proposal to include setback distances for residential buildings in principle. 500m is however likely to be insufficient to provide adequate protection of local amenity in terms of noise, light and air quality. Prevailing wind direction should also be stated as a consideration. A minimum setback of 750m should be stated.
- I support the proposal to include setback distances for ‘sensitive receptors’ in principle. The MWJP’s definition of ‘sensitive receptors’ includes residential institutions, such as residential care homes, children’s homes, social services homes, hospitals and non-residential institutions such as schools. However setback distances for sensitive receptors should reflect the sensitivity of the receptors and should provide additional protection. A minimum setback of 1km should be stated.
- Baseline Health Impact assessments should be required prior to any permitted development to permit baseline monitoring to be carried out and the enforcement of planning conditions.

21/12/16

██████████

Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

Minerals and Waste Joint Plan – Publication Stage Response

Part A: Contact Details

Title: [Redacted]
Name: [Redacted]
Initial: [Redacted]
Surname: [Redacted]

Address: [Redacted]
Postcode: [Redacted]
Email: [Redacted]

Please forgive my not using the provided templates; I do not have access to Microsoft Office. I have tried as best I can to follow the form of the templates by using the fields specified in each representation, but in the interests of saving paper I am not breaking a page for each representation. I have also added a section of general comment at the end.

Part B: Representations

Policy: M16	Is: Unsound Not Effective, Not Justified, Not Consistent with National Policy
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The NPPF requires a presumption in favour of sustainable development, which requires "ensuring that better lives for ourselves don't mean worse lives for future generations". Probably the biggest implications relevant to this Plan is that it requires a presumption against the exploitation of our regional fossil fuel resource.

The extraction and combustion of fossil fuels is well understood to be detrimental to the lives and quality of life of future generations, through the impacts of a changing climate that is already responsible for deaths through crop failures and displacement. Some techniques are known to have greater impacts than others: the higher stresses involved in hydraulic fracturing are associated with greater fugitive emissions of methane. I would support a complete ban on this technique, but I understand that this is not legally acceptable in the current policy framework. The precautionary principle dictates that at the very least, an Environmental Impact Assessment should be required.

This policy should also make explicit regard to climate change. I suggest the following rewording:

"Hydrocarbon development will be permitted where it can be demonstrated that the development makes a positive contribution to the sustainability of the Plan area and will not worsen our contribution toward global climate change. A proposal may be permitted for instance if it can be shown to result in the displacement of more carbon-intensive forms of energy.

Hydrocarbon extraction will not be permitted at all either within or to laterally drill underneath the 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."

- please note the reversal of the wording from "Proposals .. will be permitted .. where..." to "will not be permitted"; there must be no doubt that this is a sound reason for refusal of a planning application or the Authorities will be vulnerable to legal challenge.

Policy: M17

Is: Unsound,
Not Justified
Not Consistent with National Policy

Following on from my comment on M16: in order to be able to prove that a hydrocarbon extraction proposal is sustainable (and therefore gains the baseline approval of the NPPF), the JMWP should explicitly state that an Environmental Impact Assessment should be mandatory for all such proposals.

The proposed 500m buffer zone proposed (while welcomed) is likely to be insufficient to substantially limit impacts on air quality and noise for local residents. As supported by available evidence from the US, this should be increased to 750m.

Furthermore, the Plan should require a buffer zone for applications around SSSIs, EU protected sites and local wildlife sites - the policy here is in conflict with paragraph 118 of the NPPF, which refers to "proposed development within or outside" an SSSI.

Also as per my comment to M16, the policy must be worded more tightly to give sound reasons for refusal. For instance "*Hydrocarbon development will be permitted in locations where it would not give rise to unacceptable cumulative impact...*" should be changed to "*Hydrocarbon development will not be permitted in locations where it would give rise to unacceptable cumulative impact*".

The NPPF requires an overall presumption in favour of sustainable development; it does not require that every clause is worded in such a way as to favour all development.

Policy: M18

Is: Not Effective

This policy makes several stipulations about criteria applying to hydrocarbon development. I would welcome clearer wording indicating that all conditions in M17, M18 and D07 need to be met in order for a permission to be granted. If no explicit mention of the duty on the planning authorities to reduce emissions of greenhouse gases is made in M16 then it should be added here.

Policy: M20

Is: Unsound
Not Justified,
Not Consistent with National Policy

There is no way that the exploitation of coal can be considered sustainable development. It is one of the most polluting forms of energy to which we have access and the JMWP must not permit it. If carbon capture and storage is ever found to be a viable technology this position may be revisited but until such a time comes, the JMWP should be in line with the document 'Coal Generation in Great Britain – The pathway to a low-carbon future' published by the Department for Business, Energy & Industrial Strategy, which sets a clear end date for unabated coal generation in 2025.

This consideration applies to M21 also.

Policy: W01

Is: Unsound
Not Effective, Not Justified

Another significant implication of an honest reading of the NPPF is that any waste disposal policy developed according to the JMWP should be demonstrably the most sustainable.

The Waste Hierarchy from 2011 no longer reflects best practice as the EU plans its route to a zero-waste circular economy. In time we will need to move away from a single hierarchy applied to all types of waste. This plan already makes some progress: I welcome the distinction between inert and non-inert landfill (para 6.22). A similar distinction should be made with regard to thermal treatment technologies. Such treatment should only be considered appropriate for carbon-neutral (organic) waste. "Skyfill" of inert petroleum-derived materials is not sustainable and should be considered the bottom of the hierarchy for this waste type, as it has a greater impact than landfill.

Policy: W03

Is: Unsound
Not Effective, Not Justified

The waste volume projections given in paragraph 6.38 represent the fourth attempt at predicting our future waste arisings. I welcome the belated acceptance that "it is not practicable to quantify future waste management capacity requirements with a very high degree of precision" - and only wish this observation had been made before the enormous expense of the AWRP had been approved on the basis of wild overestimates about waste volumes. The enormous projected disposal capacity surplus vindicates the criticisms made of the AWRP scheme at the time by campaigners such as myself.

If we were to be honest, we would not call the AWRP a "strategic" allocation. Its design and size does not meet the needs of the Authorities, and it runs the risk of making waste disposal overall less sustainable.

Policy: D01

Is: Unsound
Not Effective, Not Justified,
Not Consistent with National Policy

This policy requires wording more tightly. The policy proposes a presumption in favour of granting

permission unless "any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits". The unqualified use of "benefits" is vague and does not accord with policy. This should be reworded to: "any adverse impacts of granting permission would be detrimental to the sustainability of the Plan area".

Part C: General Comments

Arguably, since all our regional minerals are a finite and inherently unsustainable resource, the NPPF does not support developing any of them. This is not a helpful observation, but I would like to note the assault on the English language that continual misplaced reference to "sustainable development" represents. It is a powerful principle, but it is a rock that has been ground down and sprinkled over everything: it has no weight and represents no obstacle to (or indeed summit of) any ambition.

The targets for reuse, recycling and composting set by the Waste Strategy (para 2.35) have always been very unambitious and are now in urgent need of updating if they are to represent any level of ambition at all.

[REDACTED]

From: [REDACTED]
Sent: 19 December 2016 20:33
To: mwjointplan
Subject: Response to Joint Municipal Waste Plan consultation
Attachments: JMWP-Response.pdf

Dear Sir/Madam,

Please find attached my submission to the consultation on the Municipal Waste Joint Plan.

Please let me know if you have any problems accessing or reading it.

Many thanks,

[REDACTED]

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name: Melissa	Title: Miss	Initial(s):MJM
Surname: Metcalfe		
Organisation (if applicable): Marine Management Organisation		
Address:	Marine Management Organisation, Neville House, Bell Street, North Shields	
Post Code: NE30 1LJ		
Telephone: 020822 57094		
Email:		

Melissa.metcalfe@marinemanagement.org.uk

Agent contact details (if applicable)

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in separate **guidance notes**. **You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.**

A separate **Part B** form **MUST** be produced for each separate representation you wish to make. After this stage, further submissions will only be at the invitation of the inspector who will conduct an Examination in Public of the Joint Plan, based on the matters they identify during the Examination.

All responses should be returned by 5pm on Wednesday 21st December 2016. Please note that representations cannot be received after this deadline.

Responses can be returned by email to: mwjointplan@northyorks.gov.uk or by post using the address below:

Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

Data Protection:

North Yorkshire County Council, the North York Moors National Park Authority and the City of York Council are registered under the Data Protection Act 1998. For the purposes of the Data Protection Act legislation, your contact details and responses will only be retained for the preparation of the Minerals and Waste Joint Plan. Representations made at Publication stage cannot remain anonymous, but details will only be used in relation to the Minerals and Waste Joint Plan. Your response will be made available to view on the website and as part of the examination.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Marine Management Organisation
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="2.54"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

- Reference to the East Inshore and Offshore plan areas in the following sentence, "Marine Plans for the East Inshore and East Offshore areas were published by DEFRA in April 2014." is slightly incorrect in that it was published by the Marine Management Organisation (MMO) in April 2014. The East marine plans extend from Felixstowe to Flamborough Head. The North East Marine Plan is in development and shall extend from Berwick upon Tweed to Flamborough Head. For marine and coastal areas where a marine plan is not currently in place, we advise local authorities to refer to the Marine Policy Statement for guidance on any planning activity.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: 	Date: 18/11/2016
------------------------------------------------------------------------------------------------	---------------------

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Marine Management Organisation
------------------------	--------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.55"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	-----------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Reference to the East marine plans in the following sentence "East Inshore and Offshore Marine Plans (DEFRA 2014)" has the incorrect reference. It is the Marine Management Organisation who published the plans in 2014.

We thank you for the individual references to the East plan policies, we would like to hope this good practice remains in the final plans.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Marine Management Organisation
------------------------	--------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="8.34"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	-----------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

You may want to support this with the East Marine Plan Policy Ref:PS3.

PS3:

Proposals should demonstrate, in order of preference:

- a) that they will not interfere with current activity and future opportunity for expansion of ports and harbours
- b) how, if the proposal may interfere with current activity and future opportunities for expansion they will minimise this
- c) how, if the interference cannot be minimised, it will be mitigated
- d) the case for proceeding if it is not possible to minimise or mitigate the interference

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: 	Date: 18/11/2016
------------------------------------------------------------------------------------------------	---------------------

Official Use Only Reference Number

mwjointplan

From: Peter Harrap <Peter.Harrap@scarborough.gov.uk>
Sent: 13 December 2016 11:41
To: mwjointplan
Subject: FW: Minerals and Waste Joint Plan
Attachments: PSM16280 Minerals and Waste Report.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Sir/Madam

Thank you for the opportunity to comment on the Minerals and Waste Joint Plan. The Borough Council wish to make the following comments. I also attach the report that went to members of the Planning and Development Committee on 8th December 2016.

- a) The Borough Council supports the Plan and the policies contained therein along with the proposed allocations. It considers the Plan is sound and legally compliant and the Borough Council confirms that the Duty to Cooperate has been met with early and ongoing engagement with the Borough Council.
- b) The Borough Council notes the policies for hydraulic fracturing and considers them in accordance with national guidance. It would reserve the right to comment on individual proposals should they arise.
- c) The Borough Council notes the ongoing commitment of the County Council's waste management proposals to achieve the Government target of shifting waste up the 'waste hierarchy' thereby reducing the amounts taken to landfill and maximising recycling and re-use of waste.

Regards

Peter Harrap
Planning Policy Officer
Forward Planning
Scarborough Borough Council
t: 01723 38 4406
e: peter.harrap@scarborough.gov.uk
w: www.scarborough.gov.uk

Follow the Local Plan on twitter: @SBCLocalPlan


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Any opinions expressed are those of the author of the email, and do not necessarily reflect those of Scarborough Borough Council.

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This email has been checked for the presence of computer viruses,

	REPORT TO PLANNING & DEVELOPMENT COMMITTEE TO BE HELD ON 8 DECEMBER 2016
	Key Decision NO Forward Plan Ref No N/A
Corporate Priority: N/A	Cabinet Portfolio Cllr J Plant Holder

REPORT OF DIRECTOR OF SERVICE DELIVERY – PSM/16/280

WARDS AFFECTED: "All"

SUBJECT: RESPONSE OF THE BOROUGH COUNCIL TO THE MINERALS AND WASTE JOINT PLAN PUBLICATION STAGE CONSULTATION UNDERTAKEN BY NORTH YORKSHIRE COUNTY COUNCIL, NORTH YORK MOORS NATIONAL PARK AUTHORITY AND CITY OF YORK COUNCIL

RECOMMENDATION (S):

That the Borough Council makes representations in support the Plan and the policies contained therein along with the proposed allocations. The Plan is considered to be sound and legally compliant and the Borough Council confirms that the Duty to Cooperate has been met with early and ongoing engagement with the Borough Council.

REASON FOR RECOMMENDATION (S): To ensure that the concerns of the Borough Council are taken into account in preparing the next stage of the Minerals and Waste Plan.

HIGHLIGHTED RISKS:

If the Borough Council's concerns regarding the issues discussed and the individual sites submitted are not expressed at this time, or not taken into account, future policy and development could have adverse environmental, social and economic consequences for the Borough.

1. INTRODUCTION

- 1.1 Report 15/334 was considered by Members of the Planning and Development Committee on 10th December 2015, concerning the Preferred Options consultation stage of the Minerals and Waste Joint Plan undertaken by North Yorkshire County Council, North York Moors National Park and City of York Council. That consultation involved presenting key issues and offering recommended options for addressing these in relation to drawing up new policies for minerals and waste. It also included recommendations on sites that had been submitted through an earlier "call for sites" across the Plan area for mineral extraction and waste management.
- 1.2 Having considered the responses to the Preferred Options consultation, the publication version of the plan is now available for representation. This is the version of the plan that the aforementioned authorities intend to submit for examination by an independent planning inspector. Publication of the plan provides an opportunity for interested parties to make representations on whether they consider the plan is 'sound' and 'legally compliant'.
- 1.3 The deadline for responses to this consultation is Wednesday 21st December 2016.
- 1.4 The comments provided during this Publication stage will be submitted to the Secretary of State and considered as part of a public examination of the plan by an independent planning inspector.
- 1.5 The Borough Council is not the body responsible for minerals and waste planning (in terms of policies or planning applications), however, it is a consultee on minerals and waste matters both in terms of Local Plan production and in responding to planning applications. The technical implications of the effects of mineral extraction are such that these are considered by appropriate bodies, including the Environment Agency and water regulators. National Guidance states that the relevant planning authority should assume these regulatory bodies will operate effectively.
- 1.6 The Borough Council provided a response to the previous Issues and Options and Preferred Options consultations. This report sets out the main issues discussed in the publication version in the context of the Scarborough Borough Local Plan area and provides, where appropriate, officers' suggested response.

2. CORPORATE OBJECTIVES AND THE COMMUNITY PLAN

- 2.1 The Corporate Plan has several aims that are considered relevant. These include the aim of developing a prosperous borough at the same time as protecting and improving the environment.

3. BACKGROUND AND ISSUES

- 3.1 Issues for consideration are:

- The implications of the Minerals and Waste Joint Plan Publication Stage for Scarborough Borough.

4. CONSULTATION

- 4.1 The subject of this report is a consultation document produced by the County Council, alongside the City of York Council, and North York Moors National Park Authority. In this instance the Borough Council is a consultee and will be making formal representations to the aforementioned authorities.
- 4.2 The document is also consulted upon with the involvement of other statutory bodies and interested parties.

5. ASSESSMENT

Context

- 5.1 This consultation is the latest stage in the production of a Minerals and Waste Joint Plan. This is the publication version which is intended to be submitted to the Secretary of State for examination by an independent planning inspector.
- 5.2 The Plan is undertaken jointly by North Yorkshire County Council, City of York Council and the North York Moors National Park Authority as they have responsibility for minerals and waste planning within their respective areas.
- 5.3 The National Planning Policy Framework (NPPF) provides guidance on mineral extraction. It states the importance of ensuring the availability of a continuous supply of minerals to support economic growth and adds that great weight should be given to the economic benefits of minerals extraction. There is also an emphasis that minerals should, where possible, be used locally.
- 5.4 The Waste Framework Directive (2008) informs waste planning policy. The plan area is covered by the Municipal Waste Management Strategy (adopted in 2006), which aims to reduce the amount of waste produced and promote the value of waste as a resource. The emphasis is on moving up the waste hierarchy to deliver greater levels of re-use, recycling and recovery of waste so that only 'residual' waste is disposed of. The linkages between minerals and waste are also explored, including opportunities such as re-using spoil as an alternative to further primary extraction and as part of the reclamation process, using disused quarries for waste disposal as landfill.
- 5.5 The Borough Council is responsible for collecting household waste (often referred to as Local Authority Collected Waste), however, North Yorkshire County Council has responsibility to ensure arrangements are in place to manage the waste which is collected.

Minerals

- 5.6 The Plan looks in turn at each relevant mineral type. Where possible, it identifies the level of need for each different resource and sets out in broad terms how those needs could be met. This is in the form of key 'spatial' issues and where relevant, specific policies related to the sourcing or extraction of minerals. In addition, the Plan includes a range of Development Management policies that allow consideration of the impact of extraction on the environment and communities for example. This part of the report will concentrate on where mineral extraction is related to the Borough.

Aggregates Supply

- 5.7 A Local Aggregates Assessment identifies the need for aggregates (sand and gravel, and crushed rock used mainly by the construction industry). This indicates that demand for sand and gravel worked in the Plan area is likely to continue and may increase over recent historic levels. The Plan area has traditionally been a major supplier of sand and gravel and pressure for growth and development generates demand for aggregate minerals. In order to ensure that an adequate supply can be maintained, the British Geological Survey carried out work on identifying the location of minerals including the distribution of potentially viable sand and gravel resources in the area. This allows the Plan to determine achievable resources and, therefore, a number of sites have been allocated across the Plan area. These are considered sufficient in meeting the requirements over the plan period in addition to ensuring an adequate landbank, however, they are predominantly located around the A1 corridor thus helping to serve the wider area. No new sites have been allocated within the Borough area for the extraction of aggregates supply. Wykeham Quarry remains active and proposals for the extension of the duration of the extraction will be considered against the relevant policy.
- 5.9 The Plan area is also a significant exporter of crushed rock to the wider Yorkshire and Humber, and North-East regions. The British Geological Survey's assessment identified large areas of crushed rock across the southern part of the Borough. The Plan states substantial reserves already exist across the Plan area and "there is no near term prospect of an overall shortfall in supply", however, in order to ensure supply to 2030 including a 10 year landbank beyond this, a number of sites have been allocated, however, none are within the Borough area.

Building Stone

- 5.10 The NPPF requires planning authorities to include policies for the extraction of building stone. The Plan says the "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 surrounding...the colour and appearance of stone varies greatly depending upon 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."
- 5.11 It is considered appropriate to acknowledge the need to source the appropriate local building stone and therefore it is recommended that the

Borough Council expresses support to the extraction from existing sites, and the consideration of new sites on an individual basis. Officers consider the policy in relation to this to be suitable.

Oil and Gas

- 5.12 The Plan confirms there is no known oil resource in the area, but resources of gas are present and have been exploited over a substantial period of time. The Plan considers conventional on-shore oil and gas (COG) as well as emerging technologies (unconventional sources). Development licences (PEDLs) are granted by the Government, with the latest round of licences (known as the 14th round) offered to those operators who meet certain criteria including the majority of the Borough with the Whitby area the only exception. At present, these areas remain unlicensed. It should be noted that the licensing system operates separately to the planning regime.
- 5.13 The Plan discusses the issue of hydraulic fracturing, or 'fracking' as a means of shale gas extraction. This is discussed alongside other emerging technologies associated with coal and gas extraction. The British Geological Survey identified areas of deep shale rocks, particularly in parts of the Ryedale, Scarborough, York and Selby Council areas and the southern part of the North York Moors National Park, however, the Plan acknowledges that in spite of the increasing public and commercial interest, "substantial uncertainties remain about the scale and distribution of any future proposals that could come forward." Nevertheless, members will be aware approval was granted earlier this year for hydraulic fracturing for shale gas at an existing well site near Kirby Misperton in Ryedale, and it remains clear the Government is actively encouraging exploration of this form of gas and tapping into its potential as an important new source of energy for the UK.
- 5.14 In recent years, the Government has provided increased guidance for dealing with 'fracking' proposals. 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. Therefore, the Plan considers how a pragmatic approach to dealing with such applications is necessary, whilst acknowledging the concerns that have been widely expressed relating to 'fracking' techniques in spite of the limited role the planning system can play. As part of the wider application process, licences must be granted by the Department of Energy and Climate Change (DECC), the Environmental Agency and the Health and Safety Executive (HSE) in addition to permission from the Minerals Planning Authority. Government policy is clear in stating that planning authorities should assume that the regimes of the other relevant regulatory organisations will operate effectively. Therefore, when a Minerals Planning Authority considers an application, the specific issues that should be assessed include visual impact and impacts on the landscape, noise, vibration and air pollution and impacts from traffic. As an example, the 'fracking' process is typically water intensive. The Environment Agency would be responsible for issuing water abstraction licences, but the impact of the act of bringing substantial quantities of water to

a site on the local highway network would be a consideration the Minerals Planning Authority.

- 5.15 Each of the three distinct phases of the 'fracking' process requires a separate permission or licence. In brief, these are exploration, which seeks to acquire geological data to establish whether hydrocarbons are present; appraisal, in order to establish the extent and viability of a resource; and production, the stage at which wells would be drilled and the fracturing process takes place.
- 5.16 The preferred overall spatial policy for considering hydrocarbon development is considered to reflect national guidance in that surface development proposals will not be supported where they are located within designated areas including the National Park, AONB's, and Protected Groundwater Source Areas. Proposals outside, and sub-surface proposals within those designated areas will be supported "where it can be demonstrated that "significant harm to the designated asset will not occur." All proposals should also demonstrate they accord with other criteria including accessibility and transport issues, cumulative impact, the local economy, local amenity, waste management, and decommissioning and restoration.
- 5.17 Officers consider that the policy approach is appropriate in that it reflects the national guidance in offering protection to those designated areas and sufficient safeguards in those areas that may be more susceptible to applications of this type.
- 5.18 Also in relation to hydrocarbon resources, specific policies considering the exploration, appraisal and production phases of resources are in place. This would ensure proposals are fully accompanied by the relevant assessments and mitigation measures where necessary to comply with national guidance and ensure proposals are suitable. Officers consider this policy is appropriate in that it reflects the requirements as determined by Government guidance when considering such proposals.

Coal

- 5.20 After the closure of the Kellingley Colliery near Selby, there is presently no coal being mined in the Plan area and there are no known proposals for new operations in the Plan period. A policy is included that would be used should any future proposals for coal mining come forward. Parts of the National Park and Whitby are identified as being a source of deep coal (defined as being between 50m and 1200m deep). Officers consider the approach appropriate should any proposals come forward in the future.

Potash

- 5.21 As the proposed new potash mine at Doves Nest Farm, near Sneaton now has planning permission, the policy concerning Potash states any additional applications including the renewal or extension of the existing mines at Boulby and Doves Nest Farm would be considered in accordance with a criteria based policy.

Waste

- 5.22 The Plan assesses future waste management needs in the area over the period up to 2030, including assessing the capacity of various types of waste (i.e. agricultural; construction, demolition and excavation; commercial and industrial; low-level radioactive; sewage sludge; spoil; and Local Authority Collected Waste). The Plan generates a number of recommended policies in relation to moving waste up the waste hierarchy in accordance with national policy to increase the level of re-use or recycling of waste thus minimising the level of waste produce and diverting away from landfill.
- 5.23 The Plan emphasises the importance of the new Allerton Waste Recovery Park in achieving the overall targets of waste management in the Plan. The construction of Allerton Park (located to the east of Knaresborough in close proximity to the A1) is ongoing and it is expected to be fully operational in 2018. The Plan states that when fully operational, the facility "will provide sufficient capacity for managing residual LACW to enable 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."
- 5.24 In dealing with other specific types of waste, the Plan considers the estimated surplus gap and attempts to plug any shortfalls. In relation to the Borough, the only specific mention refers to the Seamer Carr and Fairfield Road, Whitby facilities which are recommended for retention in terms of the recycling, transfer and treatment of Commercial & Industrial waste.
- 5.25 Officers note the proposals concerning the new Allerton Waste Recovery Park and would acknowledge any future shortfalls that may arise will need to be considered at that time.

Additional Considerations

- 5.26 The Plan considers the infrastructure requirements necessary to meet the strategy for Minerals and Waste and generates policies regarding safeguarding necessary infrastructure. This includes road, rail and water transport infrastructure, and minerals ancillary infrastructure such as ready mixed concrete plants and roadstone coating plants.
- 5.27 A range of issues are considered with regards forming general development management policies associated with minerals and waste. This includes using the NPPF's presumption in favour of sustainable minerals and waste development and developing criteria to be used for determining planning applications for minerals and waste developments, such as:-
- Local Amenity Issues including the cumulative impact of development;
 - Transport of minerals and waste and associated traffic impacts;
 - The appropriate protection of important assets such as National Park and AONB's;
 - Landscape;

- Biodiversity and Geodiversity;
- The Historic Environment;
- Water Environment.

- 5.28 Development Management policies regarding the reclamation and after-use of waste sites; sustainable design, construction and operation of development; and development in mineral safeguarding areas and mineral consultation areas are also discussed.
- 5.29 One specific policy concerns the safeguarding of mineral resources. Within this, it states reserves and resources of potash and polyhalite including a 2km buffer zone will be protected from sterilisation by other forms of underground minerals extraction. The Plan states “a particular consideration is the potential for hydrocarbon 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.” Policies in relation to the safeguarding of such land are not in place 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.”

Site Submissions

- 5.31 As part of earlier stages of the Plan process, sites were submitted through the “call for sites” and presented having been the subject of assessment. The sites in the Borough proposed to be allocated are;
- WJP15 – Seamer Carr, Eastfield, Scarborough for “retention of existing recycling (including treatment, bulking and transfer), open windrow composting, and energy from waste (biomass) facilities beyond end of current planning permissions which are limited to 2020 and new inert waste screening facility.” The site is **allocated** due to the role the site can continue to play in moving waste up the waste hierarchy and would not conflict with other strategic policies in the Plan.
 - WJP19 – Fairfield Road, Whitby for “recycling and transfer of municipal and commercial waste”. The site is **allocated** due to being established as a site for this use and its extension would fall within land identified within the Business Park area. It should be noted the allocated part is actually located within the North York Moors National Park boundary.
- 5.32 The remaining sites, as shown below, have all been ‘dismissed’ as had earlier been recommended at the Preferred Options consultation stage;
- Site Ref: MJP34 – Land between Sandsend, Scarborough and West Ayton, by R Hunt (on behalf of York Potash Ltd.), for the extraction of potash by underground methods. **Site Discounted**, as it is considered the merits of major development in a designated area should be considered through a planning application.

- MJP49 – Land at Metes Lane, Seamer Carr, by James Stockdale Ltd, for the extraction of sand and gravel. **Site Discounted**, due to potential impact on historic environment, groundwater, rights of way and the A64.
- MJP59 – Land at Spikers Quarry, Cochrah Road, East Ayton (*In National Park), by MCJA (on behalf of W Clifford Watts), for the proposed extension to quarry. **Site Discounted**, as it is considered the merits of major development in a designated area should be considered through a planning application.

5.32 At the previous stages of consultation, the Borough Council objected to the potential allocation of site ref: MJP49 due to the impacts as have been determined through the assessment and outlined above. The Borough Council made no objections to sites ref: WJP15 and WJP19. Finally, it is noted both MJP34 and MJP59 are located either wholly or predominantly within the National Park and therefore should be subject to assessment through the Major Development Test in accordance with the NPPF.

6. IMPLICATIONS

(a) Policy

6.1 The policy implications relate to planning and are those covered under (d) Planning.

(b) Financial

6.2 There are no financial implications.

(c) Legal

6.3 The Borough Council is a statutory consultee on the Plan under the Planning Acts.

(d) Planning Implications

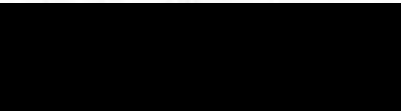
6.4 The Minerals and Waste Joint Plan will eventually become part of the statutory development plan for the Borough, along with the emerging Borough Local Plan.

6.5 I have considered whether the following implications arise from this report and am satisfied that there is no identified implications will arise from this decision in relation to Staffing Implications, Crime and Disorder Implications, Health and Safety implications, Co-operation with Health Authorities, Equality implications, Human Rights Act or Environmental implications

7. ACTION PLAN

7.1 Arising for the consideration of the issues, the following action plan is proposed:

Objective	Target
Respond to Consultation	December 2016



David Walker
Planning Services Manager

Author:

Peter Harrap, Planning Policy Officer, Planning Services
Telephone No: 01723 384406
E-mail address: peter.harrap@scarborough.gov.uk

Background Papers:

Please give details of all publicly accessible (non private) background papers applicable to the report.

mwjointplan

From: Martyn Coy <Martyn.Coy@canalrivertrust.org.uk>
Sent: 24 November 2016 14:50
To: mwjointplan
Subject: RE: Minerals and Waste Joint Plan - Publication Stage
Attachments: MWJP Publication - I01.DOCX; MWJP Publication - S04.docx; MWJP Publication - appendix 2.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Sir/Madam

Please find attached our response.

Regards,

Martyn Coy

From: mwjointplan [mailto:mwjointplan@northyorks.gov.uk]
Sent: 09 November 2016 13:39
To: mwjointplan <mwjointplan@northyorks.gov.uk>
Subject: Minerals and Waste Joint Plan - Publication Stage

Dear Sir/Madam,

Minerals and Waste Joint Plan – Publication

North Yorkshire County Council, City of York Council and the North York Moors National Park Authority are working together to produce a Minerals and Waste Joint Plan covering all three planning authority areas. When finalised the new Joint Plan will help the three authorities take decisions on planning applications for minerals and waste development up to 31 December 2030. A number of public consultations have already taken place to help develop the new Plan, including an 'Issues and Options' consultation in 2014 and a 'Preferred Options' consultation in 2015.

A final draft of the Joint Plan has now been prepared and is being published for a six week period to allow for representations to be made, before it is submitted for examination in public by an independent planning inspector. At this stage only representations relating to the legal compliance and soundness of the Joint Plan are required. More information about this is contained in the guidance notes attached with this email.

The formal publication period commences on **Wednesday 9th November 2016** and will close on **Wednesday 21st December 2016**. All responses must be received by **5pm** on that day. Please note we will be unable to accept responses after this deadline.

The Joint Plan and supporting documents are available to view on the Joint Plan Website: www.northyorks.gov.uk/mwconsult . Paper copies of the Joint Plan and main supporting documents, including a response form and guidance notes, are available to view during normal opening hours at all public libraries in the area covered by the Joint Plan, including mobile libraries and at all main offices of the three Authorities, as well as at District and Borough Council main offices and the National Park Centres.

Please see attached to this email:

- Formal Publication Letter,
- Statement of Representations Procedure,

- Response Form (Part A & Part B) and
- Guidance Notes

For further information about the Minerals and Waste Joint Plan please visit our website:
www.northyorks.gov.uk/mwconsult

Yours faithfully

Minerals and Waste Joint Plan Team

On behalf of:

North Yorkshire County Council, City of York Council and North York Moors National Park Authority

This email has been sent on behalf of North Yorkshire County Council (NYCC), City of York Council (CYC) and North York Moors National Park Authority (NYMNP).

WARNING

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Although we have endeavoured to ensure that this e-mail and any attachments are free from any virus we would advise you to take any necessary steps to ensure that they are actually virus free.

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North Yorkshire County Council

City of York Council

North York Moors National Park Authority

The Canal & River Trust is a new charity entrusted with the care of 2,000 miles of waterways in England and Wales. Get involved, join us - Visit / Donate / Volunteer at www.canalrivertrust.org.uk - Sign up for our newsletter at www.canalrivertrust.org.uk/newsletter

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Canal & River Trust
------------------------	---------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	101	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

We welcome that our comments relating to the Preferred Options consultation have been acknowledged and the Publication draft has been amended to remove the 250,000 tonnage threshold.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Canal & River Trust
------------------------	---------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	S04	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes Y No

2.(2) Sound Yes v No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes v No Consistent with National Policy Yes v No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The Trust support the policy approach which aims to safeguard wharves. The safeguarding of infrastructure including existing, planned and potential wharfage and associated storage, handling and processing facilities for the bulk transport by sea or inland waterways of minerals, including recycled, secondary and marine-dredged materials; and, the existing, planned and potential sites for concrete batching, the manufacture of coated materials, other concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material is supported by paragraph 143 of the National Planning Policy Framework. Therefore, the policy would be consistent with National Policy.

We also support the principle of a buffer zone around safeguarded wharves to safeguard against encroaching development which would not be compatible and could result in future operational restrictions being imposed on the wharf sites. For example, residents of a future residential development may raise concerns to the Environmental Health department in relation to noise and nuisance associated with the operation of a minerals wharf.

This policy would therefore be consistent with paragraph 123 of the NPPF which requires that planning policies and decisions should not impose unreasonable restrictions on existing businesses due to changes in nearby land uses. A buffer zone is also an important feature to ensure that wharf sites are not isolated and cut off from accessing supporting transport infrastructure. For example, wharves need access to the road and rail transport to ensure to onward movement of materials.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Canal & River Trust
------------------------	---------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="checkbox"/> Appendix 2	Policy No.	<input type="checkbox"/>	Policies Map	<input type="checkbox"/>
----------------------------------------------	-------------------------------------	------------	--------------------------	--------------	--------------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes Y No

2.(2) Sound Yes v No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes v No Consistent with National Policy Yes v No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The Trust support the safeguarding of the wharves identified in Appendix 2. These existing wharf sites help to ensure that the freight waterways continue to be used for the sustainable transportation of materials in accordance with paragraph 30 of the NPPF. Furthermore, the safeguarding of the wharves is consistent with paragraph 143 of the NPPF which specifies the safeguarding of existing, planned and potential wharf sites.

In our response to the Preferred Options consultation we requested that consideration is given to safeguarding three further wharf sites including the Council Yard at Snaygill, CPM concrete works at Pollington and wharves at Whitley Bridge. We also highlighted the Dalkia site in Pollington which was previously approved for a biomass power plant scheme including a new wharf for the importation of biomass fuel via the Aire and Calder Navigation canal.

We note that in the Response 294 to our comments the Planning Authority states 'Noted. Suggested sites investigated,'

However, we note that no further comments have been added to indicate what the result of the investigation concluded. We would like this clarified as we note that these sites have not been included in the Publication draft.

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title: Mr	Initial(s): C
Surname: Gibben		
Organisation (if applicable): Middlesbrough Council.		
Address:	Planning Services	
	PO. Box 504, Civic Centre,	
	Middlesbrough	
Post Code: TS1 9FY		
Telephone: 01642 729065		
Email: charlton_gibben@middlesbrough.gov.uk		

Agent contact details (if applicable)

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in separate guidance notes. You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.

A separate Part B form **MUST** be produced for each separate representation you wish to make. After this stage, further submissions will only be at the invitation of the inspector who will conduct an Examination in Public of the Joint Plan, based on the matters they identify during the Examination.

All responses should be returned by 5pm on Wednesday 21st December 2016. Please note that representations cannot be received after this deadline.

Responses can be returned by email to: mwjointplan@northyorks.gov.uk or by post using the address below:

Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

Data Protection:

North Yorkshire County Council, the North York Moors National Park Authority and the City of York Council are registered under the Data Protection Act 1998. For the purposes of the Data Protection Act legislation, your contact details and responses will only be retained for the preparation of the Minerals and Waste Joint Plan. Representations made at Publication stage cannot remain anonymous, but details will only be used in relation to the Minerals and Waste Joint Plan. Your response will be made available to view on the website and as part of the examination.

For official use only:
Respondent Number

Date received Date entered Date acknowledged

19 December 2016

Minerals and Waste Joint Plan,
Planning Service,
North Yorkshire County Council,
County Hall,
Northallerton,
North Yorkshire,
DL7 8BR.

Direct Line: (01642) 729065

Fax: (01642) 729971

Our Ref: CJG/NYMW/DEV1

Your Ref:

When telephoning please ask for :

CHARLTON GIBBEN

Dear Mr Smith,

Minerals and Waste Joint Plan – Publication (November 2016 – December 2016)

Thank you for the opportunity to comment on the above consultation. This is a joint officer response on behalf of the five Tees Valley mineral and waste planning authorities.

The five authorities support the overall aims and objectives of the Publication Minerals and Waste Joint Plan. We also agree that the Joint Plan meets the four tests of soundness, is legally compliant, and complies with duty to co-operate aspects.

In addition, the five authorities wish for their previous joint response (submitted 20 January 2016) made at the Preferred Options Consultation stage, to be taken into account. Furthermore, along with our previous comments, the five authorities wish to include the following as part of their overall response:

The spatial portrait of the plan area recognises that the economy of the Tees Valley is particularly relevant to North Yorkshire as commuter patterns cross into these areas. It also states that population and household growth in adjacent urban areas is also expected to be relatively high and population and economic growth in these areas may have implications for minerals demand in North Yorkshire.

The Local policies and strategies recognises that although only a small part of the Plan area falls within the Tees Valley Local Economic Partnership area, managed by Tees Valley Unlimited, it is still important to consider the influence which economic growth from outside the Plan area may have.

This recognition is particularly important within the Tees Valley as authorities review their development plans, and plan positively for ambitious population and economic growth.

I trust that our previous submitted response and the above comments will be taken into account, and welcome the opportunity to continue to co-operate during the plan preparation process. Should you have any further queries, please do not hesitate to contact me on 01642 729065 or at planningpolicy@middlesbrough.gov.uk .

Yours sincerely,


Strategic Policy Manager
Middlesbrough Council

On behalf of:

Darlington, Hartlepool, Redcar & Cleveland, Stockton-on-Tees, and Middlesbrough Borough Councils.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Middlesbrough Council on behalf of the five Tees Valley Authorities
------------------------	---------------------------------------------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
-------------------------	-----	-------------------------------------	----	--------------------------

2.(2) Sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Justified	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
---------------------	-----	-------------------------------------	----	--------------------------	-----------	-----	-------------------------------------	----	--------------------------

Effective	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Consistent with National Policy	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
-----------	-----	-------------------------------------	----	--------------------------	---------------------------------	-----	-------------------------------------	----	--------------------------

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please see covering letter.

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [REDACTED]	Date: 21.12.16
-----------------------------------------------------------------------------------	----------------

Official Use Only Reference Number

Joan Jackson

From: Charlton Gibben <Charlton_Gibben@middlesbrough.gov.uk>
Sent: 04 January 2017 11:54
To: mwjointplan
Subject: RE: Minerals and Waste Joint Plan - Publication Tees Valley Joint Response

Dear Joan,

Further to your below email I have spoken to the other Tees Valley Authorities, and we wish for our response to be recorded as five individual local authority responses. This will ensure that each LA will be properly /officially represented and kept informed of developments through the examination directly, rather than relying on one authority acting as a conduit.

In addition, I also need to inform you that there is no longer an organisation called the "Tees Valley Joint Strategy Unit". Furthermore, it should be noted, that Tees Valley Unlimited is the Local Enterprise Partnership (a separate organisation), and should not be used to describe the Local Authorities working together (or, for that matter, the Tees Valley Combined Authority).

I hope the above is of assistance.

Best Regards,
Charlton Gibben,
Senior Planning Policy Officer,
Planning Services,
Middlesbrough Council,
P.O.Box 504,
Civic Centre,
Middlesbrough,
TS1 9FY.

Tel: 01642 729065

From: mwjointplan [mailto:mwjointplan@northyorks.gov.uk]
Sent: 03 January 2017 15:46
To: Charlton Gibben <Charlton_Gibben@middlesbrough.gov.uk>
Subject: FW: Minerals and Waste Joint Plan - Publication Tees Valley Joint Response

Dear Mr Gibben,

You recently provided a response to our Minerals and Waste Joint Plan Publication document, the number we provided to you was for Middlesbrough Council only. The title we have been using to record combined responses from the 5 Tees Valley Authorities has been 'Tees Valley Unlimited – Joint Strategy Unit' is this still correct? If not what title should we use?

Once you have clarified the situation we will provide you with the correct Respondent Number which will cover a joint submission.

Sorry for the confusion.

Regards

Joan Jackson

Minerals and Waste Joint Plans Team

From: mwjointplan
Sent: 22 December 2016 09:28
To: 'Charlton Gibben'
Subject: RE: Minerals and Waste Joint Plan - Publication Tees Valley Joint Response

Dear Mr Gibben,

Minerals and Waste Joint Plan – Publication

Thank you for your response to the Minerals and Waste Joint Plan Publication Stage.

Please accept this email as confirmation of receipt of your response on behalf of Middlesbrough Council.

Your response has been noted and will be processed. For reference a Respondent Number has been allocated to your response. Your unique Respondent Number is 0077. This can be used to identify your response on the website.

Copies of responses will be made available to view on our website www.northyorks.gov.uk/mwjointplan as soon as possible after the close of consultation.

The next stage in the process will be submission of the Minerals and Waste Joint Plan for Examination in Public. At that time it will be the role of the Inspector to consider the representations received alongside the published plan. As you have responded to this consultation you will be automatically notified when the Plan is submitted.

Yours Sincerely,

Minerals and Waste Joint Plan Team

From: Charlton Gibben [mailto:Charlton_Gibben@middlesbrough.gov.uk]
Sent: 21 December 2016 12:34
To: mwjointplan <mwjointplan@northyorks.gov.uk>
Cc: Wren, Rebecca <Rebecca.Wren@redcar-cleveland.gov.uk>; 'Palmer, Jane (DaNS)' <Jane.Palmer@stockton.gov.uk>; David Nelson <David.Nelson@darlington.gov.uk>; Matthew Clifford <Matthew.Clifford@hartlepool.gov.uk>
Subject: Minerals and Waste Joint Plan - Publication Tees Valley Joint Response

Dear Rob,

Please find attached the Tees Valley Authorities response to the above consultation. If you have any queries regarding our response please do not hesitate to contact me by the below telephone number or via email.

Best Regards,
Charlton Gibben,
Senior Planning Policy Officer,
Planning Services,
Middlesbrough Council,
P.O.Box 504,
Civic Centre,
Middlesbrough.

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title: Mr	Initial(s): C
Surname: Gibben		
Organisation (if applicable): Middlesbrough Council.		
Address:	Planning Services	
	PO. Box 504, Civic Centre,	
	Middlesbrough	
Post Code: TS1 9FY		
Telephone: 01642 729065		
Email: charlton_gibben@middlesbrough.gov.uk		

Agent contact details (if applicable)

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

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DL7 8AH

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For official use only:
Respondent Number

Date received Date entered Date acknowledged

19 December 2016

Minerals and Waste Joint Plan,
Planning Service,
North Yorkshire County Council,
County Hall,
Northallerton,
North Yorkshire,
DL7 8BR.

Direct Line: (01642) 729065

Fax: (01642) 729971

Our Ref: CJG/NYMW/DEV1

Your Ref:

When telephoning please ask for :

CHARLTON GIBBEN

Dear Mr Smith,

Minerals and Waste Joint Plan – Publication (November 2016 – December 2016)

Thank you for the opportunity to comment on the above consultation. This is a joint officer response on behalf of the five Tees Valley mineral and waste planning authorities.

The five authorities support the overall aims and objectives of the Publication Minerals and Waste Joint Plan. We also agree that the Joint Plan meets the four tests of soundness, is legally compliant, and complies with duty to co-operate aspects.

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The spatial portrait of the plan area recognises that the economy of the Tees Valley is particularly relevant to North Yorkshire as commuter patterns cross into these areas. It also states that population and household growth in adjacent urban areas is also expected to be relatively high and population and economic growth in these areas may have implications for minerals demand in North Yorkshire.

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Yours sincerely,


Strategic Policy Manager
Middlesbrough Council

On behalf of:

Darlington, Hartlepool, Redcar & Cleveland, Stockton-on-Tees, and Middlesbrough Borough Councils.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Middlesbrough Council on behalf of the five Tees Valley Authorities
------------------------	---------------------------------------------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No. Policy No. Policies Map

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please see covering letter.

(continue on a separate sheet/expand box if necessary)

Joan Jackson

From: Charlton Gibben <Charlton_Gibben@middlesbrough.gov.uk>
Sent: 04 January 2017 11:54
To: mwjointplan
Subject: RE: Minerals and Waste Joint Plan - Publication Tees Valley Joint Response

Dear Joan,

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Charlton Gibben,
Senior Planning Policy Officer,
Planning Services,
Middlesbrough Council,
P.O.Box 504,
Civic Centre,
Middlesbrough,
TS1 9FY.

Tel: 01642 729065

From: mwjointplan [mailto:mwjointplan@northyorks.gov.uk]
Sent: 03 January 2017 15:46
To: Charlton Gibben <Charlton_Gibben@middlesbrough.gov.uk>
Subject: FW: Minerals and Waste Joint Plan - Publication Tees Valley Joint Response

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Regards

Joan Jackson

From: mwjointplan
Sent: 22 December 2016 09:28
To: 'Charlton Gibben'
Subject: RE: Minerals and Waste Joint Plan - Publication Tees Valley Joint Response

Dear Mr Gibben,

Minerals and Waste Joint Plan – Publication

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Yours Sincerely,

Minerals and Waste Joint Plan Team

From: Charlton Gibben [mailto:Charlton_Gibben@middlesbrough.gov.uk]
Sent: 21 December 2016 12:34
To: mwjointplan <mwjointplan@northyorks.gov.uk>
Cc: Wren, Rebecca <Rebecca.Wren@redcar-cleveland.gov.uk>; 'Palmer, Jane (DaNS)' <Jane.Palmer@stockton.gov.uk>; David Nelson <David.Nelson@darlington.gov.uk>; Matthew Clifford <Matthew.Clifford@hartlepool.gov.uk>
Subject: Minerals and Waste Joint Plan - Publication Tees Valley Joint Response

Dear Rob,

Please find attached the Tees Valley Authorities response to the above consultation. If you have any queries regarding our response please do not hesitate to contact me by the below telephone number or via email.

Best Regards,
Charlton Gibben,
Senior Planning Policy Officer,
Planning Services,
Middlesbrough Council,
P.O.Box 504,
Civic Centre,
Middlesbrough.

mwjointplan

From: Pengelly, Nienke <Nienke.Pengelly@amecfw.com>
Sent: 20 December 2016 14:56
To: mwjointplan
Cc: David Atkinson; Matthew Driver; nienke.pengelly (Entec Forward)
Subject: NY MWJP Publication - Tarmac representations
Attachments: P039 NY MWJP MJP07 Tarmac Dec2016.pdf; P039 NY MWJP Para 2.26 Tarmac Dec2016.pdf; P039 NY MWJP Para 5.15 Tarmac Dec2016.pdf; P039 NY MWJP Policy D07(A) Tarmac Dec2016.pdf; P039 NY MWJP Policy D07(B) Tarmac Dec2016.pdf; P039 NY MWJP Policy D10 Tarmac Dec2016.pdf; P039 NY MWJP Policy D12 Tarmac Dec2016.pdf; P039 NY MWJP Policy M02 Tarmac Dec2016.pdf; P039 NY MWJP Policy M04 Tarmac Dec2016.pdf; P039 NY MWJP Policy M05 Tarmac Dec2016.pdf; P039 NY MWJP Policy M06 Tarmac Dec2016.pdf; P040 NYMWJP Dec2016.pdf

Dear Sir or Madam,

Please find attached the representations submitted on behalf of Tarmac in response to the consultation on the Publication Draft of the North Yorkshire Minerals and Waste Joint Plan. Hard copies have also been posted to you.

Should you have any queries, please do not hesitate to contact me.

Yours sincerely,

Nienke

Nienke Pengelly

Senior Consultant (Minerals and Waste Planning), Environment & Infrastructure UK Limited, Amec Foster Wheeler
Canon Court, Abbey Lawn, Abbey Foregate, Shrewsbury SY2 5DE, United Kingdom
T +44 (0)1743 432000 D +44 (0)1743 342042 M +44 (0)7814 689605
nienke.pengelly@amecfw.com amecfw.com

Please note my workings days are Wednesday to Friday.



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Please click <http://amecfw.com/email-disclaimer> for notices and company information in relation to emails originating in the UK, Italy or France.

Publication stage Response form - Part B Please use a separate Part B form for each representation

Name or Organisation :	Tarmac
------------------------	--------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="MJP07"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	--------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Tarmac continue to support the allocation of their Oaklands site (MJP07) in the MWJP and in particular support the reinstated of the full site allocation.

As previously indicated, the Oaklands sites is intended as a northern extension to Tarmac's existing Nosterfield Quarry and would be worked as a follow on site from that at Langwith Hall Farm (MJP06) immediately adjacent to the east. As such, the site would continue to be contribute to meeting the requirements for the supply of sand and gravel in the southwards distribution area over the Plan period in accordance with Policy M07.

(continue on a separate sheet/expand box if necessary)

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Tarmac
------------------------	--------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	Para 5.15	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Justified	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Effective	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Consistent with National Policy	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	--------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

This is the same point as that raised with regards to Policy M02.

The text of paragraph 5.15 refers to "a mid-term review" of the MWJP which is not consistent with National Policy as set out in paragraph 008 of the PGG. This states that Local Plans will require reviewing in whole or part at least every five years. On this basis, it is considered paragraph 5.15 is unsound.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Tarmac
------------------------	--------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	<input type="text" value="D07"/>	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	----------------------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy D07 (1) as worded appears to afford the same level of protection to all designations, in contrast to the policy guidance set out in NPPF paragraph 113, which clearly sets out that there should be distinctions between sites of different levels of importance and the protection afforded to them. The relevant part of NPPF paragraph 113 states:

"Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurated with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks."

As such, internationally important sites (as covered by the Habitats and Birds Directives) should be afforded the highest levels of protection (as set out in Circular 06/05), followed by SSSIs / NNRs, then County Wildlife Sites. Policy D07 (1) appears to apply the same level of protection to all designations and is thus not compliant with National Policy and therefore considered to be unsound.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Tarmac
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	D07	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy D07 (6) makes reference to offsetting. Whilst the principle of the policy is supported and it is acknowledged that biodiversity offsetting may be required in exceptional circumstances, Tarmac would like to emphasise that due consideration should be given to the overall net gain in biodiversity and geodiversity that can be achieved, especially in the long term, through quarry restoration and reclamation. Whilst a quarry operation may result in the loss of some biodiversity during operations, quarrying itself can attract biodiversity – e.g. sand martins – as well as the ability to provide enhancements through restoration. As such, it may not be appropriate to provide biodiversity offsetting elsewhere.

Mineral extraction, unlike other forms of development can only take place where the minerals exist in economic quantities and it is often not possible to choose an alternative site to avoid areas of ecological interest. Offsetting of any impacts caused as a result of mineral development is often achieved within the development scheme itself i.e. as a result of approved restoration schemes. 'Losses' may be temporary as sites are worked, but net gain can generally be delivered through restoration as recognised in Clause (5) of the Policy.

If mineral developments were required to offset their permanent impacts then this would increase the regulatory burden. Mineral extraction is also a temporary activity in a given location and normally results in a net gain in biodiversity through site and estate management before and during working, and restoration and aftercare following extraction.

In any event the requirement to provide compensation gains elsewhere may well require third party involvement / land not in control of the developer.

Finally biodiversity does not respect local authority boundaries so it is not appropriate to restrict any

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Tarmac
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	D10	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
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(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
----------------------------	-----	--------------------------	----	--------------------------	------------------	-----	--------------------------	----	--------------------------

<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
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2 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	--------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy D10 is considered to be unsound on two counts.

Firstly, Part 1(i) of the policy states:

"Been brought forward following discussion with local communities and other relevant stakeholders and, where practicable, the proposals reflect the outcome of those discussions."

Although Tarmac supports the principles of pre-application discussions and stakeholder engagement, the compulsory engagement requirement set out in this policy goes against the NPPF, paragraph 189 of which clearly states that development cannot be compelled to engage in this way although it is desirable and is to be encouraged. As such, this part of the policy does not comply with National Policy and is therefore considered to be unsound.

Secondly, the 'landscape scale benefits' which are sought through Part 2(viii) of the policy can often only be delivered with large areas of land which may not be under the control of the developer. As such, expectations may be created that cannot be delivered. As such, the policy is considered to be unsound.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Tarmac
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	D12	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy D12 has changed significantly from the MWJP Preferred Options stage.

Tarmac supports the first paragraph of the policy.

In contrast, the second sentence of the second policy paragraph is of concern. It reads:

" ... Development which would disturb or damage soils of high environmental value such as peat or other soil contributing to ecological connectivity or carbon storage will not be permitted."

In effect, this sentence acts as a 'catch all' and could be used to frustrate development in that it could be argued that all soils contribute to ecological connectivity and carbon storage. As such, the policy as current drafted would not enable the MWJP to effectively deliver sustainable development in accordance with the policies in the NPPF and is therefore considered to be unsound.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Tarmac
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M02	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The second paragraph of Policy M02 reads:

"Additional provision shall be made, through a mid-term review of provision in the Plan, if necessary 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."

Tarmac supports the inclusion of the words "at least" which has sought to address our previous comments with regards to this policy.

Nevertheless, paragraph 008 of the Planning Practice Guide (PGG), which supports the NPPF, states:

"Most local Plan are likely to require updating in whole or part at least every five years [emphasis added]".

As such, the proposal to undertake a review half way through the plan period of 15 years, i.e. 7/8 years, is clearly not consistent with National Policy, and therefore considered unsound.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Tarmac
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M04	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The wording of Policy M04 is not consistent with the wording of the NPPF with regards to the provision of landbanks as set out in NPPF paragraph 145. The NPPF requires the "the maintenance of landbanks of at least 7 years" and does not refer to a "a minimum 7 year landbank" as stated in Policy M04.

The MWJP uses correct wording in both Policy M02 and its supporting text at paragraph 5.15 and 5.21. It is important that the wording of Policy M04 is consistent with this.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Tarmac
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M05	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	--------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The second paragraph of Policy M05 is not consistent with NPPF on two counts and is therefore considered unsound.

Firstly, the policy refers to a "mid-term review" of provision. Given the plan period is 15 years, such a review is assumed to be 7/8 years. Paragraph 008 of the Planning Practice Guidance (PPG), which supports the NPPF states:

"Most Local Plans are likely to require updating in whole or in part at least every five years" [emphasis added].

As such, the proposal to undertake a review half way through the plan period of 15 years, i.e. 7/8 years, is clearly not consistent with National Policy, and therefore considered unsound.

Secondly, the wording of Policy M05 is not consistent with the wording of NPPF paragraph 145 with regards to the provision of landbanks for crushed rock. The NPPF requires "the maintenance of at least 10 years" and does not refer to a "minimum 10 year landbank" as set out in Policy M05.

MWJP paragraph 5.30 will also need rewording to reflect the above points.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Tarmac
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M06	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy M06 is not consistent with NPPF on two counts and is therefore considered unsound.

Firstly, the wording of Policy M06 is not consistent with the wording of NPPF paragraph 145 with regards to the provision of landbanks for crushed rock. The NPPF requires "the maintenance of at least 10 years" and does not refer to a "minimum 10 year landbank" as set out in Policy M06.

Secondly, the policy's requirement to source new reserves from outside the National Park and AONBs is also not consistent with National Policy. NPPF paragraph 144 states:

"... as far as is practical [emphasis added], provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Boards, Areas of Outstanding Natural Beauty, World Heritage sites, Scheduled Monuments and Conservations Areas."

As currently drafted, Policy M06 seems to imply no future development in the National Park regardless of circumstances.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Tarmac
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	2.26	Policy No.		Policies Map	
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Paragraph 2.26 (page 18) states the following:

"The NPPF also places emphasis upon conserving important landscape and heritage assets by requiring that landbanks for non-energy minerals are provided outside National Parks, AONBs, Scheduled Monuments and World Heritage Sites. ..."

NPPF paragraph 144 second bullet point states:

" ... as far as is practical [emphasis added], provide for the maintenance of landbanks for non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage sites, Scheduled Monuments and Conservation areas; ..."

As currently drafted, paragraph 2.26 does not properly reflect the NPPF and is therefore considered unsound.

0317

16 December 2016
Ref – S38376P040/NJP



amec
foster
wheeler

North Yorkshire County Council
Planning Services
County Hall
Northallerton
DL7 8AH

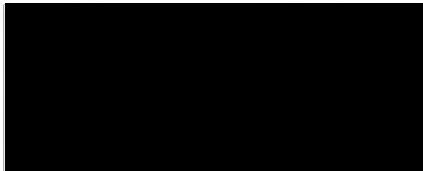
Dear Sir/Madam

Minerals and Waste Joint Plan: Publication - Tarmac Representations

Thank you for the opportunity to comment on the Publication Draft of the Minerals and Waste Joint Plan. Please find enclosed the representations made on behalf of Tarmac, copies of which have also been submitted by email.

Should you have any queries, please do not hesitate to contact me.

Yours faithfully



NIENKE PENGELLY
Senior Consultant
Direct Line – 01743 342042
E-mail – nienke.pengelly@amecfw.com

Enc. Minerals and Waste Joint Plan Publication Response Forms (x11)

Cc. David Atkinson, Tarmac

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Amec Foster Wheeler Environment
& Infrastructure UK Limited
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Cheshire WA16 8QZ
Registered in England.
No. 2190074



mwjointplan

From: Pengelly, Nienke <Nienke.Pengelly@amecfw.com>
Sent: 20 December 2016 15:27
To: mwjointplan
Cc: Matthew Driver; nienke.pengelly (Entec Forward)
Subject: NY MWJP Publication - Tarmac representations MJP07 revised
Attachments: P039 NY MWJP MJP07 Tarmac Dec2016.pdf

Dear Sir or Madam,

Further to my earlier email below, please find attached an amended response form regarding site allocation MJP07.

Kind regards,

Nienke

Nienke Pengelly

Senior Consultant (Minerals and Waste Planning), Environment & Infrastructure UK Limited, Amec Foster Wheeler
 Canon Court, Abbey Lawn, Abbey Foregate, Shrewsbury SY2 5DE, United Kingdom
 T +44 (0)1743 432000 D +44 (0)1743 342042 M +44 (0)7814 689605
nienke.pengelly@amecfw.com amecfw.com

Please note my workings days are Wednesday to Friday.

From: Pengelly, Nienke
Sent: 20 December 2016 14:56
To: 'mwjointplan' <mwjointplan@northyorks.gov.uk>
Cc: 'David Atkinson' <david.atkinson@tarmac.com>; 'Matthew Driver' <matthew.driver@tarmac.com>;
 'pengn@entecuk.co.uk' <pengn@entecuk.co.uk>
Subject: NY MWJP Publication - Tarmac representations

Dear Sir or Madam,

Please find attached the representations submitted on behalf of Tarmac in response to the consultation on the Publication Draft of the North Yorkshire Minerals and Waste Joint Plan. Hard copies have also been posted to you.

Should you have any queries, please do not hesitate to contact me.

Yours sincerely,

Nienke

Nienke Pengelly

Senior Consultant (Minerals and Waste Planning), Environment & Infrastructure UK Limited, Amec Foster Wheeler
 Canon Court, Abbey Lawn, Abbey Foregate, Shrewsbury SY2 5DE, United Kingdom
 T +44 (0)1743 432000 D +44 (0)1743 342042 M +44 (0)7814 689605
nienke.pengelly@amecfw.com amecfw.com

Please note my workings days are Wednesday to Friday.



mwjointplan

From: Simon Hartley <Simon.Hartley@harrogate.gov.uk>
Sent: 19 December 2016 15:47
To: mwjointplan
Subject: Minerals and Waste Joint Plan

Follow Up Flag: Follow up
Flag Status: Flagged

FAO Rob Smith,

Rob, Just to confirm that Harrogate Borough Council has no comments to make on the Minerals and Waste Joint Plan, Publication Draft, but wishes to be kept informed with regard to the progress of the Plan.

Regards,

Simon

Simon Hartley
Senior Planner
Planning and Development
P.O. Box 787
Harrogate
HG1 9RW

Tel: 01423 556584

Email: simon.hartley@harrogate.gov.uk

Web: www.harrogate.gov.uk

This email is Scanned by **MailMarshal**

Have your say on the Stray - give us your views on whether we should seek to amend legislation to increase the opportunity to hold more and different types of events on the Stray. Let us know your thoughts before Monday 6 Feb 2017 <http://www.harrogate.gov.uk/strayact>

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The Council does not accept service of legal documents by e-mail.

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name: Malcolm	Title: Mr	Initial(s): M D
Surname: Margolis		
Organisation (if applicable): Harrogate District Friends of the Earth		
Address:	18 Rossett Park Road	
	Harrogate	
Post Code: HG2 9NP		
Telephone: 07443450705		
Email: margolis@virginmedia.com		

Agent contact details (if applicable)

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in separate **guidance notes**. **You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.**

A separate **Part B** form **MUST** be produced for each separate representation you wish to make. After this stage, further submissions will only be at the invitation of the inspector who will conduct an Examination in Public of the Joint Plan, based on the matters they identify during the Examination.

All responses should be returned by 5pm on Wednesday 21st December 2016. Please note that representations cannot be received after this deadline.

Responses can be returned by email to: mwjointplan@northyorks.gov.uk or by post using the address below:

Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

Data Protection:

North Yorkshire County Council, the North York Moors National Park Authority and the City of York Council are registered under the Data Protection Act 1998. For the purposes of the Data Protection Act legislation, your contact details and responses will only be retained for the preparation of the Minerals and Waste Joint Plan. Representations made at Publication stage cannot remain anonymous, but details will only be used in relation to the Minerals and Waste Joint Plan. Your response will be made available to view on the website and as part of the examination.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Frack Free Harrogate District
------------------------	-------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	<input type="text" value="M16 M17 M18"/>	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

In response to the final draft of this policy and the (very complex) guidance notes on the scope of the consultation I wish to make the following points on behalf of Frack Free Harrogate District, a voluntary campaigning group.

A **Scope of consultation**

The restrictive character of the consultation (Legal Compliance and Soundness) is unacceptable. Policies M16, 17 and 18, which relate to unconventional oil and gas extraction, and the volume of supporting policy justification, are radically different from the statements in the draft policy (late 2015). This means that the substance of these policies has not been open to due scrutiny. The Council has chosen narrowest interpretation of its duty to consult (under the Town and Country Planning Regulations of 2012).

B **Legal Compliance and Soundness**

The policy, as in M16, 17 and 18, fails to meet these criteria (from the National Planning Policy Framework) in the following ways:

Climate Change: Legally the council is bound to ensure that policies must as a whole mitigate, and adapt to, climate change (Section 19 1a of 2004 Planning Act). The Plan overall fails to meet this requirement. Specifically, in Policy M16, the impacts of extracting and burning fossil fuels, and the consequences of inevitable methane leakage, have been overlooked.

Local Environments and health: The impacts of unconventional gas exploration (which were well rehearsed in the 2015 draft consultation) are not addressed effectively here. There is no justification for this shortcoming. Sufficient reputable, peer-reviewed scientific and case study evidence exists across the world now to demonstrate the risks of Fracking. These include water supply, quality and disposal; drilling accidents and damage to aquifers; public and personal health/wellbeing; visual and landscape degradation; hgv traffic volumes and air quality; light and noise pollution; wildlife; seismic events. Reference is made to these but no overall statement about robust protection – and no framework for action – on behalf of communities exists. The Council has legal duties to stand its ground on such protections and will be found wanting when the inevitable consequences of Fracking start to emerge.

The Precautionary Principle: The Council has duty to avoid undue risks to its communities and environments. It is required in particular to take a precautionary approach to the cumulative effects of its policies. Fracking can only prosper as an industry on a large scale. The Council's policies here appear, generally, to take a singular and

projects, has been carried out. **Nor** will it be permitted where safety, pollution, congestion and impact on communities are compromised.

M17 (Local Economy)

- Fracking will not be permitted where agriculture, business, tourism and cultural assets are jeopardised. Applicants must provide absolute guarantees and plans to protect these

M17 (Local amenity)

- Fracking will not be permitted where the impact on local communities and services could be adverse from air, noise, and light pollution, methane emissions and degraded surface water. A buffer zone equivalent to that imposed on wind turbines, and never less than 750 metres, is required to protect residences, schools, hospitals, clinics, other social services, livestock farms, horticulture nurseries, sensitive wildlife sites etc. With no exceptions.

In summary the Plan as it stands, while identifying many of the safeguards needed, fails to ensure enough binding conditions upon applicants and to assert the precautionary principle. The weakness of this policy stance will encourage the Fracking industry to take risks. It will prevent us achieving our legally binding Climate Change obligations. It will expose our communities to the devastation that Fracking has brought elsewhere. And that will inflict severe reputational damage on the Council.

The people of North Yorkshire deserve and need better.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

I am willing to attend such a session but am uncertain whether this is necessary or what it would involve

mwjointplan

From: Malcolm and Gia <margolis@virginmedia.com>
Sent: 18 December 2016 16:51
To: mwjointplan
Subject: Response to NYCC Waste and Minerals Plan
Attachments: Publication_response_form_part_A1.docx; NYCC Waste Plan 2016
Publication_response_form_part_B1 (1).docx

Dear Sirs,

I am responding on behalf of Harrogate District Friends of the Earth.

Our group fully supports the comments submitted by Frack Free Harrogate District. I attach response form part A and the FFHD submission.

Sincerely

Malcolm Margolis
Co-ordinator, Harrogate District Friends of the Earth
18 Rossett Park Road
Harrogate
HG2 9NP

TITLE	Mr
INITIALS	Gary
SURNAME	Hush
ORGANISATION (if applicable)	Appleton Le Moors Parish Council
ADDRESS	The Forge, Appleton Le Moors
POSTCODE	YO62 6TE
TELEPHONE	01751 417017
EMAIL	appletonparishcouncil@gmail.com

SCOPE OF THE CONSULTATION

- * Parts of the Minerals and Waste Plan (MWJP) seem to have changed considerably in content since the Preferred Options consultation (the previous version Dec. 2015)
- * Much of North Yorkshire is now covered in Petroleum Exploration and Development Licences (PEDLs), which were announced in December 2016.
- * It seems that much of the new policy has been developed in conjunction with the shale gas industry by the wording and parameters included in the MWJP.
- * Much of this content is also brand new policy which has not gone through the required consultation rounds with other representative bodies or the general public.

CLIMATE CHANGE

- * The MWJP does not conform with Section 19(1A) of The Planning and Compulsory Purchase Act (2004), which states that policies as a whole must contribute to the mitigation of, and adaptation to, climate change.
- * Assumptions that shale gas could lead to carbon savings are unsupported, given that test 3 of the CCC report states that "*emissions from shale exploitation will need to be offset by emissions reductions in other areas of the economy to ensure that UK carbon budgets are met.*"
- * The MWJP is therefore unsound to claim that Policy M16 could have any positive impact on the climate budget, as this key condition of the CCC report is a long way from being met.
- * Future applications for hydrocarbons production (including fracking) must be assessed using the following criteria:
 - CO₂ emissions and fugitive methane leaks must be included
 - CO₂ emissions resulting from both production and combustion must be included
 - explanations of how emissions from shale gas production can be accommodated within UK carbon budgets should be included and assessed by the planning authorities.
 - Until Carbon Capture and Storage (CCS) is fully operational, this can not be used in planning applications as a device to mitigate future CO₂ emissions in some notional future
 - any proposed plan must clearly show that it will lead to a *reduction* in climate change in order for it to be approved.

CONSIDERATION OF LOCAL IMPACTS

Landscape and Visual Impact

- * The inclusion in Policy M16 that designated areas such as National Parks, AONBs and SSSIs are protected from fracking on their surfaces is strongly supported.
- * However, the MWJP is currently unsound as it does not take into account the Ryedale Local Plan Strategy, in particular Policy SP13 (Landscapes).
- * The Ryedale Plan is an adopted local plan which has statutory force and has been made in accordance with the requirements of the NPPF. It follows that the draft minerals plan would be unsound if it failed to take proper account of Policy SP13 of the Ryedale Plan.
- * It is also noted that the Areas which Protect the Historic Character and Setting of York are now included as a protected area, presumably because the MWJP was seen to be in conflict with the City Plan, which was also approved by the NYCC. The same consideration must therefore be given to the Ryedale Plan.
- * The Ryedale Plan aims to encourage new development to “reinforce distinctive elements of landscape character” in areas including the Vale of Pickering and the Yorkshire Wolds. These are areas high in landscape value, with Neolithic features that require specific consideration, and which should be protected by Policy M16 in the MWJP.
- * Ryedale Policy SP13 states that developments should contribute to the protection and enhancement of distinctive elements of landscape character, including: “Visually sensitive skylines, hill and valley sides...the ambience of the area, including nocturnal character, level and type of activity and tranquillity, sense of enclosure/exposure.” (p 129 - Ryedale Plan).
- * If fracking were developed in the way described in the MWJP, this would clearly contravene the Ryedale Plan, which was approved and adopted by the NYCC.
- * The landscape impact alone of so many fracking well-sites, and the supporting infrastructure such as pipelines, would clearly have a negative effect on the Vale of Pickering and the Yorkshire Wolds.
- * The MWJP must be developed so that it is complementary to this Local plan, not be in conflict with it. This means that the MWJP is currently unsound.
- * The Vale of Pickering and the Yorkshire Wolds should therefore be included as ‘protected areas’ in Policy M16.

Buffer Zones

The village of Appleton Le Moors is a ancient working village within the National Park, so if fracking was allowed close to the village, noise and light pollution along with increased traffic would have a destructive effect on this beautiful protected area.

- * The inclusion of a 3.5km buffer zone around National Parks and AONBs is supported.
- * Point 5.128 says, “proposals for surface hydrocarbons development within a 3.5km zone around a National Park or AONB should be supported by detailed information assessing the impact of the proposed development on the designated area, including views into and out from the protected area.”
- * While the restrictions in terms of how much fracking developments impact on the landscape are welcomed, there is little detail on what other information would be required by companies, and under what criteria fracking within the 3.5 km buffer zone would be supported.
- * The National Parks and AONBs are protected for a number of reasons, including to conserve biodiversity, provide quiet places for people to relax, and to boost tourism in the region. In short, this should be about more than if the development ‘spoils the view’.
- * Any fracking activity that close to a major protected area could not fail to impact upon the protected area, either by impacting the view, causing excessive traffic around the

borders of the area, causing noise and air pollution, causing light pollution at night - which would affect not only the wildlife in the protected area, but also impact on the clear night skies which are such a draw for visitors - and potential impacts on water courses the serve the protected areas.

- * 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. These areas are protected to preserve their landscape and views, tranquillity, biodiversity and geodiversity and rare species and heritage.
- * Any fracking within 3.5 km (2 miles) of these areas cannot fail to impact upon these qualities. So, in order to be legally compliant with the NPPF, and the relevant Local Plans, the MWJP should therefore simply prohibit fracking in these buffer zones completely.

Noise impacts

Appleton Le Moors is a quiet peaceful area, something that is greatly valued by the people whom live here.

- * Paragraph 5.107 of the MWJP states that the exploratory stage for hydraulic fracturing exploratory drilling (which is a 24-hour process) may take "*considerably longer*" than the 12-25 week timeframe required for conventional hydrocarbons.
- * Drilling of each fracking well will take place 24 hours a day, taking place over a period of weeks at a time. The KM8 well took 100 days to drill, although lower estimates of 60-70 days are now put forward by the industry.
- * Well-pads may have up to 40 or 50 wells on them, which would mean that a 40-well pad would take 6.5 years in continuous drilling alone.
- * Fracking itself is also a noisy activity and again is often conducted 24 hours a day, over a period of weeks.
- * Unconventional gas development for shale gas cannot therefore be considered a 'short term activity' for the purposes of planning law.
- * Paragraph 144 of the NPPF states that when considering new minerals development, local authorities should: "*ensure unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties*".
- * Fracking exploration is, by the MWJP's own definition, a medium term activity at best, and therefore the policy from the NPPF above must apply.
- * 24 hour drilling from exploration stages will lead to night-time noise levels far higher than those allowed for other types of development (such as wind turbines).
- * The noise levels in many rural parts of North Yorkshire are very low, particularly at night, and so the impact of night-time noise from drilling and fracking will be very noticeable.
- * It is therefore essential that the MWJP must set clear policy to curb noise emissions for nearby residents, as part of its statutory duty to protect local public health.
- * A setback distance of 750m would help to reduce the noise impact from drilling and fracking.
- * Furthermore, there should therefore be no exceptions allowed for fracking within the proposed residential buffer zone, as this would contravene the guidelines in the NPPF.
- * The caveat that fracking within the buffer zone would be allowed 'in exceptional circumstances' is therefore legally unsound and should be removed.
- * A Health Impact Assessment should be required for all fracking operations, to establish current air quality and noise levels, and what might be acceptable depending on the distance the fracking well-site is from the nearest home.

Air quality impacts

This area (Rydale and Scarborough CCG) suffers from health inequalities, air and noise pollution would make this worse.

- * There is now clear evidence that the air quality impacts from fracking have been shown to pose risks to health.
- A number of chemicals routinely released during fracking, such as benzene, are known carcinogens. <http://www.ucdenver.edu/about/newsroom/newsreleases/Pages/health-impacts-of-fracking-emissions.aspx>
- Note that these are not chemicals that are injected into the ground as part of the fracking process, but are released from the ground as a consequence of fracking (and therefore cannot be controlled by the producer, or regulated by the Environment Agency).
- * Fumes from the drilling process can also cause fine diesel soot particles, which can penetrate lungs and cause severe health risks.
- * Planning Practice Guidance states, *"It is important that the potential impact of new development on air quality is taken into account in planning where the national assessment indicates that relevant limits have been exceeded or are near the limit"*.
- * Paragraph 109 of the NPPF states that the planning system should prevent *"... both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability;"*¹
- * There is therefore a clear legal requirement for the MWJP to consider air pollution when developing planning policy.
- * The proposal to include setback distances for what is termed 'sensitive receptors' is welcomed. The MWJP's definition of 'sensitive receptors' includes residential institutions, such as residential care homes, children's homes, social services homes, hospitals and non-residential institutions such as schools.
- * However, the setback distance of 500m appears to be rather arbitrary, and no reason is given for choosing this distance. There is no evidence that this setback distance is safe for residents, either in terms of air quality or other negative aspects of fracking production.
- * Experiences of residents in the USA show that a setback distance of 500m is not sufficient, and research in Colorado has resulted in a proposal for setback distances from fracking well sites to be extended to 750m from any place where people live. [https://ballotpedia.org/Colorado_Mandatory_Setback_from_Oil_and_Gas_Development_Amendment_\(2016\)](https://ballotpedia.org/Colorado_Mandatory_Setback_from_Oil_and_Gas_Development_Amendment_(2016))
- * The recommendation is therefore that the setback distance from 'sensitive receptors' should be a **minimum** of 750m to ensure that the negative health impacts of fracking, including air quality, are reduced.
- * There is a strong argument that setback distances from places which house vulnerable people, such as schools, residential homes and hospitals, should be increased to 1km.
- * Note that this is still less than the setback distance recommended by Kevin Hollinrake MP, who is pro fracking, on his return from his 'fact-finding' mission in the USA, when he recommended a minimum setback distance of 1 mile from schools.
- * Baseline Health Impact assessments should be undertaken prior to any work being carried out, to ascertain the impact of fracking on human health.

Biodiversity impacts

- * Given that SSSIs are sensitive nationally protected areas, often containing rare and protected species, this is a contradictory and unsound approach. This clause should therefore be removed.
- * Noise is a particular danger for resident and migrating birds, and nocturnal creatures

such as bats. Not enough consideration has been given to the impact of noise from fracking well-sites situated near a designated protected area such as an SSSI.

- * As many SSSIs are relatively small in area, the noise, light and air pollution from a fracking well-site close by could have a devastating impact on wildlife populations, even if they are just outside the borders of the protected area.
- * The MWJP includes a 3.5 km 'buffer zone' around National Parks and AONBs, so that the impact of fracking on the boundaries of these protected areas is reduced.
- * The same consideration should be extended to SSSIs, so that fracking wells are not allowed to be established near the boundaries of these highly sensitive and nationally protected areas.
- * In non-designated areas, the current policy wording should be more explicit in its requirements to demonstrate that significant effects to biodiversity and habitat impacts will not result.

Water impacts

- * The impacts of fracking on water are well known, and there are multiple instances of water being contaminated by the fracking process, either from spills on the ground or under-surface contamination.
- * It is therefore the Planning authorities' legal duty to ensure that water contamination will not occur in North Yorkshire. .
- * The British Geological Survey has previously highlighted the risks that fracking can contaminate water. saying, *“Groundwater may be potentially contaminated by extraction of shale gas both from the constituents of shale gas itself, from the formulation and deep injection of water containing a cocktail of additives used for hydraulic fracturing and from flowback water which may have a high content of saline formation water.”* <http://nora.nerc.ac.uk/16467/>
- * The British Geological Survey is also not confident that current methods to monitor groundwater pollution are adequate, due to the depth that fracking takes place, the volumes of water required to frack, and the uncertainty regarding how much water returns to the surface: *“The existing frameworks and supporting risk-based tools provide a basis for regulating the industry but there is limited experience of their suitability for large scale on-shore activities that exploit the deep sub-surface. The tools for assessing risks may not be adequate as many have been designed to consider the risks from surface activities.”*
- In order to be legally sound, the policy therefore needs to be reworded so that fracking companies must have to demonstrate beyond scientific doubt that there would be no impact on the water supply.

Highways and traffic impacts

Appleton Le Moors has one road through it to gain access to the A170. When repairs closed this road earlier this year the village faced a 15-20min detour and a great deal of disruption.

- * Fracking is very likely to cause a large increase in traffic movements, as trucks bring water, chemicals and sand to the well-site, and to remove contaminated waste water (often containing Naturally Occurring Radioactive Material), solid waste, and possibly gas if there is no nearby pipeline.
- * It has been estimated that each individual borehole will require between 2,000 and 7,000 truck movements, and there are plans for up to 40 or 50 wells per fracking site.
- * The rural road network in Yorkshire is ill-suited to deal with this exponential increase in traffic.
- * Paragraph 144 of the NPPF states that local authorities should ensure that there: *“are no*

unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites”.

- * There appears to be little in the MWJP to guarantee the safety of other users of the road network, including non-vehicle users (cyclists, walkers, people on horseback, etc.). This must be included in the Plan.
- * The huge increase in HGV traffic will also adversely affect the air quality along the designated routes, particularly if they pass ‘sensitive receptors’ such as schools, hospitals and old people’s homes.
- * The MWJP is therefore unsound as it does not adequately include restrictions to prohibit fracking HGV traffic from impacting on the air quality on these receptors. Policy M17 therefore needs to be amended to include these concerns and if necessary, impose restrictions.
- * This would ensure compliance with concerns of Public Health England, which has been raising this issue with minerals applications in other parts of the UK.

Cumulative impact

- * One of the biggest concerns regarding fracking is that the industry will require thousands of wells in the next twenty years to be financially viable. Most fracking wells are unprofitable after the first year, and 84% are unprofitable after 3 years. Therefore fracking companies will need to continually drill more wells, and establish more well sites, just to survive. This endless proliferation is the aspect of fracking that raises fears of the industrialisation of the countryside in Yorkshire, and is one of residents’ greatest concerns.
- * The cumulative impact of fracking wells could have very damaging impacts on the road network, biodiversity, climate change, water use, water contamination, air pollution, noise and light pollution, soil contamination, human health and traditional rural industries such as agriculture and tourism.
- * The MWJP suggests that an ‘acceptable’ cumulative impact can be achieved by a density of 10 well-pads per 10x10 km² PEDL licence block. It is noted that each well-pad can contain as many as 40 or 50 individual wells, by the industry’s own admission, meaning that a 10x10 km² PEDL licence block could contain up to 500 fracking wells.
- * Bearing in mind that each well requires 60-100 hours drilling, many more hours fracking, produces millions of gallons of waste water, generates thousands of HGV truck movements, generates toxic air pollution near the site and many other impacts such as noise and light pollution, the proposed density would be condemning people who live in this area to a lifetime of noise, traffic problems, health issues and stress.
- * Furthermore, there is no guidance given on the separation distance between each well-site. Kevin Hollinrake MP suggested that these should be at least six miles apart, which would be incompatible with the current plan of 10 well-pads per PEDL licence block.
- * However, the lack of any separation distance in the MWJP is a significant failing in terms of soundness, and a minimum separation distance of at least 3 miles should be included in the plan. This would avoid all the allowed well-sites in one PEDL licence area to be ‘bunched up’ in one place, causing unacceptable impact for the local community.
- * Furthermore, the MWJP says *“For PEDLs located within the Green Belt or where a relatively high concentration of other land use constraints exist, including significant access constraints, a lower density may be appropriate.* This should be amended to ‘will be appropriate’, as otherwise operators may still be allowed to have 10 well-pads located in a much smaller surface area.
- * There is also an absence of transport impacts relating to this density of well sites, particularly in terms of how this is monitored, which needs to be addressed.

The Precautionary Principle

- * To abide by legal guidelines, the precautionary principle should be applied to the issue of cumulative impact. The precautionary principle is a means of restricting development where there is a lack of scientific evidence to demonstrate that significant effects would not otherwise occur.
- * Planning practice guidance also refers to the precautionary principle in relation to Environmental Impact Assessment (EIA): *“the local planning authority must have regard to the amount of information available, the precautionary principle and the degree of uncertainty in relation to the environmental impact.”*
- * The precautionary principle is also reflected in the NPPF, saying, *“Ensuring policy is developed and implemented on the basis of strong scientific evidence, whilst taking into account scientific uncertainty (through the precautionary principle) as well as public attitudes and values.”*
- * In order to comply with current legislation (see above), the precautionary principle should be included in the MWJP, so that new developments are not permitted unless it can be proved that there will be no unacceptable cumulative effects.
- * The MWJP should therefore be amended so that an Environmental Impact Assessment should always be required to assess the potential cumulative effects from an additional fracking development and ensure that in determining planning applications, final decisions are based on a scientific certainty that all potential issues can be overcome.

Waste management and re-injection wells

- * Paragraph 5.156 states incorrectly, with reference to re-injecting waste water from fracking, that *“A specific issue sometimes associated with this form of development is the potential for re-injected water to act as a trigger for the activation of geological fault movements, potentially leading to very small scale induced seismic activity”*.
- * The assumption that any seismic activity resulting from re-injection of waste water from fracking operations is ‘small scale’ is incorrect, and drastically underestimates the damage that fracking waste water re-injection wells are causing elsewhere, particularly in the USA.
- * A recent earthquake in Oklahoma registered at 5.7 on the Richter Scale. and was felt from Texas to Illinois. This resulted in the state regulator shutting down 37 waste-water re-injection wells.
<https://www.bloomberg.com/news/articles/2016-09-04/oklahoma-quake-matches-record-even-as-fracking-waste-restricted>
- * These earthquakes, and many others like it, are not ‘very small scale induced seismic activity’, as described in Paragraph 5.156. They have caused serious structural damage to roads, buildings and water supplies, and the impact on the underlying geology has not been fully assessed.
- * The threat to North Yorkshire may be even more severe if fracking waste water was allowed to be re-injected at the scale required for the fracking industry to expand, due to the much more faulted geology of the area.
- * The MWJP therefore has a statutory duty to invoke the precautionary principle regarding re-injecting fracking waste fluid in North Yorkshire, and ensure that re-injection is not permitted until it can be proved beyond doubt that this process can be conducted safely.

mwjointplan@northyorks.gov.uk

mwjointplan

From: Ian Berry <appletonparishcouncil@gmail.com>
Sent: 14 December 2016 21:57
To: mwjointplan
Subject: Mineral joint plan
Attachments: MINERAL-AND-WASTE-JOINT-PLAN-CONSULTATION-GUIDELINES.pdf

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APPLETON LE MOORS PARISH COUNCIL

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Chair: **Gary Hush** | appletonparishcouncil@gmail.com |

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Sarah Houlston
Chair, Great and Little Barugh
Parish Council
Northfields Farm
Great Barugh
Malton
YO17 6XF

The Planning Officers
Planning Services
County Hall
Racecourse Lane
Northallerton
DL7 8AH

15/12/16

Dear Sirs

Joint Minerals and Waste Plan Publication Draft Response

Further to our consultation submission of the 15th January 2016 Great and Little Barugh Parish Council wish to express concern and raise questions regarding areas included in our initial response. As a Parish directly affected by the recently approved application to hydraulically fracture, we are concerned on many levels.

Since the release of the preferred options consultation, there have been key changes. The first being the amendments to the Infrastructure Act, secondly the government ratifying the Paris Agreement on Climate Change and the release of the new PEDL licences which now encompass the entirety of the Vale of Pickering, Wolds and foot of the North Yorkshire Moors and lastly some of the Policies included in the documentation have not been through the consultation stage. We feel for a plan that will take effect until 2030, further consultation should be obtained. It is a complex document that affects a wide population.

Firstly, our previous comments regarding the visual impact on the Vale of Pickering do appear to have been ignored. Policy SP13 of the Ryedale Local Plan does not appear to have been taken into account and we believe this must be a material consideration. This particular policy relates to the protection of landscape character for future development. Large scale development for Shale Gas Exploration within the Vale of Pickering would most certainly contravene Policy SP13. The Vale of Pickering and Wolds should be protected from large scale development not exploited, for these reasons we feel the plan in its current form to be unsound as it conflicts with the Ryedale Local Plan. We feel that the Vale Of Pickering and Yorkshire Wolds under Policy M16 (b) (i) should be included as one of the areas where hydraulic fracturing would not be permitted.

Secondly, we are very concerned about Buffer Zones and permitted distances from residences/properties. The 3.5km zone from National Parks and AONB's is supported however we fail to see how even at 3.5km (2 miles) buffer zone will not impact the protected areas, particularly as the companies will be allowed to drill underneath the protected area and there will be industrial complexes at the edge of National Parks and AONB's. There would be additional noise, traffic movements, light pollution, and the potential pollution of water and air. Again the negative impact on the landscape should be taken into account in accordance with Policy SP13 of the Ryedale Local Plan. Therefore in order to legally comply with the National Planning Policy Framework, and the relevant Local Plans, the MWJP should simply prohibit hydraulic fracturing in these buffer zones.

The cumulative impact of unconventional exploration should be a serious consideration. Policy M17, paragraph 5.137 sets the density in broad terms as 10 production sites every 100 square kilometres PEDL licence block. It is noted that each well-pad can contain as many as 40-50 individual wells. Therefore a 100 square kilometres (6.6 x 6.6 miles) PEDL licence block could contain up to 500 fracking wells. Kevin Hollinrake MP suggested that these production sites should be at least 6 miles apart, which would be incompatible with the current plan of 10 well pads per 10x10 km square PEDL licence area. The lack of separation distance between well sites is a significant failing in terms of soundness, and a minimum separation distance of at least 3 miles should be included in the plan. There is also an absence of transport impacts relating to this density of well sites, particularly in terms of how it is monitored. Within our Parish there are narrow country roads with passing places, we cannot imagine how the road network could cope with the high volumes of HGV movements needed. It has been estimated that each borehole will require between 2000 and 7000 truck movements.

There appears to be little in the MWJP to guarantee the safety of other road users, including cyclists, walkers and people on horseback. These must be added to the plan. The MWJP also fails to adequately include restrictions to prohibit fracking HGV traffic from impacting on the air quality of 'sensitive receptors', such as schools, hospitals and old people's homes. Public Health England have been raising air quality concerns with minerals applications in other parts of the UK.

Our Parish is in a rural location and enjoys very low noise levels, particularly at night. Paragraph 5.107 of the plan states that the exploratory stage for hydraulic fracturing exploratory drilling, a 24 hour process, may take considerably longer than the 12-25 week timeframe required for conventional drilling. The well at KM8 took 100 days to drill, although new estimates put forward by the industry state 60-70 days. Therefore if a well pad had 40 wells it would take 6.5 years of continuous drilling. Shale gas extraction can therefore not be considered a short term activity for the purpose of planning law. Paragraph 144 of the NPPF states that when considering new mineral developments, local authorities should, "ensure unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties". Fracking exploration is, by the MWJP's own definition, a medium term activity at best, and therefore paragraph 144 of the NPPF must apply.

Our Parish Council welcomes the proposal of setback distances for 'sensitive receptors'. However we feel that the setback distance of 500m is not enough and no reason is given for choosing this distance. There is no evidence that this setback distance is safe for residents. We would like to see a recommendation of a 750m setback distance which is still less than the setback distance recommended by Kevin Hollinrake MP on his return from his fact finding mission in the USA, when he called for a setback distance of 1 mile from schools. We would also like to see baseline health impact assessments undertaken before any work is carried out, something that to date has been ignored.

The British Geological Survey states that, "Groundwater may be potentially contaminated by extraction of shale gas both from the constituents of shale gas itself, from the formulation and deep injection of water containing a cocktail of additives used for hydraulic fracturing and from flowback water which may have a high content of saline formation water". The BGS are not confident that current methods to monitor groundwater pollution are adequate, due to the depth that fracking takes place, the volumes of water required to frack and the uncertainty regarding how much water returns to the surface. We therefore ask that the MWJP should incorporate the precautionary principle, which would mean that unless the fracking company can demonstrate beyond scientific doubt that there would be no impact on the water supply fracking should not be allowed to go ahead.

Great and Little Barugh Parish Council object to the draft minerals plan in its current form for the reasons set out above.

The Parish Council gives notice of its intention to be represented at the Oral Examination.

Yours faithfully

Sarah Houlston

Chair, Great and Little Barugh Parish Council.

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title: MR	Initial(s): C.H.
Surname: STRATTON		
Organisation (if applicable): South Hambleton Shale Gas Advisory Group, Also representing Coxwold ,Crayke and Husthwaite Parish Councils , Oulston Parish Meeting & Helmsley Town Council		
Address:	Bank Farm	
	Oulston	
	York	
Post Code: YO61 3 RA		
Telephone: 01347 868854		
Email: chstratton50@gmail.com		

Agent contact details (if applicable)

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in separate guidance notes. You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.

A separate Part B form **MUST** be produced for each separate representation you wish to make. After this stage, further submissions will only be at the invitation of the inspector who will conduct an Examination in Public of the Joint Plan, based on the matters they identify during the Examination.

All responses should be returned by 5pm on Wednesday 21st December 2016. Please note that representations cannot be received after this deadline.

Responses can be returned by email to: mwjointplan@northyorks.gov.uk or by post using the address below:

Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	SHSGAG. With Coxwold, Crayke, and Hustwaite PCs, Oulston Parish Meeting & Helmsley Town Council
------------------------	-------------------------------------------------------------------------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	D06	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to attached Critique Paragraph 3 (b) & (d)

(b) *It is obviously desirable, indeed essential, to eliminate small inconsistencies and ambiguities.*

(d) *Words such as "inappropriate" and "unacceptable" are imprecise and subjective. They are therefore capable of ambiguous interpretation and application. As may be seen in the next paragraph, far preferable and objective are "effective" and "adverse".*

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [REDACTED]	Date: 17 th December 2016
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Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	SHSGAG. With Coxwold, Crayke, and Husthwaite PCs, Oulston Parish Meeting & Helmsley Town Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M16	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="text"/>	No	<input checked="" type="text"/>
2.(2) Sound	Yes	<input type="text"/>	No	<input checked="" type="text"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Justified</i>	Yes	<input type="text"/>	No	<input type="text"/>
<i>Effective</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Consistent with National Policy</i>	Yes	<input type="text"/>	No	<input checked="" type="text"/>

2 (3) Complies with the Duty to co-operate	Yes	x	<input type="text"/>	No	<input type="text"/>
--------------------------------------------	-----	---	----------------------	----	----------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to the attached Critique Para 3 (a) & (c)

- (a) In line with the NPPFs presumption in favour of development it is appreciated why so many of the draft policies begin "will be permitted" but then reservations need invariably to follow the word "unless" or "only".
- (c) **Buffer zones.** We welcome the inclusion of buffer zones to safeguard National Parks and AONBs and strongly support the proposed distance of 3.5km. However a significant discrepancy presently exists between Policy M16 b) (i) and d) (i). As drafted, in b) (i) an absolute prohibition is proposed against all surface development involving hydraulic fracturing in National Parks, AONBs.....Fountains Abbey/Studley Royal World Heritage Site and accompanying buffer zone etc. ; yet in d) (i) all kinds of surface development is anticipated within a National Park or an AONB or associated 3.5km buffer zone with the requirement only of a detailed assessment supporting any application, and permission forthcoming where acceptable harm arises. We

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please refer to the attached Critique

Paragraphs 4 Proposed Amendments 1, 2 &3

1. *Page 84 Policy M16, b) (i), lines 4 and 5: for "and accompanying zone" substitute "(each with accompanying zones of 3.5km)."*
2. *Page 84 Policy M16 d): delete para (i) entirely but retain para (ii) but without its number.*
3. *Page 87, para 5.125, line 1: for "appropriate" substitute "effective".*

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :

SHSGAG. With Coxwold, Crayke, and Hustwaite PCs, Oulston
Parish Meeting & Helmsley Town Council

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site
Allocation Reference No.

Policy No.

M17

Policies Map

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant

Yes

No

2.(2) Sound

Yes

No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared

Yes

No

Justified

Yes

No

Effective

Yes

No

Consistent with National Policy

Yes

No

2 (3) Complies with the
Duty to co-operate

Yes

No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to attached Critique

Paragraph 3 (d),(e), and (f)

- (d) *Words such as "inappropriate" and "unacceptable" are imprecise and subjective. They are therefore capable of ambiguous interpretation and application. As may be seen in the next paragraph, far preferable and objective are "effective" and "adverse".*
- (e) ***Vehicular access.** While "direct" access to a well pad from a classified A or B road is clearly understood, "indirect access" is capable of a variety of meanings including the use of classified C or even unclassified roads, the use of which by a large number of tankers and other plant and machinery would be highly undesirable. If there must be indirect access we suggest it should be contained within 1km of any A or B road. In addition we strongly support the requirement for a Traffic Management Plan to be included in any planning application*
- (f) ***Separation from habitation.** A general distance rule of 500m ignores the different heights from which development or activity may be seen, and while a 2 ha well pad of 10 drilling masts, properly screened,*

3018

surface hydrocarbon development, particularly those involving hydraulic fracturing, will not be permitted between within 500m of one or two isolated residential buildings and other sensitive receptors or 1.5km of any residential settlement of 3 or more dwellings at the same or similar height above sea level or 3km where such settlement overlooks such activity from a height of 50m or more, the effective distance then being assessed in each case by the Local Planning Authority to take into account topographical variation“.

9. Page 91 para 5.131 line 15: for “and businesses” substitute “businesses or the environment.”
10. Page 92 para 5.136 line 9: Add “Landscape Character Assessments and Capacity Studies will be of positive help in this respect, when the extent of the resource is better known, to determine the capacity of any given area to accommodate further drilling sites. The MPA will produce Supplementary Planning Guidance to this effect.”
11. Page 94 para 5.146 line 19: between “reasonable” and “distance” insert “minimum” and (line 23) between “perceived impact.” and “For the purpose” insert “While the ‘protected building’ principle is applicable in this context the nature and extent of activity together with the particular nature of the county’s terrain and the dispersed nature of its settlements demand a discrete approach. Thus nearby activity may be acceptable in some isolated or relatively isolated situations on the same or similar level where effective screening is possible, but the same may not be acceptable when viewed from a greater distance and from a greater height. Accordingly a sliding scale of separation distance is needed commensurate with elevation.”

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	SHSGAG. With Coxwold, Crayke, and Husthwaite PCs, Oulston Parish Meeting & Helmsley Town Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M18	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to attached Critique Paragraph 3 (g)

(g) **Financial Security.** To ensure the satisfactory restoration of any drilling or extraction site to its previous state requires a much greater degree of financial security than that which a commercial energy company, or group of companies could provide by simple guarantee. Either a bond lodged with the MPA, commensurate with each permitted activity or a 3rd party guarantee by a UK registered bank or insurer of equal standing is needed.

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To amplify the above

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature:

[REDACTED]

Date: 17th December 2016

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	SHSGAG. With Coxwold, Crayke, and Hushwaite PCs, Oulston Parish Meeting & Helmsley Town Council
------------------------	-------------------------------------------------------------------------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M19	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to attached Critique Paragraph 3(b) and (d)

3(b) *It is obviously desirable, indeed essential, to eliminate small inconsistencies and ambiguities.*

3(d) *Words such as "inappropriate" and "unacceptable" are imprecise and subjective. They are therefore capable of ambiguous interpretation and application. As may be seen in the next paragraph, far preferable and objective are "effective" and "adverse".*

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [REDACTED]	Date: 17 th December 2016
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**CRITIQUE OF NORTH YORKSHIRE COUNTY COUNCIL'S
MINERALS AND WASTE JOINT PLAN (OCTOBER 2016)
BY SOUTH HAMBLETON SHALE GAS ADVISORY GROUP**

1. Introduction

The South Hambleton Shale Gas Advisory Group comprises technical and professional disciplines. It is non-partisan, and over the past 12 months and more has sought to inform ourselves, the public and local parish councils on shale gas exploration and extraction. We offer this critique by way of constructive criticism, confining ourselves to the legal and procedural compliance or soundness of the final draft plan, including its conformity and the duty to cooperate. We are keen to ensure the final plan will be sufficiently robust and of such clarity as to withstand the scrutiny and challenges it will face at the Examination in Public and subsequent planning appeals. This paper is drafted by a professional planner and a lawyer, each with long and extensive experience in our respective fields, having advised and acted for and against Government and planning authorities over many years.

2. General Comment

It must be said at the outset that since the initial consultative draft Minerals and Waste Joint Plan was published a great deal of thought and detailed work have gone into the preparation of the draft plan now in final consultation. The overall strategy of general principles covering all aspects of minerals and waste in North Yorkshire, leading to their specific application, is a matter for congratulation. Although this critique is concerned solely with shale gas we must observe that such an integrated approach serves only to strengthen the particular aspects upon which it then focuses. We fully endorse the great body of principle and criteria, following both those principles set out in the National Planning Policy Framework document and the fundamental needs of the county. En passant, it is both gratifying and encouraging to note the extent to which the consultee responses to the original document have been recognized and imported into the joint plan now under consideration. Save therefore for a very few substantive matters of detail, this paper seeks to clarify and thereby strengthen some of the language employed in the Joint Plan. We would add, however, that as hinted at

in the present draft Joint Plan (e.g. para. 5.136) Supplementary Planning Guidance will probably be needed to deal with, for example, Landscape Character Assessments when the extent of the shale gas resource is better known. That would determine the capacity of each given area to accommodate further drilling sites. We note that Hambleton District Council have recently produced (May 2016) an LCA which would be an excellent basis for such a capacity study. Likewise it may be both prudent and beneficial to the community at large, as well of advantage to energy companies, for such further Guidance to include Preferred Sites, as the Joint Plan presently provides with regard to other resources such as gravel.

3. General Points

This paragraph contains the argument for and justification of the changes to the draft Joint Plan which we propose. To avoid repetition we discuss the different points with which we take issue or make suggestion, and where they recur in the Joint Plan deal with them compendiously. In the following paragraph we list with page, Policy, paragraph and line reference the specific amendments which then arise.

- (a) In line with the NPPF's presumption in favour of development it is appreciated why so many of the draft Policies begin "will be permitted" but then reservations need invariably to follow the word "unless" or "only".
- (b) It is obviously desirable, indeed essential, to eliminate small inconsistencies and ambiguities.
- (c) **Buffer zones.** We welcome the inclusion of buffer zones to safeguard National Parks and AONBs and strongly support the proposed distance of 3.5km. However a significant discrepancy presently exists between Policy M16 b) (i) and d) (i). As drafted, in b) (i) an absolute prohibition is proposed against all surface development involving hydraulic fracturing in National Parks, AONBs.....Fountains Abbey/Studley Royal World Heritage Site and accompanying buffer zone etc. ; yet in d) (i) all kinds of surface development is anticipated within a National Park or an AONB or associated 3.5km buffer zone with the requirement only of a detailed assessment supporting any application, and

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permission forthcoming where acceptable harm arises. We strongly advocate the absolute prohibition in b) (i) for a National Park or AONB together with a 3.5km buffer zone. There seems little if any difference between the justification for a buffer zone for the World Heritage Site and the needs of a National Park or AONB. The National Trust/English Heritage submission (February 2012) relied upon visual setting, integrity and views and vistas. The Harrogate District Local Plan (May 2013) added the need to increase certainty in managing change. These criteria apply with equal force to our National Park and AONB.

But if, and only if that is unacceptable to Government we submit, as a fall-back position, for the same reasons which justify the World Heritage Site which is in neither a National Park nor AONB there should be at least some absolute prohibition of surface development which involves hydraulic fracturing within a National Park, AONBs with a lesser buffer zone of, say, 1.5km, with the other provisions contained in d) (i) applying to a wider zone of 3.5km, and a strengthening of its wording by substituting 'significant' for "unacceptable" harm.

As currently drafted we do not consider that M16(d) (i) to be compliant with the absolute prohibition of surface unconventional shale gas development in National Parks and AONBs provided for by section 50 of the Infrastructure Act 2015. Therefore we do not regard the Mineral and Waste Joint plan as being legally compliant.

- (d) Words such as "inappropriate" and "unacceptable" are imprecise and subjective. They are therefore capable of ambiguous interpretation and application. As may be seen in the next paragraph, far preferable and objective are "effective" and "adverse".
- (e) **Vehicular access.** While "direct" access to a well pad from a classified A or B road is clearly understood, "indirect access" is capable of a variety of meanings including the use of classified C or even unclassified roads, the use of which by a large number of tankers and other plant and machinery would be highly undesirable. If there must be indirect access we suggest it should be contained within 1km of any A or B road. In addition we strongly support the requirement for a Traffic Management

Plan to be included in any planning application.

- (f) **Separation from habitation.** A general distance rule of 500m ignores the different heights from which development or activity may be seen, and while a 2 ha well pad of 10 drilling masts, properly screened, may be acceptable to the occupier of an isolated farmhouse on whose land the activity occurs, it would not be so to the inhabitants of a village of 300 people whose homes enjoy extensive views from a height of 100m or more above the same activity, such as those with distant views over the Vales of York and Mowbray from settlements on the South and West flanks of the Howardian and Hambleton Hills respectively. We suggest that 500m should be stated as a minimum, the effective distance then being assessed in each case by the Local Planning Authority so that topographical variation can be taken into account.
- (g) **Financial Security.** To ensure the satisfactory restoration of any drilling or extraction site to its previous state requires a much greater degree of financial security than that which a commercial energy company, or group of companies could provide by simple guarantee. Either a bond lodged with the MPA, commensurate with each permitted activity or a 3rd party guarantee by a UK registered bank or insurer of equal standing is needed.

4. Proposed Amendments

1. *Page 84 Policy M16, b) (i), lines 4 and 5:* for “and accompanying zone” substitute “(each with accompanying zones of 3.5km).”
2. *Page 84 Policy M16 d):* delete para (i) entirely but retain para (ii) but without its number.
3. *Page 87, para 5.125, line 1:* for “appropriate” substitute “effective”.
4. *Page 88 Policy M17 1) i) line 2:* delete “or indirect” and for “and” substitute “and only”.

5. *Page 89 Policy M17 2) i) line 2:* for “unacceptable” substitute “an adverse”.
6. *Page 90 Policy M17 4) i) line 2:* for “unacceptable” substitute “an adverse”.
7. *Page 90 Policy M17 4) i) line 3:* for “Adequate separation distances should” substitute “ Adequate separation distances, including those specified below, must”.
8. *Page 90 Policy M17 4) i) lines 8 – 12:* delete the last sentence beginning “Proposals for surface hydrocarbon” and substitute “ Proposals for surface hydrocarbon development, particularly those involving hydraulic fracturing, will not be permitted between within 500m of one or two isolated residential buildings and other sensitive receptors or 1.5km of any residential settlement of 3 or more dwellings at the same or similar height above sea level or 3km where such settlement overlooks such activity from a height of 50m or more, the effective distance then being assessed in each case by the Local Planning Authority to take into account topographical variation”.
9. *Page 91 para 5.131 line 15:* for “and businesses” substitute “businesses or the environment.”
10. *Page 92 para 5.136 line 9:* Add “Landscape Character Assessments and Capacity Studies will be of positive help in this respect, when the extent of the resource is better known, to determine the capacity of any given area to accommodate further drilling sites. The MPA will produce Supplementary Planning Guidance to this effect.”
11. *Page 94 para 5.146 line 19:* between “reasonable” and “distance” insert “minimum” and *(line 23)* between “perceived impact.” and “For the purpose” insert “While the ‘protected building’ principle is applicable in this context the nature and extent of activity together with the particular nature of the county’s terrain and the dispersed nature of its settlements demand a

discrete approach. Thus nearby activity may be acceptable in some isolated or relatively isolated situations on the same or similar level where effective screening is possible, but the same may not be acceptable when viewed from a greater distance and from a greater height. Accordingly a sliding scale of separation distance is needed commensurate with elevation."

12. *Page 95 and 96 Policy M18 1) Waste Management and reinjection wells i) line 1 and 2) Decommissioning and restoration line 2:* after "permitted" insert "only".
13. *Page 96 Policy M18 2) iii) line 2:* for "may" substitute "will" and after "guarantee" insert "including that of a 3rd party approved by the MPA such as a UK registered bank or insurer of similar standing."
14. *Page 98 Policy M19 ii):* for "unacceptable" substitute "adverse".
15. *Page 170 Policy D06 1) line 3, 2) line 4 and 3) line 3:* for "unacceptable" substitute "adverse".

5. Conclusion

The precise wording of these proposals are by way only of suggestion but we hope that the sense and purpose of each is clear. Should they find favour with the Authorities the Group which we represent would give full hearted support at the Examination in Public.

Christopher Stratton OBE, DipLA, FLI, MRTPI

Peter Fox QC, LLD

**For and on behalf of the SHSGAG,
also endorsed and adopted by the following Local Councils:**

**Coxwold
Crayke
Hustwaite
Oulston Parish Meeting
Helmsley Town Council**

December 2016

mwjointplan

From: Chris Stratton <chstratton50@gmail.com>
Sent: 21 December 2016 10:23
To: mwjointplan
Subject: NYCC Mineral and Waste Joint Plan _response by South Hambleton Shale Gas Advisory Group FAO James Whiteley
Attachments: Letter NYCC .pdf; Response Form Part A .pdf; Response Form Part B D06.pdf; Response Form Part B M16. docx.pdf; Response Form Part B M17.pdf; Response Form Part B M18.pdf; Response Form Part B M19.pdf; CRITIQUE OF NORTH YORKSHIRE COUNTY COUNCIL'S.pdf

Dear Sirs,

I refer to the hard copies of our response which I handed to James Whiteley at County Hall yesterday afternoon As agreed I now attach pdf digital copies of all the documents, namely:

- The covering letter
- Form A
- Forms B (5no)
- Our Critique

There is one important difference to note between the hard copies I deposited with you yesterday and the digital submission today.

Last night we learnt that Helmsley Town Council had endorsed and adopted this submission, so we have added their name to all the forms A&B and the critique.

There are no other changes.

If you have any queries that it would be helpful to discuss as you process the documentation for the EIP please contact me.

I would be grateful if you could acknowledge receipt of this email.

Yours faithfully

Christopher Stratton

Chairman
 South Hambleton Shale Gas Advisory Group

BANK FARM
OULSTON
NORTH YORKSHIRE
YO6 13RA

TEL: 01347 868854
E mail: chstratton50@gmail.com

Dec 21st 2016

Dear Sirs,
North Yorkshire Minerals and Waste Joint Plan 2016 - Publication Stage Response

I attach the response in digitised format that has been prepared by the South Hambleton Shale Gas Advisory Group on behalf of Hushwaite, Crayke, Coxwold parish councils, Oulston Parish Meeting and Helmsley Town Council.

Please note that since I submitted hard copies of Forms A&B to County Hall yesterday, Helmsley Town Council have discussed and adopted the SHSGAG response so are added to the list above.

In order to comply as far as possible with your request that we use your forms A & B. we have completed Five B forms which deal, with those specific points of policy that we wish to bring to the EIP.

Other points of amendment which arise from the justification and explanatory paras of the plan are also contained in a Critique which is attached. This document also explains who we are, and deals with general points. It also sets out our qualified support for the Oct 2016 version of the plan.

We hope that you will find merit in our suggestions and indicate your support prior to the EIP for we would like to be able to attend the hearing and lend our support to an amended Joint Mineral and Waste Plan.

Yours faithfully

Christopher Stratton
Chairman
South Hambleton Shale Gas Advisory Group

Mineral Planning Team
North Yorkshire County Council
County Hall
Northallerton

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title: MR	Initial(s): C.H.
Surname: STRATTON		
Organisation (if applicable): South Hambleton Shale Gas Advisory Group, Also representing Coxwold ,Crayke and Husthwaite Parish Councils , Oulston Parish Meeting & Helmsley Town Council		
Address:	Bank Farm	
	Oulston	
	York	
Post Code: YO61 3 RA		
Telephone: 01347 868854		
Email: chstratton50@gmail.com		

Agent contact details (if applicable)

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in separate guidance notes. You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.

A separate Part B form **MUST** be produced for each separate representation you wish to make. After this stage, further submissions will only be at the invitation of the inspector who will conduct an Examination in Public of the Joint Plan, based on the matters they identify during the Examination.

All responses should be returned by 5pm on Wednesday 21st December 2016. Please note that representations cannot be received after this deadline.

Responses can be returned by email to: mwjointplan@northyorks.gov.uk or by post using the address below:

Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	SHSGAG. With Coxwold, Crayke, and Hustwaite PCs, Oulston Parish Meeting & Helmsley Town Council
------------------------	-------------------------------------------------------------------------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	D06	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="text"/>	No	<input checked="" type="text"/>
2.(2) Sound	Yes	<input type="text"/>	No	<input checked="" type="text"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared	Yes	<input type="text"/>	No	<input type="text"/>	Justified	Yes	<input type="text"/>	No	<input type="text"/>
Effective	Yes	<input type="text"/>	No	<input checked="" type="text"/>	Consistent with National Policy	Yes	<input type="text"/>	No	<input type="text"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="text"/>	No	<input type="text"/>
--------------------------------------------	-----	---------------------------------	----	----------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to attached Critique Paragraph 3 (b) & (d)

- (b) *It is obviously desirable, indeed essential, to eliminate small inconsistencies and ambiguities.*
- (d) *Words such as "inappropriate" and "unacceptable" are imprecise and subjective. They are therefore capable of ambiguous interpretation and application. As may be seen in the next paragraph, far preferable and objective are "effective" and "adverse".*

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [REDACTED]	Date: 17 th December 2016
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Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	SHSGAG. With Coxwold, Crayke, and Husthwaite PCs, Oulston Parish Meeting & Helmsley Town Council
------------------------	--------------------------------------------------------------------------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M16	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="text"/>	No	<input checked="" type="text"/>
2.(2) Sound	Yes	<input type="text"/>	No	<input checked="" type="text"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared	Yes	<input type="text"/>	No	<input type="text"/>	Justified	Yes	<input type="text"/>	No	<input type="text"/>
Effective	Yes	<input type="text"/>	No	<input type="text"/>	Consistent with National Policy	Yes	<input type="text"/>	No	<input checked="" type="text"/>

2 (3) Complies with the Duty to co-operate	Yes	x	<input type="text"/>	No	<input type="text"/>
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3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to the attached Critique Para 3 (a) & (c)

- (a) In line with the NPPFs presumption in favour of development it is appreciated why so many of the draft policies begin "will be permitted" but then reservations need invariably to follow the word "unless" or "only".
- (c) **Buffer zones.** We welcome the inclusion of buffer zones to safeguard National Parks and AONBs and strongly support the proposed distance of 3.5km. However a significant discrepancy presently exists between Policy M16 b) (i) and d) (i). As drafted, in b) (i) an absolute prohibition is proposed against all surface development involving hydraulic fracturing in National Parks, AONBs.....Fountains Abbey/Studley Royal World Heritage Site and accompanying buffer zone etc. ; yet in d) (i) all kinds of surface development is anticipated within a National Park or an AONB or associated 3.5km buffer zone with the requirement only of a detailed assessment supporting any application, and permission forthcoming where acceptable harm arises. We

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please refer to the attached Critique

Paragraphs 4 Proposed Amendments 1, 2 &3

1. *Page 84 Policy M16, b) (i), lines 4 and 5: for "and accompanying zone" substitute "(each with accompanying zones of 3.5km)."*
2. *Page 84 Policy M16 d): delete para (i) entirely but retain para (ii) but without its number.*
3. *Page 87, para 5.125, line 1: for "appropriate" substitute "effective".*

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	SHSGAG. With Coxwold, Crayke, and Hustwaite PCs, Oulston Parish Meeting & Helmsley Town Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M17	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to attached Critique
Paragraph 3 (d),(e), and (f)

- (d) *Words such as "inappropriate" and "unacceptable" are imprecise and subjective. They are therefore capable of ambiguous interpretation and application. As may be seen in the next paragraph, far preferable and objective are "effective" and "adverse".*
- (e) ***Vehicular access.** While "direct" access to a well pad from a classified A or B road is clearly understood, "indirect access" is capable of a variety of meanings including the use of classified C or even unclassified roads, the use of which by a large number of tankers and other plant and machinery would be highly undesirable. If there must be indirect access we suggest it should be contained within 1km of any A or B road. In addition we strongly support the requirement for a Traffic Management Plan to be included in any planning application*
- (f) ***Separation from habitation.** A general distance rule of 500m ignores the different heights from which development or activity may be seen, and while a 2 ha well pad of 10 drilling masts, properly screened,*

3018

surface hydrocarbon development, particularly those involving hydraulic fracturing, will not be permitted between within 500m of one or two isolated residential buildings and other sensitive receptors or 1.5km of any residential settlement of 3 or more dwellings at the same or similar height above sea level or 3km where such settlement overlooks such activity from a height of 50m or more, the effective distance then being assessed in each case by the Local Planning Authority to take into account topographical variation“.

9. Page 91 para 5.131 line 15: for “and businesses” substitute “businesses or the environment.”
10. Page 92 para 5.136 line 9: Add “Landscape Character Assessments and Capacity Studies will be of positive help in this respect, when the extent of the resource is better known, to determine the capacity of any given area to accommodate further drilling sites. The MPA will produce Supplementary Planning Guidance to this effect.”
11. Page 94 para 5.146 line 19: between “reasonable” and “distance” insert “minimum” and (line 23) between “perceived impact.” and “For the purpose” insert “While the ‘protected building’ principle is applicable in this context the nature and extent of activity together with the particular nature of the county’s terrain and the dispersed nature of its settlements demand a discrete approach. Thus nearby activity may be acceptable in some isolated or relatively isolated situations on the same or similar level where effective screening is possible, but the same may not be acceptable when viewed from a greater distance and from a greater height. Accordingly a sliding scale of separation distance is needed commensurate with elevation.”

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	SHSGAG. With Coxwold, Crayke, and Husthwaite PCs, Oulston Parish Meeting & Helmsley Town Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M18	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to attached Critique Paragraph 3 (g)

(g) **Financial Security.** To ensure the satisfactory restoration of any drilling or extraction site to its previous state requires a much greater degree of financial security than that which a commercial energy company, or group of companies could provide by simple guarantee. Either a bond lodged with the MPA, commensurate with each permitted activity or a 3rd party guarantee by a UK registered bank or insurer of equal standing is needed.

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To amplify the above

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature:

[REDACTED]

Date: 17th December 2016

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	SHSGAG. With Coxwold, Crayke, and Hushwaite PCs, Oulston Parish Meeting & Helmsley Town Council
------------------------	-------------------------------------------------------------------------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M19	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to attached Critique Paragraph 3(b) and (d)

3(b) *It is obviously desirable, indeed essential, to eliminate small inconsistencies and ambiguities.*

3(d) *Words such as "inappropriate" and "unacceptable" are imprecise and subjective. They are therefore capable of ambiguous interpretation and application. As may be seen in the next paragraph, far preferable and objective are "effective" and "adverse".*

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [REDACTED]	Date: 17 th December 2016
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**CRITIQUE OF NORTH YORKSHIRE COUNTY COUNCIL'S
MINERALS AND WASTE JOINT PLAN (OCTOBER 2016)
BY SOUTH HAMBLETON SHALE GAS ADVISORY GROUP**

1. Introduction

The South Hambleton Shale Gas Advisory Group comprises technical and professional disciplines. It is non-partisan, and over the past 12 months and more has sought to inform ourselves, the public and local parish councils on shale gas exploration and extraction. We offer this critique by way of constructive criticism, confining ourselves to the legal and procedural compliance or soundness of the final draft plan, including its conformity and the duty to cooperate. We are keen to ensure the final plan will be sufficiently robust and of such clarity as to withstand the scrutiny and challenges it will face at the Examination in Public and subsequent planning appeals. This paper is drafted by a professional planner and a lawyer, each with long and extensive experience in our respective fields, having advised and acted for and against Government and planning authorities over many years.

2. General Comment

It must be said at the outset that since the initial consultative draft Minerals and Waste Joint Plan was published a great deal of thought and detailed work have gone into the preparation of the draft plan now in final consultation. The overall strategy of general principles covering all aspects of minerals and waste in North Yorkshire, leading to their specific application, is a matter for congratulation. Although this critique is concerned solely with shale gas we must observe that such an integrated approach serves only to strengthen the particular aspects upon which it then focuses. We fully endorse the great body of principle and criteria, following both those principles set out in the National Planning Policy Framework document and the fundamental needs of the county. En passant, it is both gratifying and encouraging to note the extent to which the consultee responses to the original document have been recognized and imported into the joint plan now under consideration. Save therefore for a very few substantive matters of detail, this paper seeks to clarify and thereby strengthen some of the language employed in the Joint Plan. We would add, however, that as hinted at

in the present draft Joint Plan (e.g. para. 5.136) Supplementary Planning Guidance will probably be needed to deal with, for example, Landscape Character Assessments when the extent of the shale gas resource is better known. That would determine the capacity of each given area to accommodate further drilling sites. We note that Hambleton District Council have recently produced (May 2016) an LCA which would be an excellent basis for such a capacity study. Likewise it may be both prudent and beneficial to the community at large, as well of advantage to energy companies, for such further Guidance to include Preferred Sites, as the Joint Plan presently provides with regard to other resources such as gravel.

3. General Points

This paragraph contains the argument for and justification of the changes to the draft Joint Plan which we propose. To avoid repetition we discuss the different points with which we take issue or make suggestion, and where they recur in the Joint Plan deal with them compendiously. In the following paragraph we list with page, Policy, paragraph and line reference the specific amendments which then arise.

- (a) In line with the NPPF's presumption in favour of development it is appreciated why so many of the draft Policies begin "will be permitted" but then reservations need invariably to follow the word "unless" or "only".
- (b) It is obviously desirable, indeed essential, to eliminate small inconsistencies and ambiguities.
- (c) **Buffer zones.** We welcome the inclusion of buffer zones to safeguard National Parks and AONBs and strongly support the proposed distance of 3.5km. However a significant discrepancy presently exists between Policy M16 b) (i) and d) (i). As drafted, in b) (i) an absolute prohibition is proposed against all surface development involving hydraulic fracturing in National Parks, AONBs.....Fountains Abbey/Studley Royal World Heritage Site and accompanying buffer zone etc. ; yet in d) (i) all kinds of surface development is anticipated within a National Park or an AONB or associated 3.5km buffer zone with the requirement only of a detailed assessment supporting any application, and

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permission forthcoming where acceptable harm arises. We strongly advocate the absolute prohibition in b) (i) for a National Park or AONB together with a 3.5km buffer zone. There seems little if any difference between the justification for a buffer zone for the World Heritage Site and the needs of a National Park or AONB. The National Trust/English Heritage submission (February 2012) relied upon visual setting, integrity and views and vistas. The Harrogate District Local Plan (May 2013) added the need to increase certainty in managing change. These criteria apply with equal force to our National Park and AONB.

But if, and only if that is unacceptable to Government we submit, as a fall-back position, for the same reasons which justify the World Heritage Site which is in neither a National Park nor AONB there should be at least some absolute prohibition of surface development which involves hydraulic fracturing within a National Park, AONBs with a lesser buffer zone of, say, 1.5km, with the other provisions contained in d) (i) applying to a wider zone of 3.5km, and a strengthening of its wording by substituting 'significant' for "unacceptable" harm.

As currently drafted we do not consider that M16(d) (i) to be compliant with the absolute prohibition of surface unconventional shale gas development in National Parks and AONBs provided for by section 50 of the Infrastructure Act 2015. Therefore we do not regard the Mineral and Waste Joint plan as being legally compliant.

- (d) Words such as "inappropriate" and "unacceptable" are imprecise and subjective. They are therefore capable of ambiguous interpretation and application. As may be seen in the next paragraph, far preferable and objective are "effective" and "adverse".
- (e) **Vehicular access.** While "direct" access to a well pad from a classified A or B road is clearly understood, "indirect access" is capable of a variety of meanings including the use of classified C or even unclassified roads, the use of which by a large number of tankers and other plant and machinery would be highly undesirable. If there must be indirect access we suggest it should be contained within 1km of any A or B road. In addition we strongly support the requirement for a Traffic Management

Plan to be included in any planning application.

- (f) **Separation from habitation.** A general distance rule of 500m ignores the different heights from which development or activity may be seen, and while a 2 ha well pad of 10 drilling masts, properly screened, may be acceptable to the occupier of an isolated farmhouse on whose land the activity occurs, it would not be so to the inhabitants of a village of 300 people whose homes enjoy extensive views from a height of 100m or more above the same activity, such as those with distant views over the Vales of York and Mowbray from settlements on the South and West flanks of the Howardian and Hambleton Hills respectively. We suggest that 500m should be stated as a minimum, the effective distance then being assessed in each case by the Local Planning Authority so that topographical variation can be taken into account.
- (g) **Financial Security.** To ensure the satisfactory restoration of any drilling or extraction site to its previous state requires a much greater degree of financial security than that which a commercial energy company, or group of companies could provide by simple guarantee. Either a bond lodged with the MPA, commensurate with each permitted activity or a 3rd party guarantee by a UK registered bank or insurer of equal standing is needed.

4. Proposed Amendments

1. *Page 84 Policy M16, b) (i), lines 4 and 5:* for “and accompanying zone” substitute “(each with accompanying zones of 3.5km).”
2. *Page 84 Policy M16 d):* delete para (i) entirely but retain para (ii) but without its number.
3. *Page 87, para 5.125, line 1:* for “appropriate” substitute “effective”.
4. *Page 88 Policy M17 1) i) line 2:* delete “or indirect” and for “and” substitute “and only”.

5. *Page 89 Policy M17 2) i) line 2:* for “unacceptable” substitute “an adverse”.
6. *Page 90 Policy M17 4) i) line 2:* for “unacceptable” substitute “an adverse”.
7. *Page 90 Policy M17 4) i) line 3:* for “Adequate separation distances should” substitute “ Adequate separation distances, including those specified below, must”.
8. *Page 90 Policy M17 4) i) lines 8 – 12:* delete the last sentence beginning “Proposals for surface hydrocarbon” and substitute “ Proposals for surface hydrocarbon development, particularly those involving hydraulic fracturing, will not be permitted between within 500m of one or two isolated residential buildings and other sensitive receptors or 1.5km of any residential settlement of 3 or more dwellings at the same or similar height above sea level or 3km where such settlement overlooks such activity from a height of 50m or more, the effective distance then being assessed in each case by the Local Planning Authority to take into account topographical variation”.
9. *Page 91 para 5.131 line 15:* for “and businesses” substitute “businesses or the environment.”
10. *Page 92 para 5.136 line 9:* Add “Landscape Character Assessments and Capacity Studies will be of positive help in this respect, when the extent of the resource is better known, to determine the capacity of any given area to accommodate further drilling sites. The MPA will produce Supplementary Planning Guidance to this effect.”
11. *Page 94 para 5.146 line 19:* between “reasonable” and “distance” insert “minimum” and *(line 23)* between “perceived impact.” and “For the purpose” insert “While the ‘protected building’ principle is applicable in this context the nature and extent of activity together with the particular nature of the county’s terrain and the dispersed nature of its settlements demand a

discrete approach. Thus nearby activity may be acceptable in some isolated or relatively isolated situations on the same or similar level where effective screening is possible, but the same may not be acceptable when viewed from a greater distance and from a greater height. Accordingly a sliding scale of separation distance is needed commensurate with elevation."

12. *Page 95 and 96 Policy M18 1) Waste Management and reinjection wells i) line 1 and 2) Decommissioning and restoration line 2:* after "permitted" insert "only".
13. *Page 96 Policy M18 2) iii) line 2:* for "may" substitute "will" and after "guarantee" insert "including that of a 3rd party approved by the MPA such as a UK registered bank or insurer of similar standing."
14. *Page 98 Policy M19 ii):* for "unacceptable" substitute "adverse".
15. *Page 170 Policy D06 1) line 3, 2) line 4 and 3) line 3:* for "unacceptable" substitute "adverse".

5. Conclusion

The precise wording of these proposals are by way only of suggestion but we hope that the sense and purpose of each is clear. Should they find favour with the Authorities the Group which we represent would give full hearted support at the Examination in Public.

Christopher Stratton OBE, DipLA, FLI, MRTPI

Peter Fox QC, LLD

**For and on behalf of the SHSGAG,
also endorsed and adopted by the following Local Councils:**

**Coxwold
Crayke
Hustwaite
Oulston Parish Meeting
Helmsley Town Council**

December 2016

mwjointplan

From: Chris Stratton <chstratton50@gmail.com>
Sent: 21 December 2016 10:23
To: mwjointplan
Subject: NYCC Mineral and Waste Joint Plan _response by South Hambleton Shale Gas Advisory Group FAO James Whiteley
Attachments: Letter NYCC .pdf; Response Form Part A .pdf; Response Form Part B D06.pdf; Response Form Part B M16. docx.pdf; Response Form Part B M17.pdf; Response Form Part B M18.pdf; Response Form Part B M19.pdf; CRITIQUE OF NORTH YORKSHIRE COUNTY COUNCIL'S.pdf

Dear Sirs,

I refer to the hard copies of our response which I handed to James Whiteley at County Hall yesterday afternoon As agreed I now attach pdf digital copies of all the documents, namely:

- The covering letter
- Form A
- Forms B (5no)
- Our Critique

There is one important difference to note between the hard copies I deposited with you yesterday and the digital submission today.

Last night we learnt that Helmsley Town Council had endorsed and adopted this submission, so we have added their name to all the forms A&B and the critique.

There are no other changes.

If you have any queries that it would be helpful to discuss as you process the documentation for the EIP please contact me.

I would be grateful if you could acknowledge receipt of this email.

Yours faithfully

Christopher Stratton

Chairman
South Hambleton Shale Gas Advisory Group

BANK FARM
OULSTON
NORTH YORKSHIRE
YO6 13RA

TEL: 01347 868854
E mail: chstratton50@gmail.com

Dec 21st 2016

Dear Sirs,
North Yorkshire Minerals and Waste Joint Plan 2016 - Publication Stage Response

I attach the response in digitised format that has been prepared by the South Hambleton Shale Gas Advisory Group on behalf of Hushwaite, Crayke, Coxwold parish councils, Oulston Parish Meeting and Helmsley Town Council.

Please note that since I submitted hard copies of Forms A&B to County Hall yesterday, Helmsley Town Council have discussed and adopted the SHSGAG response so are added to the list above.

In order to comply as far as possible with your request that we use your forms A & B. we have completed Five B forms which deal, with those specific points of policy that we wish to bring to the EIP.

Other points of amendment which arise from the justification and explanatory paras of the plan are also contained in a Critique which is attached. This document also explains who we are, and deals with general points. It also sets out our qualified support for the Oct 2016 version of the plan.

We hope that you will find merit in our suggestions and indicate your support prior to the EIP for we would like to be able to attend the hearing and lend our support to an amended Joint Mineral and Waste Plan.

Yours faithfully

Christopher Stratton
Chairman
South Hambleton Shale Gas Advisory Group

Mineral Planning Team
North Yorkshire County Council
County Hall
Northallerton

MINERAL AND WASTE JOINT PLAN (PUBLICATION STAGE) Consultation response

TITLE	Mrs
INITIALS	J
SURNAME	White
ORGANISATION (if applicable)	Edstone Parish Meeting
ADDRESS	Hilltop House Great Edstone
POSTCODE	YO62 6NZ
TELEPHONE	
EMAIL	White1007@btinternet.com

No - I do not want to attend the Oral Examination of the Minerals & Waste Joint Plan (M&WJP).

The Edstone Parish formerly opposes any fracking in the parish. However, residents appreciate that the joint authorities have a duty to produce a minerals and waste development plan that includes the extraction of unconventional hydrocarbons, including fracking. We therefore make the following comments on this basis.

Policy M16 Key Spatial Principles Hydrocarbon Development

4) Specific local amenity considerations relevant to hydrocarbon development

A setback from dwellings is essential and this aspect of the plan is welcomed. However it is considered that the proposed 500m setback should be the **minimum setback distance** for the following reasons:

On any elevated site, such as the village of Great Edstone, there are unrestricted views in all directions. Indeed the view from the southern boundary of the village, across the Vale of Pickering is protected in the Ryedale Development Plan. Sites will be highly visible from any elevated location and a 500m setback would be wholly inadequate.

500m may also be inadequate in terms of safety and public health. There have been a number of documented fires and explosions on fracking sites in the US, such as in Greene County, Pennsylvania, where the fire burned uncontrollably for five days. Whilst this relates to the US, it would be wrong to ignore information regarding such incidents as these can occur in any country or location where fracking is taking place.

<http://www.dailymail.co.uk/news/article-2562431/Chevron-apologizes-residents-small-town-fracking-exploded-burned-five-days-leaving-one-dead-coupon-free-PIZZA.html>

In addition, studies from the US that have been peer reviewed, show that the safe distance for a set back has yet to be scientifically determined, but at an absolute minimum a setback should be circa 600m (2000 feet). The study below from the US should not be disregarded because - again these incidents and issues can occur wherever fracking takes place and are therefore relevant to ensuring public safety.

<http://ehp.niehs.nih.gov/15-10547/>

Policy M17 Other Spatial & locational criteria to hydrocarbon development

It is considered that the Plan over simplifies the “intermittent” nature of fracking and therefore underestimates the impact of HGVs and fracking related traffic e.g. paragraph 5.131 states that the bulk of the traffic will be at the start and the end of site operations.

Yet the scale of fracking is recognised in the Plan – as it states there may be up to 10 well pads, with multiple vertical wells on each pad and with several lateral extensions off each vertical well. Thus there can be hundreds of wells in a 10km PEDL area. This level of development constitutes literally years of drilling and fracking that would be potentially in excess of five years.

Furthermore, there is also the possibility of existing sites being re fracked after a 3 to 5 year period, which means residents will be subjected to further intensive disturbance and traffic. **Indeed Ineos stated publicly in November 2016 at an event in Easingwold that it is there intention to re frack their sites.** Currently in the US between 1% and 10% of sites are re fracked. This can potentially be considerable disturbance, when there are many hundreds/thousands of wells. The Plan does not adequately reflect the duration and impacts caused by HGVs/fracking traffic and the potential for re fracking on existing sites.

Shale plays in the US have shown that a considerable amount of water may be extracted with the gas and this has to be separated on site and the fluid stored in large flow back tanks. These tanks normally have to be emptied daily, throughout production, which means there could be HGVs visiting sites on a daily basis for many years. This would considerably impact communities and particularly if fracking traffic is permitted through settlements, located away from the strategic highway network. Again this aspect of fracking has not been identified in the Plan nor appropriately dealt with.

The Plan fails to take appropriate account of the medium and long-term HGV impacts and underestimates the duration and scale of impact that HGVs and fracking related traffic will have.

It is considered that the Plan should state that proposals will not normally be supported where a proposed traffic routes take traffic through the centre of a settlement, particularly any settlement that has a C class road, that is situated away from the strategic highway network/ Class A and B Roads. This provision would give greater clarity to developers and afford greater protection to communities against the longer and greater impacts that traffic generated from fracking will have.

The above is also important with regard to accurately assessing the cumulative impacts that fracking will have.

General Comments

The Plan does not appropriately deal with climate change. Specifically in relation to NPPF Paragraph 94.

Furthermore there is a statutory obligation under the Infrastructure Act for the extraction of shale gas to be considered against the UK’s climate change targets, budgets and policies and with specific reference to the Committee of Climate Change (CCC). The CCC has set out three key tests and other criteria that shale gas extraction must meet, prior to extraction, and the Plan does not set out how these tests and criteria will be met. The Plan needs to explicitly reference climate

change, set out how local decisions will relate to national carbon budgets, policies and requirements.

mwjointplan

From: Edstone Parish Council <edstoneparishcouncil@btinternet.com>
Sent: 20 December 2016 22:30
To: mwjointplan
Subject: Minerals & Waste Joint Plan Consultation Submission
Attachments: Edstone Parish M&WJP Consultation.docx

Dear Sirs

Please find attached the response to the consultation on the Minerals & Waste Joint Plan, submitted on behalf of Edstone Parish.

I look forward to receiving formal receipt.

Kind Regards

Mrs J White
Clerk to Edstone Parish

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title: Mrs	Initial(s): H
Surname: Guest		
Organisation (if applicable): (Clerk to) Escrick Parish Council		
Address:	40 Linden Way	
	Thorpe Willoughby	
	Selby	
Post Code: YO8 9ND		
Telephone:		
Email: clerk@escrick.org		

Agent contact details (if applicable)

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in separate **guidance notes**. **You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.**

A separate **Part B** form **MUST** be produced for each separate representation you wish to make. After this stage, further submissions will only be at the invitation of the inspector who will conduct an Examination in Public of the Joint Plan, based on the matters they identify during the Examination.

All responses should be returned by 5pm on Wednesday 21st December 2016. Please note that representations cannot be received after this deadline.

Responses can be returned by email to: mwjointplan@northyorks.gov.uk or by post using the address below:

Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

Data Protection:

North Yorkshire County Council, the North York Moors National Park Authority and the City of York Council are registered under the Data Protection Act 1998. For the purposes of the Data Protection Act legislation, your contact details and responses will only be retained for the preparation of the Minerals and Waste Joint Plan. Representations made at Publication stage cannot remain anonymous, but details will only be used in relation to the Minerals and Waste Joint Plan. Your response will be made available to view on the website and as part of the examination.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Escrick Parish Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="42"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	---------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

We support the objectives set out and in particular objectives 7, 8 and 9 which seek to locate mineral extraction and waste management in locations where the overall need for transportation is minimised and in particular where options other than road transport are available, such as rail, water, pipeline and underground conveyor systems can be utilised where practicable for longer distance and large scale movements; and; where such modes are not practicable, that locations for development are well-connected to suitable highways infrastructure and impacts on the road network minimised. This will minimise the affect on the local environment and communities where roads are already over-utilised and help meet wider sustainability and climate change objectives.

Signature: Helen Guest, Clerk to Escrick Parish Council

Date: 21.12.16

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Escrick Parish Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="MJP55"/>	Policy No.	<input type="text" value="M13"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

It is noted that in order to ensure the continuity of supply of clay, the Plan supports a Preferred Area on land adjacent to former Escrick Brickworks (MJP55)

It states that 'Development of reserves within this Preferred Area will only be permitted where it would follow the extraction of reserves within allocation MJP45 or it can be demonstrated that additional reserves are required to maintain an adequate longer term supply of clay to the Plasmor Blockworks site and subject to compliance with the development management policies in the Plan.'

The policy then says 'The site allocation at Hemingbrough is identified in the Joint Plan to help to meet the 25 year supply requirement for the Plasmor blockworks. This allocation provides a high level of certainty about the necessary resources being delivered. 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, to demonstrate how supply could be maintained if it is not practicable to provide sufficient reserves at the Hemingbrough site to meet the full 25 year national policy requirement. There are a number of significant constraints on 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 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.'

This confirms that there is no certainty as to whether any of site MJP55 will be required and, if it is, that only a small part will be required. Appendix 1 pages 77-80 show that the site could extend to as much as 112ha, with a huge detrimental affect on the local environment as set out in the analysis. The current allocation contains no controls on how much of the site could potentially be needed but it is obvious that only a much smaller part of the site could potentially be required. Leaving the area as currently proposed leaves the developer with little constraint to minimise the area to that realistically required for the Plan period. The area must be reviewed and reduced to the appropriate size in the optimum location before the Plan can be found sound. The Plan is prepared to provide certainty and this is not provided currently. I attach the fuller representations that Escrick Parish Council submitted on previous consultations for the Inspector to consider our full concerns.

(continue on a separate sheet/expand box if necessary)

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Escrick Parish Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="MJP06"/>	Policy No.	<input type="text" value="W05"/>	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input checked="" type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	-------------------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

It is important to note that the proposals for landfill at sites WJP05 Land at Duttons Farm, Upper Poppleton and WJP06 Land adjacent to former Escrick Brickworks, Escrick will only be permitted as a means of enabling reclamation of any mineral workings developed in connection with allocations MJP52 and MJP55 as relevant.

Escrick Parish Council has already set out its objection to the scale of the Preferred Area currently shown for site MJP55 in its representation regarding the soundness of policy M13. The same comments regarding the scale of the proposed Preferred Area relates here. However, the policy statement that only the area required for to be reclaimed will be allowed to be filled with landfill is welcomed. Landfill is an accepted means of filling the hole excavated by clay extraction (so long as only inert and non toxic fill is used) so long as quality restoration of the site is guaranteed in the longer term immediately following the completion of all workings (or undertaken on a phased basis if practicable). However, we strongly object to the proposal that hazardous CD&E waste can be tipped without a full assessment being made of the underlying geology of the land – care would need to be taken to ensure that nothing toxic could pass into any local aquifer or watercourse and therefore we consider that the inclusion of hazardous waste is inappropriate in this location.

I attach the fuller representations that Escrick Parish Council submitted on previous consultations for the Inspector to consider our full concerns.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Escrick Parish Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="WJP02"/>	Policy No.	<input type="text" value="W11"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

We support in principle Policy W11 and its prioritisation of previously developed land, industrial and employment land for the use of waste treatment facilities – including anaerobic digestion.

Para 3 of the policy states: '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 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 other appropriate on-farm locations will also be acceptable in principle.'

In particular we strongly object to the allocation of site WJP02 North Selby Mine - see site assessment in Appendix 1 pages 140-143. Whilst it is appreciated that the site already has a valid planning consent, this has not yet been implemented and we are not aware of any agreement still in place for the glasshouses (which cover a huge tranche of land) and the deliverability and viability of the site is currently uncertain. There was strong opposition to the site's proposals at that time as they undermined the original principle that the previous permission for the mine was granted on the basis that the site would be restored to agricultural use. Because of non enforcement by NYCC, this then became questioned by the applicant who tried to state that the land was a brownfield site. York Council was forced to reappraise the application and conceded that the site is within the York Green Belt, which has now been confirmed by their latest Local Plan document. The allocation of this site as an AD facility within the York Green Belt is totally contrary to Policy W11 which requires sites to meet the stated locational criteria which this site does not. Neither is the site a brownfield site nor were any assurances made at the application stage that the waste would be locally sourced and produced. Therefore, apart from compounding the 'mistake' of a previous non implemented consent, there is no valid planning reason or policy support within the Plan for this site to be allocated should the existing consent expire shortly in April 2017. As the Plan will not be adopted by April, if the site's permission has not been implemented, then the land's future should be allowed to be determined by normal Green Belt principles in accordance with Government Policy.

(continue on a separate sheet/expand box if necessary)

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Escrick Parish Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.129"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	------------------------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input checked="" type="checkbox"/>
--------------------------------------------	-----	-------------------------------------	----	-------------------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Para 5.129 correctly states, when considering the potential affect of hydrocarbon development, that 'Although the City of York is not protected in the same way as National Parks and AONBs, the historic character and setting of the City is a key reason for having designated the York Green Belt, one of only six cities in England where this reason applies, and the historic City as a whole does not benefit from any other specific national policy protection. The relatively flat and low lying landscape around York allows for long distance views of the Minster and other landmark buildings which are integral to the setting of the City. For these reasons, applicants will need to consider carefully the historic character and setting of the City when siting and designing proposals for surface hydrocarbons development within the City of York Green Belt. Where necessary, mitigation measures should be provided to prevent any unacceptable impact. Further details on the Green Belt can be found in Policy D05.'

Escrick Parish Council supports the recognition that the City of York and its historic character and setting are a key reason for having the York Green Belt. The Plan statement in this paragraph reflects good Green Belt practice. However, we consider that this important sentiment should be equally applied to other minerals and waste uses in the Plan where this protection and consideration must equally be applied. Where there may have been inappropriate development approved but not yet implemented in the past (such as the North Selby Mine site – ref WJP02 – which was originally intended to be restored to agriculture use to preserve its Green Belt character and important function for the setting of the City of York), this same York Green Belt consideration should be applied. Therefore we require that this same criteria be applied to other policies as appropriate for each of the uses under consideration in the Plan before any of the proposed Allocations or Preferred Areas are confirmed.

Furthermore, the cumulative impact of their proposals and their traffic and transport implications should also be considered, in line with the objectives set out in paragraph 42, on a particular road network if only road transport is available (see our response on para 42) – eg the A19 between Selby and York is already overloaded and congested and further proposals using large numbers of HGVs will have massive implications for the local road network and environment for local communities and climate change objectives.

ESCRICK PARISH COUNCIL

Representation on the Planning Application Reference 12/03385/FULM, North Selby Mine, New Road, Deighton, York.

"Demolition of existing buildings and re-profiling of bunds and areas of the former mine, construction of an anaerobic digestion combined heat and power facility and horticultural greenhouse and associated infrastructure and works."
(reconsidered application following quashing of approval)

Notification of the Decision of the Parish Council

The Parish Council reconfirms its **OBJECTION** to the proposal which is located within the civil Parish of Wheldrake on the planning grounds set out below:

Introduction

The Parish of Escrick lies immediately adjacent to the Parish of Wheldrake. Whilst the North Selby Mine is located in Wheldrake Parish, it should be noted that the main access road to the site is located immediately north of the village of Escrick, off the A19, and the village is a significant settlement within close proximity of the site. Any development here would therefore have a significant impact on the residents of our village.

The Parish Council acknowledges that there are National and Local requirements to deal with waste materials in a way which are sustainable and minimise the impact on the environment, and understands that such requirements are already being planned for elsewhere by the Council. The Parish Council also recognises the need to reduce carbon emissions resulting from the production of electricity and heat. However, we are concerned about the impact the proposed development would have on the Green Belt where 'very special circumstances' have to be demonstrated for any development to be permitted; we do not believe that these have been shown in any way that would override the presumption against major developments in the Green Belt. . We also believe there would be various significant amenity implications for our residents including those of visual amenity, noise, smells, light and, most importantly, traffic.

We note the recent quashing of the previous decision on the basis that the Council should have considered the application on the basis of a 'cleared site' (as the applicant's appeal against the Enforcement Action quite rightly taken by the Council to clear the site is still pending). However, we also believe that the Council's consideration of this application should treat the proposals as one inter-linked planning use, on the basis that the AD power to be generated is to be used for the heating and lighting of the proposed agricultural use and not transported into the National Grid, and therefore their uses are inter-related and inter-reliant.

Grounds of Objection

1. The Parish Council welcomes the reconsideration of this application but retains its assertion that the proposal would be inappropriate development within the Green Belt and that the 'very special circumstances' required to

permit the development have not been demonstrated. The proposed buildings would be on an industrial scale and include tall structures (tanks and stacks) and huge massing (A.D. plant and greenhouse building). The associated lighting and noise emission will also be of an industrial scale in a rural environment. We respectively submit that the suggestion from officers that the use of blinds in the Glasshouses in sensitive areas will mitigate light spillage and sky glow during hours of darkness is naive – how will this be monitored and enforced? There are no special circumstances as to why this development is appropriate or needed within the Green Belt and not within a more suitable location, apart from the fact that the owners do not wish to reinstate the site to agricultural use as they previously promised to do when originally granted planning consent. . This scale of development is totally inappropriate in a rural area and especially not within the York Green Belt.

2. The Parish Council considers further that there remains a big question relating to the principle of the development and the Council's assessment on whether the development amounts to inappropriate development in the Green Belt have regard to the NPPF and policies of the LDF. When the application was previously considered, they treated the proposal as two planning units with two separate uses. They said that the horticultural aspect is one of the Green Belt exceptions and is therefore appropriate development (the same as agricultural buildings). This element is then taken out of the site assessment and the basis for assessing the AD facility is whether it would have a greater impact than the existing facility. Since the proposed AD buildings are grouped closer together and overall smaller footprint they concluded it is appropriate development which has no greater impact on the Green Belt. However, this is one proposal on one site for a mixed use facility and should be treated as one planning unit. The two uses are linked together as one scheme. The assessment in terms of previously developed sites should consider the scheme as a whole. The glasshouse will use heat from the AD and is therefore linked. Taken together the proposal is massively greater in footprint than the existing proposal and has a far greater impact on the Green Belt than the current development (ie. an increase from 10,363m² to 57,405m², more than five times larger!). As such it is clearly inappropriate development in the Green Belt. Harm to the Green Belt results from the substantial increase in built form, the heights of the structure, the visual impact on the surrounding area and the intensification of the use. There are clear grounds for rejection on this basis. The height of some of the structures at 22.5m (nearly 74 ft), 18m, 2 x 15m, 2 x 12 m will be widely visible from the surrounding countryside and compound the harm to the Green Belt.

3. There is also no certainty provided about the sources of suitable waste materials needed to power the operation of the AD plant, a large proportion of which is likely to originate from outside the local area. Assumptions are made about the availability of suitable waste from Hull and East Yorkshire and Leeds and West Yorkshire with no commitment to only source from these extensive areas; it is highly probable that some will come from further afield which must increasingly question the sustainability credentials of the proposals and the CO₂ emissions that will emanate from vehicles travelling long distances. We do not believe that it is appropriate to import feedstock and other waste materials

predominantly from outside the York and Selby area, with the impact that will have on the transport infrastructure, and particularly on the A19 through Escrick. It is also not sustainable for these materials to be transported long distances when it would be far more appropriate and sustainable to locate the plant close to the source of these materials, which is also more compatible with Government advice.

The proposal indicates that a large proportion of the waste feedstock would originate via the M62 corridor. We understand that a site search indicated that the best site was Kellingley Colliery. Peel Environmental previously started the consultation process for a large 'energy from waste' facility to be developed at Kellingley which is well located to receive feedstock via the M62 corridor. The Parish Council considers that the AD facility would be better located at the large Kellingley site or an alternative site near the M62 corridor which has road, rail and/or canal direct links. These are not Green Belt locations, are close to the strategic road network and therefore are far more appropriate locations for such a development.

4. The proposed facility would require significant movement of vehicles to import waste feedstock, remove residual products and transport employees. Whilst the submitted traffic surveys indicate that the vehicle movements generated by the development would not have a significant effect on the overall traffic movements on the A19, the Parish Council believes that the A19 corridor is already highly congested and experience significant delays both at peak times and at weekends. You will no doubt be aware that there were never previously any significant levels of traffic associated with North Selby Mine as employees operated a shift system and all coal was transported underground. The proposed net increase of traffic will exacerbate the already congested highway network and will make travel for local residents even more difficult. In addition the Parish Council is concerned about the routing of "merchants" vehicles which will be uncontrolled until they enter the site access road. This could result in a high proportion approaching via the Escrick Parish. We believe that a large proportion of traffic will travel through Escrick, coming from the M62 corridor. In any event, the A19 is already congested going both north to York and the A64 and south towards Selby and the M62, with significant delays experienced which the proposed additional traffic will severely add to. As a minimum, conditions should be imposed restricting HGVs from travelling through Escrick Village (via Skipwith Road) and the local rural road network.

5. The inter-relationship between the AD facility and the glasshouses is constantly emphasised throughout the application, with the power emanating from the AD plant to be used to power Plant Raisers Ltd's operation. There is no surplus proposed to be transferred to the National Grid nor local energy provided to the local community, despite the aspirations and conditional support from York Environment Forum on this basis. Moreover, the assumption that new jobs will benefit the local economy is also questionable. The future occupier and beneficiary of the glasshouse operation is stated as Plant Raisers Ltd, a company currently located some 17 miles away at Howden and '3 km away from the M62 (J37) and within 30 minutes from the M1 with excellent access to the UK and

ports' (according to their website). Also the Travel Plan says that some employees will be transported in minibuses to the new site as local public transport is poor and inaccessible. There appear to be no exceptional circumstances why a major development in the Green Belt should be permitted which is being justified by the translocation of a business close to the M62 corridor which is a far more suitable location for both the AD facility and the glasshouses.

6. There is also no information proposed regarding the eventual decommissioning of the plant and equipment, any measures for decontamination of the site and its following use or status. Please advise how these measures will be dealt with in an enforceable way.

Concluding comments

The Parish Council recognises that a semi-derelict site exists at the former North Selby Coal mine and that action needs to be taken. We have strongly urged City of York Council to enforce the planning conditions attached to the original consent for the mine which require the site to be restored to agricultural use, as was originally agreed by the vendor in exchange for the original planning consent, which is an appropriate Green Belt function.

There have been a number of public exhibitions and consultations within our village undertaken by the applicant where the overwhelming majority of attendees strongly objected to the proposals.

The view of Escrick residents is that the site must be restored to agricultural use in accordance with the previous consent. The York Green Belt has historically performed an important function in preserving the setting of the City of York and there have been no exceptional circumstances demonstrated in this application to overturn this principal. We strongly **object** to the application and request that it be refused.

We look forward to hearing from you further in due course in response to the above. I would also be obliged if you would advise us of City of York Council's decision on the application in due course.

Linda Reader, Clerk

on behalf of Escrick Parish Council

November 2013

Escrick Parish Council

NYCC Minerals and Waste Consultation Response

DATE : 17 FEBRUARY 2016

Review site Ref	MJP 55 Extraction and WJP 06 Filling with Waste
Address	Land adjacent to former Escrick Brickworks

PARISH COUNCIL RESPONSE BY THE CLERK

Signed :	Date :
Comments prepared by working group on	Date: 17 February 2016

COMMENTS ON MINERALS AND WASTE JOINT PLAN

Having not been advised of the consultation on the Preferred Options, despite having made representations on previous stages of consultations and having such a massive site of 59 ha (almost 146 acres!) being proposed within its Parish, Escrick Parish Council thanks NYCC for the extension on the consultation offered to allow it to be considered at the recent Parish Council meeting and would like the following comments to be considered in relation to the above Consultation references.

Notwithstanding the following comments provided on the proposed allocation of the land adjacent to the former Escrick Brickworks and taking into account the Council's own assessment of timing as advised by the applicants, we would advise that we consider that the scale of the proposals is totally at odds with the timescale of the Plan Period itself. The Plan Period for the Minerals and Waste Joint Plan is to cover the period up to 2030. Yet the estimated date of commencement of the proposals of this site (given that there are existing reserves still to be worked on the adjacent land that already has consent) is 2025, with a subsequent 27 years working period (taking the period under consideration to beyond 2050). Should this site be deemed to be a suitable location for an extension, then there is therefore only a need to find enough land for a further 5 years period or so and therefore it would only be appropriate for a substantially smaller site to be allocated at this stage. The site under consideration therefore needs to be substantially reduced if it is to be found 'sound' and meet the needs of the Plan Period.

These comments apply to both numbers of the site above.

- 1. To protect and enhance biodiversity and geodiversity and improve habitat connectivity:** The assessment accepts that there is likely to be an important impact due to the close proximity of international / national and local designations and key features, including a Natura 2000 site and SINC which are important environments and amenity areas to the local area and cannot be easily replaced. Whilst the report says that there *may* be opportunities to bring 'long term benefits', there is no certainty of this and these would only be once restoration is complete and into the 2nd half of this century, beyond 2050 at the earliest. In the interim, on-site habitats and associated

Escrick Parish Council

NYCC Minerals and Waste Consultation Response

species – included some protected species – would be lost for a substantial period of time. In our view, the losses in the short term would not outweigh the only vague possible benefits in the very long term future.

2. **To enhance or maintain water quality and improve efficiency of water:** There are various potential impacts noted in the assessment, including removal and storage of overburden and fuel spills on site which could release pollutants which could make their way into the 'Riccall Dam Catchment' RBMP water body. Compaction by vehicles may also be an issue on site which may create pathways for on-site run off.
3. **To reduce transport miles and associated emissions from transport and encourage the use of sustainable modes of transportation:** We note that the assessment considers that the site would generate 50 two way HGV movements a day and 7 light vehicle movements accessed via the road that services Escrick Business park and then via the A19. The A19 is already a very heavily traffic road, especially at peak times. Lorries either removing excavated materials or bring waste fill would further compound the traffic delays being experienced on this busy commuter road. Recently approved development sites such as the North Selby Mine, major proposed housing allocations in Riccall, Barlby and Selby (including the strategic Olympia Park site) will further compound the traffic congestion already experienced on a daily basis on the A19. At peak times, traffic can already queue as far back as to Riccall from the Designer Outlet. With the ever increasing build up of traffic on the A19, the current long term nature of the proposed operations - a 27 years period - and consequential increase in traffic from the operations must pose the question whether this is a sustainable site in the longer term. We submit that more appropriate locations for mineral / clay extraction would be those strategically located neared to the motorway and trunk road network and NYCC should allocate sites that better meet these criteria elsewhere.

Furthermore, the assessment notes that the site would be likely to have dust /noise impacts on the nearby Escrick Business Park and bisects the Trans Pennine Trail and that consequently mitigation would be required. Thus the proposed operations would have a potential impact on the amenity of existing private residences in the vicinity of the land, as well as two Farms and also the businesses on the currently expanding Escrick Business Park. In particular, there is a Children's Day Nursery with an outside play area, and there could be environmental health issues (eg from dust) arising from the site's proximity of residents, employees and children in this area. Therefore the suitability of the site must be questioned due to the potential health and amenity implications for those already living and working nearby, including children.

In addition, the assessment totally ignores the longer term implications and likely impact on usage of the Trans Pennine Trail, apart from noting that that the proposals would pass through, surround and bisects the Trail which is currently a well used pedestrian and cyclist route. It is part of the National Cycle Network as well as part of European walking route E8 and therefore must be protected. It is the only route for

Escrick Parish Council

NYCC Minerals and Waste Consultation Response

pedestrians and cycles linking York and Selby away from the A19, which has no pedestrian and cycle facility along its route. Should the northern site be developed / excavated, a minimum of one road would need to be created and this would bisect the Trail, which would create a conflict between the two uses and would have serious detrimental impact on the amenity of users and would discourage its use. And this totally ignoring the emissions and amenity affects outlined in the assessment. To destroy that environment and thus discourage usage of the Trans Pennine Trail is totally in conflict with the aims and objectives of the policy which is '*to reduce transport miles and associated emissions from transport and encourage the use of sustainable modes of transportation*'.

4. **To protect and improve air quality:** The assessment notes that HGV traffic may generate dust in dry conditions and that there will be local negative effects from dust and air pollution that may affect the adjacent industrial estate and users of the Trans Pennine Trail. As several settlements lie close to the A19 and en route to the brickworks, it states that these receptors may see slightly raised air pollution levels, though not at a 'significant level'. Again we draw your attention to the comments above where we raise concerns for those living and working nearby. The amenity of existing nearby houses (such as Brickworks House) and the children's nursery, as well as nearby settlements, must be protected.
5. **To use soil and land efficiently and safeguard or enhance their quality:** The assessment notes that possibly 59 ha of the best and most versatile land will be lost; a major negative until restoration. National policy requires that the best and most versatile land should be protected, for good sustainable reasons. The site concerned comprises good quality agricultural arable land which is in an attractive area of Escrick Parish. It is currently tenanted and in food production, all of which would be lost should the site be developed as proposed. This would be a loss of employment for those farmers concerned and the loss of good quality local food production, again currently meeting local and national sustainability objectives, which must be a material consideration when considering the suitability of this site against other competing sites for clay production and inert waste disposal.
6. **Reduce the causes of climate change:** The assessment notes that areas of habitat would be lost, and neighbouring priority woodland may be deleteriously affected by changes to hydrology (e.g. a changed surface water regime). Moreover, this site would eventually shift 5 million tonnes of clay off site (over 25 years) and also ship in significant waste for landfill (see WJP06). **This would over time result in a significant and permanent release to the atmosphere.** This would conflict with international, national, regional and local objectives to reduce climate change and cannot be ignored. Due to the huge size of the site proposed, this would have longer term implications for the local environment which are not acceptable.
7. **To respond and adapt to the effects of climate change:** The assessment states that flooding will be an issue with a moderate risk from future river flooding and a low risk

Escrick Parish Council

NYCC Minerals and Waste Consultation Response

from surface flooding (but with patches of high risk). This will require an appropriate FRA and emergency planning procedure to be put in place and suitable application of an on-site sequential approach. It should be noted that extensive areas of fields surrounding the A19 between Escrick and Selby were under water for a substantial period of time following the recent floods in December 2016; the Flood Zone maps and sequential test should be updated to reflect this as it would be highly detrimental and totally contrary to Government policy if further flooding took place as a consequence of the proposals.

- 8. To conserve or enhance the historic environment and its setting, cultural heritage and character:** The assessment acknowledges that there is high archaeological potential for the survival of archaeological remains within the site from the later prehistoric period onwards and, although the site has not been archaeologically evaluated, it is assumed that allocating this site would be likely to cause the loss of these archaeological remains if the site is extracted without mitigation. The archaeological impact will occur throughout the duration of extraction. It is assumed that excavation will result in the **total destruction** of the archaeological remains. As archaeology is a finite, irreplaceable resource, the impact of loss of this massive site will therefore be significant.

It notes that also of significance is the site's proximity to the Escrick Conservation Area. Therefore there would need to be an evaluation of any impact on the Conservation Area and parkland (Escrick Estate). The site concerned is in an attractive area of Escrick Parish, of which in particular that between the Trans Pennine Trail and the A19 trunk road is of high quality landscape value with attractive hedges and mature trees and is of no doubt also ecological significance. The loss of the massive northern area in particular would have a serious detrimental impact on the historic environment of Escrick and its setting, cultural heritage and character, and this part of the Vale of York seen from the A19 and the Trans Pennine Trail.

- 9. To protect and enhance the quality and character of landscapes and townscapes:** The assessment states that the site is not within a locally protected landscape, but it would be visible from the Trans Pennine Trail. The site is about 1.5-2 km from Escrick and is visible from the A19 on the approach from the south. This area would also be sensitive to change due to the proximity to Escrick Park. These are all important environmental factors and the proposals – in particular the massive northern site that abuts both the A19 and the Trans Pennine Trail - would totally destroy the environment for those using these routes.

It acknowledges that the site is currently countryside degraded by large scale hedgerow and hedgerow tree loss as it is in intensive agricultural use (see 5 above), but it is relatively unspoilt by development and within a landscape influenced by the Escrick Estate. Larger scale mineral extraction would represent a significant change. The existing brickworks site is isolated from other similar development and is not currently conspicuous from the A19 although it would be from the Trans Pennine Trail.

Escrick Parish Council

NYCC Minerals and Waste Consultation Response

Therefore the two sites proposed should be separately considered in this and in many other regards.

The assessment acknowledges that there is a need to establish the landscape sensitivity of this area and asks the crucial question *'Is the site too big for this landscape, or could it be phased?'* An evaluation of the impact on Escrick Conservation Area & the designed landscape of Escrick Park is required. We fundamentally agree with this question and respond that yes, for all of the reasons outlined, the site is too big and must be reconsidered further.

- 10. Achieve sustainable economic growth and create and support jobs:** The assessment (12) acknowledges that the clay may need to travel to another facility to actually make the bricks (possibly 20 km away), even if the actual bricks are eventually used locally, of which there is no guarantee. Most larger housebuilders will have a national purchasing agreement and will not buy locally sourced materials, and smaller builders will order and purchase from wherever is most economic. Therefore there is no known sustainability advantage of the location. Whilst there may be a limited number of jobs gained from the extraction operation, there will be a consequential loss of farming jobs. Likewise, the encouragement of jobs created by lorries travelling long distance has poor environmental, climate change and sustainability credentials. Therefore we fail to see the positives cited.
- 11. Maintain and enhance the viability and vitality of local communities:** The assessment seeks to justify the location and extent of the site due to the fact that the site is located close to several villages where some small developments may be permitted (Escrick is one of the smaller Designated Service Villages in the District) and Secondary Villages where only the occasional infill plot may be developed. However, for the reasons outlined in 10 above, it is extremely unlikely that any bricks will be used locally; neither do the timescales of the materials being produced match with when such properties may be developed as these would only become available towards the end of the Local Plan period. The effect on the amenity and amenity value to Escrick Park Estate and the Trans Pennine Trail as well as the wider Vale of York along the A19 is totally ignored and undervalued.
- 12. To provide opportunities to enable recreation, leisure and learning:** As per 11 above, the effect on these areas (14) is totally ignored and undervalued. Users of the Trans Pennine Trail would experience major visual intrusion, as well as noise and dust impacts (including from any movement that might take place on the bridge across the Trans Pennine Trail), if the large northern site which surrounds the trail for an extensive area is allowed to be developed. Although not a National Trail, this is a nationally significant trans regional route. Significant investment has taken place to create a valuable well used resource and this should not be allowed to be compromised purely to facilitate a development that is far too large and not required for this Plan period.

Escrick Parish Council

NYCC Minerals and Waste Consultation Response

- 13. To protect and improve the wellbeing, health and safety of local communities:**
Again the local impact is ignored in favour of regional impact (15). The majority of users make local journeys; the majority of cycle and pedestrian journeys take place between York and Selby, in order to avoid the A19 where there is no alternative safe cycle or pedestrian route (as there is no continuous footpath or cycle link along the majority of the A19). Therefore users of the Trans Pennine Trail will have the 'choice' of either finding that an extensive section of this walking / cycling route changes detrimentally in terms of character, noise, dust and smell for a significant period of time (25 years), or they will have to walk or cycle along the already dangerous heavily traffic A19 which has not been designed for this purpose. Again the Parish Council objects to the analysis whereby the impacts are considered 'insignificant' and 'minor negative' with no negative scoring, given that there will be an adverse effect on their wellbeing, health and safety for a substantial period if the site as a whole is developed.

In conclusion, there is a huge difference to the Parish of Escrick and many surrounding settlements and the wider environment as to whether the whole of this site is considered further as a Preferred Option or only part, which the report does consider and would be more compliant with the Plan Period. In our view, we would have considerably less concerns and could potentially support the allocation of the substantially smaller parcel of land immediately to the west of Glade Farm and to the south of the existing extraction area only, but NOT the substantially larger parcel to the north. This smaller parcel, if considered suitable, would provide a continuation for the existing business and its employees and would provide more than enough material for the foreseeable future. It would allow a reasonable timescale of production of many years into the medium term and fit within the Plan Period and beyond.

However, in our view, the huge area to the north surrounding Mount Farm, and which is crossed by the Trans Pennine Trail, should NOT be allocated. This site is far too large, would be for the Period well beyond 2030 and potentially up to 2050 (the following Plan Period) and therefore is premature for even consideration at this time. The site concerned comprises good quality agricultural arable land which is in an attractive area of Escrick Parish. The land particularly between the Trans Pennine Trail and the A19 trunk road is of high quality landscape value with attractive hedges and mature trees and is of no doubt ecological significance. The extraction of clay from the larger area cannot be supported and even worse, the subsequent tipping would be readily visible.

It goes without saying that any site that may be allocated should have all of the necessary safeguards for the protection of amenity for all nearby residents and businesses during the extraction, filling and restoration period and full restoration following completion to a suitably high environmental standard (so that the recent problems regarding North Selby Mine are not repeated in the future and where restoration could not be enforced, despite the 'safeguards' and promises at the time that the land was granted consent.) We would expect that if any planning permission is granted in the future, that it include a S106 Agreement guaranteeing that the restoration is to a suitable high environmental standard to reinstate the high quality of this sensitive landscape in the Vale of York.

Escrick Parish Council

NYCC Minerals and Waste Consultation Response

Thus the assessment's question *'Is the site too big for this landscape, or could it be phased?'* is the correct one. Escrick Parish Council fundamentally agrees with this question and respond that yes, for all of the reasons outlined, the site is too big. When considering the Plan Period, there is fundamentally no requirement for such a large allocation that would totally destroy the local environment, have significant effects on climate change, and would have massive amenity and economic implications for those affected by the proposals. We consider that the assessments should be re-undertaken for the smaller area immediately to the west of the existing workings near Escrick Brickworks / Glebe Farm only, where a far lesser adverse impact will arise.

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mwjointplan

From: Victoria Pitts <esk.ugg@googlemail.com>
Sent: 06 December 2016 20:25
To: mwjointplan
Subject: Re: Minerals and Waste Joint Plan - Publication Stage

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Team

It was resolved not to comment on this plan at the meeting of Eskdaleside cum Ugglebarnby Parish Council on the 5/12/16.

Regards

Victoria Pitts
Clerk
Eskdaleside cum Ugglebarnby Parish Council
Davison Farm
Egton
North Yorkshire
YO21 1UA

Tel: 07791889737
Email: esk.ugg@gmail.com

On 9 November 2016 at 13:36, mwjointplan <mwjointplan@northyorks.gov.uk> wrote:

Dear Parish Clerk,

Minerals and Waste Joint Plan – Publication

North Yorkshire County Council, City of York Council and the North York Moors National Park Authority are working together to produce a Minerals and Waste Joint Plan covering all three planning authority areas. When finalised the new Joint Plan will help the three authorities take decisions on planning applications for minerals and waste development up to 31 December 2030. A number of public consultations have already taken place to help develop the new Plan, including an 'Issues and Options' consultation in 2014 and a 'Preferred Options' consultation in 2015.

A final draft of the Joint Plan has now been prepared and is being published for a six week period to allow for representations to be made, before it is submitted for examination in public by an independent planning inspector. At this stage only representations relating to the legal

compliance and soundness of the Joint Plan are required. More information about this is contained in the guidance notes attached with this email.

The formal publication period commences on **Wednesday 9th November 2016** and will close on **Wednesday 21st December 2016**. All responses must be received by **5pm** on that day. Please note we will be unable to accept responses after this deadline.

The Joint Plan and supporting documents are available to view on the Joint Plan Website: www.northyorks.gov.uk/mwconsult . Paper copies of the Joint Plan and main supporting documents, including a response form and guidance notes, are available to view during normal opening hours at all public libraries in the area covered by the Joint Plan, including mobile libraries and at all main offices of the three Authorities, as well as at District and Borough Council main offices and the National Park Centres.

Please see attached to this email:

- Formal Publication Letter,
- Statement of Representations Procedure,
- Response Form (Part A & Part B) and
- Guidance Notes

For further information about the Minerals and Waste Joint Plan please visit our website: www.northyorks.gov.uk/mwconsult

Yours faithfully

Minerals and Waste Joint Plan Team

On behalf of:

North Yorkshire County Council, City of York Council and North York Moors National Park Authority

This email has been sent on behalf of North Yorkshire County Council (NYCC), City of York Council (CYC) and North York Moors National Park Authority (NYMNPA).

WARNING

Any opinions or statements expressed in this e-mail are those of the individual and not necessarily those of NYCC, CYC or NYMNPA.

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North Yorkshire County Council

City of York Council

North York Moors National Park Authority

RECEIVED 19 DEC 2016

Response to Minerals and Waste Document

Dear Sir,

We represent Gilling East Parish Council and wish to comment on policies M16, M17 and M18 relating to unconventional oil and gas developments. Although Gilling East is situated in the Howardian Hills AONB, we feel that all proposals in the plan apply to us as 'national interest' appears to remove the protection we have as a specially designated area.

Despite the fact that the consultation is limited to legal compliance and adherence to the tests of soundness in the NPPF, Policy M16 appears to have changed considerably since the preferred options consultation. Therefore the scope of the consultation should be widened to accommodate more general commentary, as per the Town and Country (local planning) England Regulation 2012. This does not limit the scope of the consultation at the Regulation 19 (publication) consultation stage.

Climate Change.

Gilling East is a village prone to flooding and is therefore acutely aware of the impact of climate change. Policies as a whole must contribute to the mitigation and adaptation of climate change (Planning and Compulsory Purchase Act 2004). Policy M16 needs to give special consideration to the issues of burning fossil fuels and methane leakage.

Local Impacts on Environment and Health

Gilling East would face a large range of impacts, including landscapes and visual, health and wellbeing, water, biodiversity and especially highways. The village is astride the B1363. It is difficult to see any protection for the village if the proposal to use 'B' roads were to proceed.

Cumulative Impacts

The Minerals Planning Authority should adopt the precautionary principle in terms of unconventional gas extraction's known environmental effects, especially with regard to water.

Objections

We object to policies M16, M17 and M18 for the following reasons:

- Failure to take account of the need to tackle the causes of climate change in terms of the reduction of greenhouse gas emissions caused by burning extracted fossil fuel, in line with the national policy.
- The Vale of Pickering and the Yorkshire Wolds are not included in the 'protected areas' stipulated in Policy M17. These are sensitive and precious landscapes and should be treated as such.
- The proposed 500 metre buffer zone in policy M17 is insufficient. No rationale is given for it and it is unlikely to substantially limit impacts on air quality and noise. It should be increased to at least 750 metres, a distance supported by evidence from

the United States. Similarly, the proposed buffer zone of 3.5k should be absolute and not dependent on visibility from the protected area.

- As many of the impacts of unconventional oil and gas (exploration, appraisal and production) are unknown, the precautionary principle should be adopted.
- The plan does not take into account the impacts of unconventional oil and gas developments in terms of highway safety and vehicle emissions. Because of the nature of settlement development on a linear model in Ryedale, all 'B' roads should be excluded from consideration.

Key Policy Amendments:

Policy M16 pt (b) (regarding climate change requirements, precautionary approach and cumulative impacts)

...b) [INSERT] Proposals will only be considered where they can demonstrate by appropriate evidence and assessment that they can be delivered in a safe and sustainable way and that adverse impacts can be avoided – either alone or in combination with other developments. Consideration should include:-

- **It being demonstrated that greenhouse gases associated with fugitive and end-user emissions will not lead to unacceptable adverse environmental impacts or compromise the planning authority's duties in relation to reducing greenhouse gas emissions.**
- **a precautionary approach to unconventional oil and gas development in requiring environmental impact assessment;**
- **cumulative impacts for such development including issues such as (and not limited to):**

-water, air and soil quality; habitats and ecology; highway movements and highway safety; landscape impact; noise; and GHG emissions;

Policy M16 pt (c) (regarding inclusion of Yorkshire Wolds and Vale of Pickering landscape areas)

c)...

i) Surface proposals for these forms of hydrocarbon development will [INSERT] not be permitted [INSERT] unless they would be outside [INSERT] and respect the setting of the following designated areas: National Park, AONB's, 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, [INSERT] The Vale of Pickering and the Yorkshire Wolds, Special Protection Areas, Special Areas of Conservation, Ramsar sites and Sites of Special Scientific Interest.

Policy M17 part 1 (regarding highway impacts)

...i) Hydrocarbon development will [INSERT] not be permitted in locations [INSERT] without suitable direct or indirect access to classified A roads and where it can be demonstrated

through a Transport Assessment [INSERT] either singularly or cumulatively with other schemes 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 communities [INSERT] including indirect impacts linked to air quality (re Air Quality Management Areas), 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 [INSERT] away from sensitive areas and receptors; and

M17 pt 3 (regarding the local economy)

...Hydrocarbon development will [INSERT] not be permitted [INSERT] unless it can be demonstrated that a very 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.

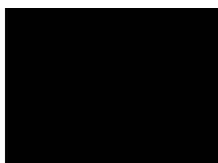
M17 pt 4 (regarding amenity)

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 [INSERT] 750m of residential buildings and other sensitive receptors, are unlikely to be consistent with this requirement and will [INSERT] not be permitted...

iii) Proposals involving hydraulic fracturing should be accompanied by an air quality monitoring plan and Health Impact Assessment [INSERT] which includes consideration of the baseline and how the development will mitigate effectively to maintain these levels enjoyed by local residents. Where it cannot be demonstrated these levels can be maintained, then development will not be supported.

Gill Smith (chairperson)



Peter Allen (Parish Councillor)



JOINT MINERALS AND WASTE PLAN

Report by Councillor Paul Andrews

The Joint Minerals and Waste Plan has been prepared by the City of York, North Yorkshire County Council and the National Park. It has been published as a consultation draft, and the time limit for receiving representations is 21st December. The plan can be inspected on www.northyorks.gov.uk/mwconsult. The part of the plan which is most controversial and directly affects all settlements within the Vale of Pickering, including Malton is the Section on "Hydrocarbons (oil and gas)" on pp 75 -99. This includes hydraulic fracturing (fracking).

The draft plan is not concerned with the general issue as to whether or not fracking should be banned, as it takes its authority from national government policy.

The draft plan is not concerned with operational safety or the enforcement of regulations as this is covered by national agencies. Its task is to set policies which, inter alia, will establish where this kind of development should be allowed and the density of development.

As regards fracking, Policy M16 excludes surface sites in certain areas (eg, National Parks, AONB's, Protected Groundwater Source areas, world heritage sites and buffer zones, Scheduled monuments, historic battlefields, Areas which protect the Historic Character and Setting of York, Special Protection Areas, Special Areas of Conservation, Ramsar sites and SSSI's).

As regards density, Policy M17 purports to limit the density of production sites (well pads) so as to ensure that the development will not give rise to unacceptable cumulative impact. However, para. 5.137 sets the density in broad terms as 10 production sites (well pads) every hundred square kilometres. 100 square kilometres equates to 38.6 square miles which is an area just larger than six miles by six miles. In other words, what the plan sanctions (if pads are spaced out at equal intervals) is one production site approximately every three miles in every direction. NB: there is no requirement for well pads to be spaced out evenly within each 100square kilometre area. Para. 5.146 states that there should be a separation distance of 500m between well pads and the nearest residence. I can find no reference to a separation distance between well pads and schools or the boundaries of settlements.

Para 5.134 indicates that a typical production site (well pad) will have a surface area of 2ha and "several individual well heads".

Members should consider whether development of this kind and at this density would completely change the character of the town and the district in which we live. I set out as an appendix my understanding of what fracking involves.

The draft minerals plan makes no reference to the Ryedale Plan, which I believe must be a material planning consideration. The Key Diagram on Page 42 of the Ryedale Plan shows the entire Vale of Pickering, The Yorkshire Wolds and the Ryedale part of the Vale of York as "Landscape of Local Value and Areas of High Landscape Value." Ryedale's policies in regard to these areas is set out in Policy SP13 of the Ryedale Plan. These can be summarised as the protection and enhancement of distinctive elements of landscape character that are the result of historical and cultural influences, natural features and aesthetic qualities.

It is therefore difficult to understand why the Vale of Pickering and the Yorkshire Wolds should be treated any differently from, say, "Areas which protect the Historic Character and Setting of the City of York" which are protected by Policy M16 of the draft minerals plan.

The only objections to the draft plan which will be considered at this stage are those which are material to the "soundness" of the draft minerals plan. "Soundness" is given a restricted definition, which includes a requirement that "the plan should enable the delivery of sustainable development in accordance with the policies of the National Planning and Policy Framework" (NPPF).

The Ryedale Plan is an adopted local plan which has statutory force and has been made in accordance with the requirements of the NPPF. It follows that the draft minerals plan could be unsound, if it fails to take proper account of Policy SP13 of the Ryedale Plan.

It is therefore **recommended** that the Council gives notice of its intention to be represented at the Examination in Public to the draft minerals plan and objects to it on the following grounds :

"The draft joint waste and minerals plan is unsound because the section on Hydrocarbons (paras 5.93 – 5.161) is inconsistent with National Policy in that it fails to take into account Policy SP13 of the Ryedale Plan which is an adopted Statutory Plan made in accordance with the NPPF in the following respects:

- 1. The failure to include the Vale of Pickering and the Yorkshire Wolds under Policy M16 (b)(i) as one of the areas where hydraulic fracturing would not be permitted;**
- 2. The scale and density of well pads proposed in regard to the SP13 policy objective of the protecting and enhancing distinctive elements of landscape character that are the result of historical and cultural influences, natural features and aesthetic qualities.**

The Council therefore requests:

- a) the insertion of the words 'land shown on the Key Diagram of the Ryedale Plan as landscape of local value and Areas of high landscape value' after the words 'Areas which Protect the Historic Character and Setting of York' in Policy M16(b)(i)**
- b) The modification of para 5.137 by substituting '10 well pads per 1,300 square kilometers' for 'ten well pads per 100 square miles' "**

APPENDIX

I understand it takes about one hundred days, drilling day and night, to drill each borehole. The drilling is noisy and the rig is let up like a Christmas tree at night. Once started, the operation cannot stop until the bore is completed. If there is going to be only one drilling rig on each well pad, and the pad is to have 50 boreholes, the drilling could go on continuously for as many as fifteen years without stopping. In fact, there are statements made by the fracking industry which make it clear they expect each production site to have a life of 20 – 25 years.

However, that is not the end of the process. I understand that the drilling rig would have to be in place during the fracking operation, and again this will be noisy. Further, during production there will have to be compressors in operation. These too are noisy. Flaring may also be necessary.

The process of production is not a single frack for each bore. It is a succession of fracks. The first frack takes place at the furthest end of the bore. It is an underground explosion followed by the injection of fluid containing toxic chemicals under extreme pressure. Once the gas has been extracted, there has to be another frack further back along the bore and the process is

completed all the way back to where the bore becomes vertical etc. I am not sure of the distance between fracks, but I've heard from some sources that the frack has to be repeated every 60 feet and from other sources that the fracks have to be repeated every 200 feet.

The vibration from each frack can cause tremors, which although minor, can damage the foundations of buildings and the concrete casings and steel pipes of the bore and of other nearby or adjacent bores, thus giving rise to risk of pollution to water supplies etc.

After an area has been fracked, the fracking company can repeat the process with new bores and "refrack".

The safety of the process is monitored by an "independent" examiner who is appointed and paid by the fracking company and therefore is not truly independent.

COUNCILLOR PAUL ANDREWS

19TH November 2016

Joan Jackson

From: nicky@magellason.co.uk
Sent: 20 December 2016 09:04
To: mwjointplan
Cc: steve@environmental-art.co.uk
Subject: Waste and Minerals Joint Plan Consultation Submission
Attachments: report to council on JWWMP191116.docx

Nicky Mason
Clerk of Great Habton Parish Council
7 Beech view
Great Habton
YO17 6TX

nicky@magellason.co.uk

01653 669326

I am submitting this on behalf of Great Habton Parish Council.

Please submit this report by our chairman as the response to the Waste and Minerals joint Plan. Great Habton Parish Council would like to have representation when the plan goes for public examination

Yours sincerely

Nicky Mason

Clerk

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title: MR	Initial(s): C.H.
Surname: STRATTON		
Organisation (if applicable): South Hambleton Shale Gas Advisory Group, Also representing Coxwold ,Crayke and Husthwaite Parish Councils , Oulston Parish Meeting & Helmsley Town Council		
Address:	Bank Farm	
	Oulston	
	York	
Post Code: YO61 3 RA		
Telephone: 01347 868854		
Email: chstratton50@gmail.com		

Agent contact details (if applicable)

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in separate guidance notes. You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.

A separate Part B form MUST be produced for each separate representation you wish to make. After this stage, further submissions will only be at the invitation of the inspector who will conduct an Examination in Public of the Joint Plan, based on the matters they identify during the Examination.

All responses should be returned by 5pm on Wednesday 21st December 2016. Please note that representations cannot be received after this deadline.

Responses can be returned by email to: mwjointplan@northyorks.gov.uk or by post using the address below:

Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	SHSGAG. With Coxwold, Crayke, and Husthwaite PCs, Oulston Parish Meeting & Helmsley Town Council
------------------------	--------------------------------------------------------------------------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	D06	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to attached Critique Paragraph 3 (b) & (d)

(b) *It is obviously desirable, indeed essential, to eliminate small inconsistencies and ambiguities.*

(d) *Words such as "inappropriate" and "unacceptable" are imprecise and subjective. They are therefore capable of ambiguous interpretation and application. As may be seen in the next paragraph, far preferable and objective are "effective" and "adverse".*

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [REDACTED]	Date: 17 th December 2016
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Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	SHSGAG. With Coxwold, Crayke, and Husthwaite PCs, Oulston Parish Meeting & Helmsley Town Council
------------------------	--------------------------------------------------------------------------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M16	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="text"/>	No	<input checked="" type="text"/>
2.(2) Sound	Yes	<input type="text"/>	No	<input checked="" type="text"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared	Yes	<input type="text"/>	No	<input type="text"/>	Justified	Yes	<input type="text"/>	No	<input type="text"/>
Effective	Yes	<input type="text"/>	No	<input type="text"/>	Consistent with National Policy	Yes	<input type="text"/>	No	<input checked="" type="text"/>

2 (3) Complies with the Duty to co-operate	Yes	x	<input type="text"/>	No	<input type="text"/>
--------------------------------------------	-----	---	----------------------	----	----------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to the attached Critique Para 3 (a) & (c)

- (a) In line with the NPPFs presumption in favour of development it is appreciated why so many of the draft policies begin "will be permitted" but then reservations need invariably to follow the word "unless" or "only".
- (c) **Buffer zones.** We welcome the inclusion of buffer zones to safeguard National Parks and AONBs and strongly support the proposed distance of 3.5km. However a significant discrepancy presently exists between Policy M16 b) (i) and d) (i). As drafted, in b) (i) an absolute prohibition is proposed against all surface development involving hydraulic fracturing in National Parks, AONBs.....Fountains Abbey/Studley Royal World Heritage Site and accompanying buffer zone etc. ; yet in d) (i) all kinds of surface development is anticipated within a National Park or an AONB or associated 3.5km buffer zone with the requirement only of a detailed assessment supporting any application, and permission forthcoming where acceptable harm arises. We

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please refer to the attached Critique

Paragraphs 4 Proposed Amendments 1, 2 &3

1. *Page 84 Policy M16, b) (i), lines 4 and 5: for "and accompanying zone" substitute "(each with accompanying zones of 3.5km)."*
2. *Page 84 Policy M16 d): delete para (i) entirely but retain para (ii) but without its number.*
3. *Page 87, para 5.125, line 1: for "appropriate" substitute "effective".*

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	SHSGAG. With Coxwold, Crayke, and Hustwaite PCs, Oulston Parish Meeting & Helmsley Town Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M17	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to attached Critique
Paragraph 3 (d),(e), and (f)

- (d) *Words such as "inappropriate" and "unacceptable" are imprecise and subjective. They are therefore capable of ambiguous interpretation and application. As may be seen in the next paragraph, far preferable and objective are "effective" and "adverse".*
- (e) ***Vehicular access.** While "direct" access to a well pad from a classified A or B road is clearly understood, "indirect access" is capable of a variety of meanings including the use of classified C or even unclassified roads, the use of which by a large number of tankers and other plant and machinery would be highly undesirable. If there must be indirect access we suggest it should be contained within 1km of any A or B road. In addition we strongly support the requirement for a Traffic Management Plan to be included in any planning application*
- (f) ***Separation from habitation.** A general distance rule of 500m ignores the different heights from which development or activity may be seen, and while a 2 ha well pad of 10 drilling masts, properly screened,*

3018

surface hydrocarbon development, particularly those involving hydraulic fracturing, will not be permitted between within 500m of one or two isolated residential buildings and other sensitive receptors or 1.5km of any residential settlement of 3 or more dwellings at the same or similar height above sea level or 3km where such settlement overlooks such activity from a height of 50m or more, the effective distance then being assessed in each case by the Local Planning Authority to take into account topographical variation“.

9. Page 91 para 5.131 line 15: for “and businesses” substitute “businesses or the environment.”
10. Page 92 para 5.136 line 9: Add “Landscape Character Assessments and Capacity Studies will be of positive help in this respect, when the extent of the resource is better known, to determine the capacity of any given area to accommodate further drilling sites. The MPA will produce Supplementary Planning Guidance to this effect.”
11. Page 94 para 5.146 line 19: between “reasonable” and “distance” insert “minimum” and (line 23) between “perceived impact.” and “For the purpose” insert “While the ‘protected building’ principle is applicable in this context the nature and extent of activity together with the particular nature of the county’s terrain and the dispersed nature of its settlements demand a discrete approach. Thus nearby activity may be acceptable in some isolated or relatively isolated situations on the same or similar level where effective screening is possible, but the same may not be acceptable when viewed from a greater distance and from a greater height. Accordingly a sliding scale of separation distance is needed commensurate with elevation.”

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	SHSGAG. With Coxwold, Crayke, and Husthwaite PCs, Oulston Parish Meeting & Helmsley Town Council
------------------------	--------------------------------------------------------------------------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M18	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to attached Critique Paragraph 3 (g)

(g) **Financial Security.** To ensure the satisfactory restoration of any drilling or extraction site to its previous state requires a much greater degree of financial security than that which a commercial energy company, or group of companies could provide by simple guarantee. Either a bond lodged with the MPA, commensurate with each permitted activity or a 3rd party guarantee by a UK registered bank or insurer of equal standing is needed.

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To amplify the above

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature:

[REDACTED]

Date: 17th December 2016

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	SHSGAG. With Coxwold, Crayke, and Hushwaite PCs, Oulston Parish Meeting & Helmsley Town Council
------------------------	-------------------------------------------------------------------------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M19	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to attached Critique Paragraph 3(b) and (d)

3(b) *It is obviously desirable, indeed essential, to eliminate small inconsistencies and ambiguities.*

3(d) *Words such as "inappropriate" and "unacceptable" are imprecise and subjective. They are therefore capable of ambiguous interpretation and application. As may be seen in the next paragraph, far preferable and objective are "effective" and "adverse".*

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [REDACTED]	Date: 17 th December 2016
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**CRITIQUE OF NORTH YORKSHIRE COUNTY COUNCIL'S
MINERALS AND WASTE JOINT PLAN (OCTOBER 2016)
BY SOUTH HAMBLETON SHALE GAS ADVISORY GROUP**

1. Introduction

The South Hambleton Shale Gas Advisory Group comprises technical and professional disciplines. It is non-partisan, and over the past 12 months and more has sought to inform ourselves, the public and local parish councils on shale gas exploration and extraction. We offer this critique by way of constructive criticism, confining ourselves to the legal and procedural compliance or soundness of the final draft plan, including its conformity and the duty to cooperate. We are keen to ensure the final plan will be sufficiently robust and of such clarity as to withstand the scrutiny and challenges it will face at the Examination in Public and subsequent planning appeals. This paper is drafted by a professional planner and a lawyer, each with long and extensive experience in our respective fields, having advised and acted for and against Government and planning authorities over many years.

2. General Comment

It must be said at the outset that since the initial consultative draft Minerals and Waste Joint Plan was published a great deal of thought and detailed work have gone into the preparation of the draft plan now in final consultation. The overall strategy of general principles covering all aspects of minerals and waste in North Yorkshire, leading to their specific application, is a matter for congratulation. Although this critique is concerned solely with shale gas we must observe that such an integrated approach serves only to strengthen the particular aspects upon which it then focuses. We fully endorse the great body of principle and criteria, following both those principles set out in the National Planning Policy Framework document and the fundamental needs of the county. En passant, it is both gratifying and encouraging to note the extent to which the consultee responses to the original document have been recognized and imported into the joint plan now under consideration. Save therefore for a very few substantive matters of detail, this paper seeks to clarify and thereby strengthen some of the language employed in the Joint Plan. We would add, however, that as hinted at

in the present draft Joint Plan (e.g. para. 5.136) Supplementary Planning Guidance will probably be needed to deal with, for example, Landscape Character Assessments when the extent of the shale gas resource is better known. That would determine the capacity of each given area to accommodate further drilling sites. We note that Hambleton District Council have recently produced (May 2016) an LCA which would be an excellent basis for such a capacity study. Likewise it may be both prudent and beneficial to the community at large, as well of advantage to energy companies, for such further Guidance to include Preferred Sites, as the Joint Plan presently provides with regard to other resources such as gravel.

3. General Points

This paragraph contains the argument for and justification of the changes to the draft Joint Plan which we propose. To avoid repetition we discuss the different points with which we take issue or make suggestion, and where they recur in the Joint Plan deal with them compendiously. In the following paragraph we list with page, Policy, paragraph and line reference the specific amendments which then arise.

- (a) In line with the NPPF's presumption in favour of development it is appreciated why so many of the draft Policies begin "will be permitted" but then reservations need invariably to follow the word "unless" or "only".
- (b) It is obviously desirable, indeed essential, to eliminate small inconsistencies and ambiguities.
- (c) **Buffer zones.** We welcome the inclusion of buffer zones to safeguard National Parks and AONBs and strongly support the proposed distance of 3.5km. However a significant discrepancy presently exists between Policy M16 b) (i) and d) (i). As drafted, in b) (i) an absolute prohibition is proposed against all surface development involving hydraulic fracturing in National Parks, AONBs.....Fountains Abbey/Studley Royal World Heritage Site and accompanying buffer zone etc. ; yet in d) (i) all kinds of surface development is anticipated within a National Park or an AONB or associated 3.5km buffer zone with the requirement only of a detailed assessment supporting any application, and

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permission forthcoming where acceptable harm arises. We strongly advocate the absolute prohibition in b) (i) for a National Park or AONB together with a 3.5km buffer zone. There seems little if any difference between the justification for a buffer zone for the World Heritage Site and the needs of a National Park or AONB. The National Trust/English Heritage submission (February 2012) relied upon visual setting, integrity and views and vistas. The Harrogate District Local Plan (May 2013) added the need to increase certainty in managing change. These criteria apply with equal force to our National Park and AONB.

But if, and only if that is unacceptable to Government we submit, as a fall-back position, for the same reasons which justify the World Heritage Site which is in neither a National Park nor AONB there should be at least some absolute prohibition of surface development which involves hydraulic fracturing within a National Park, AONBs with a lesser buffer zone of, say, 1.5km, with the other provisions contained in d) (i) applying to a wider zone of 3.5km, and a strengthening of its wording by substituting 'significant' for "unacceptable" harm.

As currently drafted we do not consider that M16(d) (i) to be compliant with the absolute prohibition of surface unconventional shale gas development in National Parks and AONBs provided for by section 50 of the Infrastructure Act 2015. Therefore we do not regard the Mineral and Waste Joint plan as being legally compliant.

- (d) Words such as "inappropriate" and "unacceptable" are imprecise and subjective. They are therefore capable of ambiguous interpretation and application. As may be seen in the next paragraph, far preferable and objective are "effective" and "adverse".
- (e) **Vehicular access.** While "direct" access to a well pad from a classified A or B road is clearly understood, "indirect access" is capable of a variety of meanings including the use of classified C or even unclassified roads, the use of which by a large number of tankers and other plant and machinery would be highly undesirable. If there must be indirect access we suggest it should be contained within 1km of any A or B road. In addition we strongly support the requirement for a Traffic Management

Plan to be included in any planning application.

- (f) **Separation from habitation.** A general distance rule of 500m ignores the different heights from which development or activity may be seen, and while a 2 ha well pad of 10 drilling masts, properly screened, may be acceptable to the occupier of an isolated farmhouse on whose land the activity occurs, it would not be so to the inhabitants of a village of 300 people whose homes enjoy extensive views from a height of 100m or more above the same activity, such as those with distant views over the Vales of York and Mowbray from settlements on the South and West flanks of the Howardian and Hambleton Hills respectively. We suggest that 500m should be stated as a minimum, the effective distance then being assessed in each case by the Local Planning Authority so that topographical variation can be taken into account.
- (g) **Financial Security.** To ensure the satisfactory restoration of any drilling or extraction site to its previous state requires a much greater degree of financial security than that which a commercial energy company, or group of companies could provide by simple guarantee. Either a bond lodged with the MPA, commensurate with each permitted activity or a 3rd party guarantee by a UK registered bank or insurer of equal standing is needed.

4. Proposed Amendments

1. *Page 84 Policy M16, b) (i), lines 4 and 5:* for “and accompanying zone” substitute “(each with accompanying zones of 3.5km).”
2. *Page 84 Policy M16 d):* delete para (i) entirely but retain para (ii) but without its number.
3. *Page 87, para 5.125, line 1:* for “appropriate” substitute “effective”.
4. *Page 88 Policy M17 1) i) line 2:* delete “or indirect” and for “and” substitute “and only”.

- 5. *Page 89 Policy M17 2) i) line 2:* for "unacceptable" substitute "an adverse".
- 6. *Page 90 Policy M17 4) i) line 2:* for "unacceptable" substitute "an adverse".
- 7. *Page 90 Policy M17 4) i) line 3:* for "Adequate separation distances should" substitute " Adequate separation distances, including those specified below, must".
- 8. *Page 90 Policy M17 4) i) lines 8 – 12:* delete the last sentence beginning "Proposals for surface hydrocarbon" and substitute " Proposals for surface hydrocarbon development, particularly those involving hydraulic fracturing, will not be permitted between within 500m of one or two isolated residential buildings and other sensitive receptors or 1.5km of any residential settlement of 3 or more dwellings at the same or similar height above sea level or 3km where such settlement overlooks such activity from a height of 50m or more, the effective distance then being assessed in each case by the Local Planning Authority to take into account topographical variation".
- 9. *Page 91 para 5.131 line 15:* for "and businesses" substitute "businesses or the environment."
- 10. *Page 92 para 5.136 line 9:* Add "Landscape Character Assessments and Capacity Studies will be of positive help in this respect, when the extent of the resource is better known, to determine the capacity of any given area to accommodate further drilling sites. The MPA will produce Supplementary Planning Guidance to this effect."
- 11. *Page 94 para 5.146 line 19:* between "reasonable" and "distance" insert "minimum" and *(line 23)* between "perceived impact." and "For the purpose" insert "While the 'protected building' principle is applicable in this context the nature and extent of activity together with the particular nature of the county's terrain and the dispersed nature of its settlements demand a

discrete approach. Thus nearby activity may be acceptable in some isolated or relatively isolated situations on the same or similar level where effective screening is possible, but the same may not be acceptable when viewed from a greater distance and from a greater height. Accordingly a sliding scale of separation distance is needed commensurate with elevation."

12. *Page 95 and 96 Policy M18 1) Waste Management and reinjection wells i) line 1 and 2) Decommissioning and restoration line 2:* after "permitted" insert "only".
13. *Page 96 Policy M18 2) iii) line 2:* for "may" substitute "will" and after "guarantee" insert "including that of a 3rd party approved by the MPA such as a UK registered bank or insurer of similar standing."
14. *Page 98 Policy M19 ii):* for "unacceptable" substitute "adverse".
15. *Page 170 Policy D06 1) line 3, 2) line 4 and 3) line 3:* for "unacceptable" substitute "adverse".

5. Conclusion

The precise wording of these proposals are by way only of suggestion but we hope that the sense and purpose of each is clear. Should they find favour with the Authorities the Group which we represent would give full hearted support at the Examination in Public.

Christopher Stratton OBE, DipLA, FLI, MRTPI

Peter Fox QC, LLD

**For and on behalf of the SHSGAG,
also endorsed and adopted by the following Local Councils:**

**Coxwold
Crayke
Husthwaite
Oulston Parish Meeting
Helmsley Town Council**

December 2016

mwjointplan

From: Chris Stratton <chstratton50@gmail.com>
Sent: 21 December 2016 10:23
To: mwjointplan
Subject: NYCC Mineral and Waste Joint Plan _response by South Hambleton Shale Gas Advisory Group FAO James Whiteley
Attachments: Letter NYCC .pdf; Response Form Part A .pdf; Response Form Part B D06.pdf; Response Form Part B M16. docx.pdf; Response Form Part B M17.pdf; Response Form Part B M18.pdf; Response Form Part B M19.pdf; CRITIQUE OF NORTH YORKSHIRE COUNTY COUNCIL'S.pdf

Dear Sirs,

I refer to the hard copies of our response which I handed to James Whiteley at County Hall yesterday afternoon As agreed I now attach pdf digital copies of all the documents, namely:

- The covering letter
- Form A
- Forms B (5no)
- Our Critique

There is one important difference to note between the hard copies I deposited with you yesterday and the digital submission today.

Last night we learnt that Helmsley Town Council had endorsed and adopted this submission, so we have added their name to all the forms A&B and the critique.

There are no other changes.

If you have any queries that it would be helpful to discuss as you process the documentation for the EIP please contact me.

I would be grateful if you could acknowledge receipt of this email.

Yours faithfully

Christopher Stratton

Chairman
 South Hambleton Shale Gas Advisory Group

BANK FARM
OULSTON
NORTH YORKSHIRE
YO6 13RA

TEL: 01347 868854
E mail: chstratton50@gmail.com

Dec 21st 2016

Dear Sirs,
North Yorkshire Minerals and Waste Joint Plan 2016 - Publication Stage Response

I attach the response in digitised format that has been prepared by the South Hambleton Shale Gas Advisory Group on behalf of Hushwaite, Crayke, Coxwold parish councils, Oulston Parish Meeting and Helmsley Town Council.

Please note that since I submitted hard copies of Forms A&B to County Hall yesterday, Helmsley Town Council have discussed and adopted the SHSGAG response so are added to the list above.

In order to comply as far as possible with your request that we use your forms A & B. we have completed Five B forms which deal, with those specific points of policy that we wish to bring to the EIP.

Other points of amendment which arise from the justification and explanatory paras of the plan are also contained in a Critique which is attached. This document also explains who we are, and deals with general points. It also sets out our qualified support for the Oct 2016 version of the plan.

We hope that you will find merit in our suggestions and indicate your support prior to the EIP for we would like to be able to attend the hearing and lend our support to an amended Joint Mineral and Waste Plan.

Yours faithfully

Christopher Stratton
Chairman
South Hambleton Shale Gas Advisory Group

Mineral Planning Team
North Yorkshire County Council
County Hall
Northallerton

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title: Ms	Initial(s): V F
Surname: Ellis		
Organisation (if applicable): Helmsley Town Council		
Address:	The Old Vicarage	
	Bondgate, Helmsley	
	York	
Post Code: YO62 5BP		
Telephone: 01439 772572		
Email: helmsleytc@gmail.com		

Agent contact details (if applicable)

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in separate guidance notes. You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.

A separate Part B form **MUST** be produced for each separate representation you wish to make. After this stage, further submissions will only be at the invitation of the inspector who will conduct an Examination in Public of the Joint Plan, based on the matters they identify during the Examination.

All responses should be returned by 5pm on Wednesday 21st December 2016. Please note that representations cannot be received after this deadline.

Responses can be returned by email to: mwjointplan@northyorks.gov.uk or by post using the address below:

Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

Data Protection:

North Yorkshire County Council, the North York Moors National Park Authority and the City of York Council are registered under the Data Protection Act 1998. For the purposes of the Data Protection Act legislation, your contact details and responses will only be retained for the preparation of the Minerals and Waste Joint Plan. Representations made at Publication stage cannot remain anonymous, but details will only be used in relation to the Minerals and Waste Joint Plan. Your response will be made available to view on the website and as part of the examination.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Helmsley Town Council
------------------------	-----------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="5.93-5.161"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The draft joint waste and minerals plan is unsound because the section on Hydrocarbons (paras 5.93 – 5.161) is inconsistent with National Policy in that it fails to take into account Policy SP13 of the Ryedale Plan which is an adopted Statutory Plan made in accordance with the NPPF in the following respects:

- The failure to include the Vale of Pickering and the Yorkshire Wolds under Policy M16 (b)(i) as one of the areas where hydraulic fracturing would not be permitted;**
- The scale and density of well pads proposed in regard to the SP13 policy objective of the protecting and enhancing distinctive elements of landscape character that are the result of historical and cultural influences, natural features and aesthetic qualities.**

Joan Jackson

From: Helmsley Town Council <helmsleytc@gmail.com>
Sent: 20 December 2016 11:27
To: mwjointplan
Subject: Helmsley Town Council - Response to Minerals and Waste Joint Plan - Publication
Attachments: MWJP Publication - Response Form Part A.docx; MWJP Publication - Response Form Part B.docx

Hi

Following the council's meeting on the 19th December 2016, please find attached Response Forms A and B, 2 in total.

Best regards
Victoria

Ms Victoria Ellis
Clerk to Helmsley Town Council
Helmsley Town Council
The Old Vicarage
Bondgate
Helmsley
YO62 5BP

Office Hours Monday and Tuesday 9:30am-12:30pm. Emails are checked Monday to Thursday.

Tel: 01439 772572
Website: www.helmsleytowncouncil.co.uk

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As a public body, the Council may be required to disclose this e-mail (or any response to it) under the Freedom of Information Act 2000, unless the information in it is covered by one of the exemptions in the Act.

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title: MR	Initial(s): C.H.
Surname: STRATTON		
Organisation (if applicable): South Hambleton Shale Gas Advisory Group, Also representing Coxwold ,Crayke and Husthwaite Parish Councils , Oulston Parish Meeting & Helmsley Town Council		
Address:	Bank Farm	
	Oulston	
	York	
Post Code: YO61 3 RA		
Telephone: 01347 868854		
Email: chstratton50@gmail.com		

Agent contact details (if applicable)

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in separate guidance notes. You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.

A separate Part B form **MUST** be produced for each separate representation you wish to make. After this stage, further submissions will only be at the invitation of the inspector who will conduct an Examination in Public of the Joint Plan, based on the matters they identify during the Examination.

All responses should be returned by 5pm on Wednesday 21st December 2016. Please note that representations cannot be received after this deadline.

Responses can be returned by email to: mwjointplan@northyorks.gov.uk or by post using the address below:

Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	SHSGAG. With Coxwold, Crayke, and Hustwaite PCs, Oulston Parish Meeting & Helmsley Town Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	D06	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="text"/>	No	<input checked="" type="text"/>
2.(2) Sound	Yes	<input type="text"/>	No	<input checked="" type="text"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared	Yes	<input type="text"/>	No	<input type="text"/>	Justified	Yes	<input type="text"/>	No	<input type="text"/>
Effective	Yes	<input type="text"/>	No	<input checked="" type="text"/>	Consistent with National Policy	Yes	<input type="text"/>	No	<input type="text"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="text"/>	No	<input type="text"/>
--------------------------------------------	-----	---------------------------------	----	----------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to attached Critique Paragraph 3 (b) & (d)

- (b) *It is obviously desirable, indeed essential, to eliminate small inconsistencies and ambiguities.*
- (d) *Words such as "inappropriate" and "unacceptable" are imprecise and subjective. They are therefore capable of ambiguous interpretation and application. As may be seen in the next paragraph, far preferable and objective are "effective" and "adverse".*

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [REDACTED]	Date: 17 th December 2016
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Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	SHSGAG. With Coxwold, Crayke, and Husthwaite PCs, Oulston Parish Meeting & Helmsley Town Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M16	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="text"/>	No	<input checked="" type="text"/>
2.(2) Sound	Yes	<input type="text"/>	No	<input checked="" type="text"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared	Yes	<input type="text"/>	No	<input type="text"/>	Justified	Yes	<input type="text"/>	No	<input type="text"/>
Effective	Yes	<input type="text"/>	No	<input type="text"/>	Consistent with National Policy	Yes	<input type="text"/>	No	<input checked="" type="text"/>

2 (3) Complies with the Duty to co-operate	Yes	x	<input type="text"/>	No	<input type="text"/>
--------------------------------------------	-----	---	----------------------	----	----------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to the attached Critique Para 3 (a) & (c)

- (a) In line with the NPPFs presumption in favour of development it is appreciated why so many of the draft policies begin "will be permitted" but then reservations need invariably to follow the word "unless" or "only".
- (c) **Buffer zones.** We welcome the inclusion of buffer zones to safeguard National Parks and AONBs and strongly support the proposed distance of 3.5km. However a significant discrepancy presently exists between Policy M16 b) (i) and d) (i). As drafted, in b) (i) an absolute prohibition is proposed against all surface development involving hydraulic fracturing in National Parks, AONBs.....Fountains Abbey/Studley Royal World Heritage Site and accompanying buffer zone etc. ; yet in d) (i) all kinds of surface development is anticipated within a National Park or an AONB or associated 3.5km buffer zone with the requirement only of a detailed assessment supporting any application, and permission forthcoming where acceptable harm arises. We

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please refer to the attached Critique

Paragraphs 4 Proposed Amendments 1, 2 &3

1. *Page 84 Policy M16, b) (i), lines 4 and 5: for "and accompanying zone" substitute "(each with accompanying zones of 3.5km)."*
2. *Page 84 Policy M16 d): delete para (i) entirely but retain para (ii) but without its number.*
3. *Page 87, para 5.125, line 1: for "appropriate" substitute "effective".*

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :

SHSGAG. With Coxwold, Crayke, and Hustwaite PCs, Oulston
Parish Meeting & Helmsley Town Council

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site
Allocation Reference No.

Policy No.

M17

Policies Map

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant

Yes

No

2.(2) Sound

Yes

No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared

Yes

No

Justified

Yes

No

Effective

Yes

No

Consistent with National Policy

Yes

No

2 (3) Complies with the
Duty to co-operate

Yes

No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to attached Critique
Paragraph 3 (d),(e), and (f)

- (d) *Words such as "inappropriate" and "unacceptable" are imprecise and subjective. They are therefore capable of ambiguous interpretation and application. As may be seen in the next paragraph, far preferable and objective are "effective" and "adverse".*
- (e) *Vehicular access. While "direct" access to a well pad from a classified A or B road is clearly understood, "indirect access" is capable of a variety of meanings including the use of classified C or even unclassified roads, the use of which by a large number of tankers and other plant and machinery would be highly undesirable. If there must be indirect access we suggest it should be contained within 1km of any A or B road. In addition we strongly support the requirement for a Traffic Management Plan to be included in any planning application*
- (f) *Separation from habitation. A general distance rule of 500m ignores the different heights from which development or activity may be seen, and while a 2 ha well pad of 10 drilling masts, properly screened,*

3018

surface hydrocarbon development, particularly those involving hydraulic fracturing, will not be permitted between within 500m of one or two isolated residential buildings and other sensitive receptors or 1.5km of any residential settlement of 3 or more dwellings at the same or similar height above sea level or 3km where such settlement overlooks such activity from a height of 50m or more, the effective distance then being assessed in each case by the Local Planning Authority to take into account topographical variation“.

9. Page 91 para 5.131 line 15: for “and businesses” substitute “businesses or the environment.”
10. Page 92 para 5.136 line 9: Add “Landscape Character Assessments and Capacity Studies will be of positive help in this respect, when the extent of the resource is better known, to determine the capacity of any given area to accommodate further drilling sites. The MPA will produce Supplementary Planning Guidance to this effect.”
11. Page 94 para 5.146 line 19: between “reasonable” and “distance” insert “minimum” and (line 23) between “perceived impact.” and “For the purpose” insert “While the ‘protected building’ principle is applicable in this context the nature and extent of activity together with the particular nature of the county’s terrain and the dispersed nature of its settlements demand a discrete approach. Thus nearby activity may be acceptable in some isolated or relatively isolated situations on the same or similar level where effective screening is possible, but the same may not be acceptable when viewed from a greater distance and from a greater height. Accordingly a sliding scale of separation distance is needed commensurate with elevation.”

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	SHSGAG. With Coxwold, Crayke, and Husthwaite PCs, Oulston Parish Meeting & Helmsley Town Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M18	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to attached Critique Paragraph 3 (g)

(g) **Financial Security.** To ensure the satisfactory restoration of any drilling or extraction site to its previous state requires a much greater degree of financial security than that which a commercial energy company, or group of companies could provide by simple guarantee. Either a bond lodged with the MPA, commensurate with each permitted activity or a 3rd party guarantee by a UK registered bank or insurer of equal standing is needed.

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To amplify the above

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature:

[REDACTED]

Date: 17th December 2016

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	SHSGAG. With Coxwold, Crayke, and Hushwaite PCs, Oulston Parish Meeting & Helmsley Town Council
------------------------	-------------------------------------------------------------------------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M19	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="text"/>	No	<input checked="" type="text"/>
2.(2) Sound	Yes	<input type="text"/>	No	<input checked="" type="text"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared	Yes	<input type="text"/>	No	<input type="text"/>	Justified	Yes	<input type="text"/>	No	<input type="text"/>
Effective	Yes	<input type="text"/>	No	<input checked="" type="text"/>	Consistent with National Policy	Yes	<input type="text"/>	No	<input type="text"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="text"/>	No	<input type="text"/>
--------------------------------------------	-----	---------------------------------	----	----------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to attached Critique Paragraph 3(b) and (d)

3(b) *It is obviously desirable, indeed essential, to eliminate small inconsistencies and ambiguities.*

3(d) *Words such as "inappropriate" and "unacceptable" are imprecise and subjective. They are therefore capable of ambiguous interpretation and application. As may be seen in the next paragraph, far preferable and objective are "effective" and "adverse".*

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [REDACTED]	Date: 17 th December 2016
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**CRITIQUE OF NORTH YORKSHIRE COUNTY COUNCIL'S
MINERALS AND WASTE JOINT PLAN (OCTOBER 2016)
BY SOUTH HAMBLETON SHALE GAS ADVISORY GROUP**

1. Introduction

The South Hambleton Shale Gas Advisory Group comprises technical and professional disciplines. It is non-partisan, and over the past 12 months and more has sought to inform ourselves, the public and local parish councils on shale gas exploration and extraction. We offer this critique by way of constructive criticism, confining ourselves to the legal and procedural compliance or soundness of the final draft plan, including its conformity and the duty to cooperate. We are keen to ensure the final plan will be sufficiently robust and of such clarity as to withstand the scrutiny and challenges it will face at the Examination in Public and subsequent planning appeals. This paper is drafted by a professional planner and a lawyer, each with long and extensive experience in our respective fields, having advised and acted for and against Government and planning authorities over many years.

2. General Comment

It must be said at the outset that since the initial consultative draft Minerals and Waste Joint Plan was published a great deal of thought and detailed work have gone into the preparation of the draft plan now in final consultation. The overall strategy of general principles covering all aspects of minerals and waste in North Yorkshire, leading to their specific application, is a matter for congratulation. Although this critique is concerned solely with shale gas we must observe that such an integrated approach serves only to strengthen the particular aspects upon which it then focuses. We fully endorse the great body of principle and criteria, following both those principles set out in the National Planning Policy Framework document and the fundamental needs of the county. En passant, it is both gratifying and encouraging to note the extent to which the consultee responses to the original document have been recognized and imported into the joint plan now under consideration. Save therefore for a very few substantive matters of detail, this paper seeks to clarify and thereby strengthen some of the language employed in the Joint Plan. We would add, however, that as hinted at

in the present draft Joint Plan (e.g. para. 5.136) Supplementary Planning Guidance will probably be needed to deal with, for example, Landscape Character Assessments when the extent of the shale gas resource is better known. That would determine the capacity of each given area to accommodate further drilling sites. We note that Hambleton District Council have recently produced (May 2016) an LCA which would be an excellent basis for such a capacity study. Likewise it may be both prudent and beneficial to the community at large, as well of advantage to energy companies, for such further Guidance to include Preferred Sites, as the Joint Plan presently provides with regard to other resources such as gravel.

3. General Points

This paragraph contains the argument for and justification of the changes to the draft Joint Plan which we propose. To avoid repetition we discuss the different points with which we take issue or make suggestion, and where they recur in the Joint Plan deal with them compendiously. In the following paragraph we list with page, Policy, paragraph and line reference the specific amendments which then arise.

- (a) In line with the NPPF's presumption in favour of development it is appreciated why so many of the draft Policies begin "will be permitted" but then reservations need invariably to follow the word "unless" or "only".
- (b) It is obviously desirable, indeed essential, to eliminate small inconsistencies and ambiguities.
- (c) **Buffer zones.** We welcome the inclusion of buffer zones to safeguard National Parks and AONBs and strongly support the proposed distance of 3.5km. However a significant discrepancy presently exists between Policy M16 b) (i) and d) (i). As drafted, in b) (i) an absolute prohibition is proposed against all surface development involving hydraulic fracturing in National Parks, AONBs.....Fountains Abbey/Studley Royal World Heritage Site and accompanying buffer zone etc. ; yet in d) (i) all kinds of surface development is anticipated within a National Park or an AONB or associated 3.5km buffer zone with the requirement only of a detailed assessment supporting any application, and

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permission forthcoming where acceptable harm arises. We strongly advocate the absolute prohibition in b) (i) for a National Park or AONB together with a 3.5km buffer zone. There seems little if any difference between the justification for a buffer zone for the World Heritage Site and the needs of a National Park or AONB. The National Trust/English Heritage submission (February 2012) relied upon visual setting, integrity and views and vistas. The Harrogate District Local Plan (May 2013) added the need to increase certainty in managing change. These criteria apply with equal force to our National Park and AONB.

But if, and only if that is unacceptable to Government we submit, as a fall-back position, for the same reasons which justify the World Heritage Site which is in neither a National Park nor AONB there should be at least some absolute prohibition of surface development which involves hydraulic fracturing within a National Park, AONBs with a lesser buffer zone of, say, 1.5km, with the other provisions contained in d) (i) applying to a wider zone of 3.5km, and a strengthening of its wording by substituting 'significant' for "unacceptable" harm.

As currently drafted we do not consider that M16(d) (i) to be compliant with the absolute prohibition of surface unconventional shale gas development in National Parks and AONBs provided for by section 50 of the Infrastructure Act 2015. Therefore we do not regard the Mineral and Waste Joint plan as being legally compliant.

- (d) Words such as "inappropriate" and "unacceptable" are imprecise and subjective. They are therefore capable of ambiguous interpretation and application. As may be seen in the next paragraph, far preferable and objective are "effective" and "adverse".
- (e) **Vehicular access.** While "direct" access to a well pad from a classified A or B road is clearly understood, "indirect access" is capable of a variety of meanings including the use of classified C or even unclassified roads, the use of which by a large number of tankers and other plant and machinery would be highly undesirable. If there must be indirect access we suggest it should be contained within 1km of any A or B road. In addition we strongly support the requirement for a Traffic Management

Plan to be included in any planning application.

- (f) **Separation from habitation.** A general distance rule of 500m ignores the different heights from which development or activity may be seen, and while a 2 ha well pad of 10 drilling masts, properly screened, may be acceptable to the occupier of an isolated farmhouse on whose land the activity occurs, it would not be so to the inhabitants of a village of 300 people whose homes enjoy extensive views from a height of 100m or more above the same activity, such as those with distant views over the Vales of York and Mowbray from settlements on the South and West flanks of the Howardian and Hambleton Hills respectively. We suggest that 500m should be stated as a minimum, the effective distance then being assessed in each case by the Local Planning Authority so that topographical variation can be taken into account.
- (g) **Financial Security.** To ensure the satisfactory restoration of any drilling or extraction site to its previous state requires a much greater degree of financial security than that which a commercial energy company, or group of companies could provide by simple guarantee. Either a bond lodged with the MPA, commensurate with each permitted activity or a 3rd party guarantee by a UK registered bank or insurer of equal standing is needed.

4. Proposed Amendments

1. *Page 84 Policy M16, b) (i), lines 4 and 5:* for “and accompanying zone” substitute “(each with accompanying zones of 3.5km).”
2. *Page 84 Policy M16 d):* delete para (i) entirely but retain para (ii) but without its number.
3. *Page 87, para 5.125, line 1:* for “appropriate” substitute “effective”.
4. *Page 88 Policy M17 1) i) line 2:* delete “or indirect” and for “and” substitute “and only”.

5. *Page 89 Policy M17 2) i) line 2:* for "unacceptable" substitute "an adverse".
6. *Page 90 Policy M17 4) i) line 2:* for "unacceptable" substitute "an adverse".
7. *Page 90 Policy M17 4) i) line 3:* for "Adequate separation distances should" substitute " Adequate separation distances, including those specified below, must".
8. *Page 90 Policy M17 4) i) lines 8 – 12:* delete the last sentence beginning "Proposals for surface hydrocarbon" and substitute " Proposals for surface hydrocarbon development, particularly those involving hydraulic fracturing, will not be permitted between within 500m of one or two isolated residential buildings and other sensitive receptors or 1.5km of any residential settlement of 3 or more dwellings at the same or similar height above sea level or 3km where such settlement overlooks such activity from a height of 50m or more, the effective distance then being assessed in each case by the Local Planning Authority to take into account topographical variation".
9. *Page 91 para 5.131 line 15:* for "and businesses" substitute "businesses or the environment."
10. *Page 92 para 5.136 line 9:* Add "Landscape Character Assessments and Capacity Studies will be of positive help in this respect, when the extent of the resource is better known, to determine the capacity of any given area to accommodate further drilling sites. The MPA will produce Supplementary Planning Guidance to this effect."
11. *Page 94 para 5.146 line 19:* between "reasonable" and "distance" insert "minimum" and *(line 23)* between "perceived impact." and "For the purpose" insert "While the 'protected building' principle is applicable in this context the nature and extent of activity together with the particular nature of the county's terrain and the dispersed nature of its settlements demand a

discrete approach. Thus nearby activity may be acceptable in some isolated or relatively isolated situations on the same or similar level where effective screening is possible, but the same may not be acceptable when viewed from a greater distance and from a greater height. Accordingly a sliding scale of separation distance is needed commensurate with elevation."

12. *Page 95 and 96 Policy M18 1) Waste Management and reinjection wells i) line 1 and 2) Decommissioning and restoration line 2:* after "permitted" insert "only".
13. *Page 96 Policy M18 2) iii) line 2:* for "may" substitute "will" and after "guarantee" insert "including that of a 3rd party approved by the MPA such as a UK registered bank or insurer of similar standing."
14. *Page 98 Policy M19 ii):* for "unacceptable" substitute "adverse".
15. *Page 170 Policy D06 1) line 3, 2) line 4 and 3) line 3:* for "unacceptable" substitute "adverse".

5. Conclusion

The precise wording of these proposals are by way only of suggestion but we hope that the sense and purpose of each is clear. Should they find favour with the Authorities the Group which we represent would give full hearted support at the Examination in Public.

Christopher Stratton OBE, DipLA, FLI, MRTPI

Peter Fox QC, LLD

**For and on behalf of the SHSGAG,
also endorsed and adopted by the following Local Councils:**

**Coxwold
Crayke
Husthwaite
Oulston Parish Meeting
Helmsley Town Council**

December 2016

mwjointplan

From: Chris Stratton <chstratton50@gmail.com>
Sent: 21 December 2016 10:23
To: mwjointplan
Subject: NYCC Mineral and Waste Joint Plan _response by South Hambleton Shale Gas Advisory Group FAO James Whiteley
Attachments: Letter NYCC .pdf; Response Form Part A .pdf; Response Form Part B D06.pdf; Response Form Part B M16. docx.pdf; Response Form Part B M17.pdf; Response Form Part B M18.pdf; Response Form Part B M19.pdf; CRITIQUE OF NORTH YORKSHIRE COUNTY COUNCIL'S.pdf

Dear Sirs,

I refer to the hard copies of our response which I handed to James Whiteley at County Hall yesterday afternoon As agreed I now attach pdf digital copies of all the documents, namely:

- The covering letter
- Form A
- Forms B (5no)
- Our Critique

There is one important difference to note between the hard copies I deposited with you yesterday and the digital submission today.

Last night we learnt that Helmsley Town Council had endorsed and adopted this submission, so we have added their name to all the forms A&B and the critique.

There are no other changes.

If you have any queries that it would be helpful to discuss as you process the documentation for the EIP please contact me.

I would be grateful if you could acknowledge receipt of this email.

Yours faithfully

Christopher Stratton

Chairman
 South Hambleton Shale Gas Advisory Group

BANK FARM
OULSTON
NORTH YORKSHIRE
YO6 13RA

TEL: 01347 868854
E mail: chstratton50@gmail.com

Dec 21st 2016

Dear Sirs,
North Yorkshire Minerals and Waste Joint Plan 2016 - Publication Stage Response

I attach the response in digitised format that has been prepared by the South Hambleton Shale Gas Advisory Group on behalf of Hushwaite, Crayke, Coxwold parish councils, Oulston Parish Meeting and Helmsley Town Council.

Please note that since I submitted hard copies of Forms A&B to County Hall yesterday, Helmsley Town Council have discussed and adopted the SHSGAG response so are added to the list above.

In order to comply as far as possible with your request that we use your forms A & B. we have completed Five B forms which deal, with those specific points of policy that we wish to bring to the EIP.

Other points of amendment which arise from the justification and explanatory paras of the plan are also contained in a Critique which is attached. This document also explains who we are, and deals with general points. It also sets out our qualified support for the Oct 2016 version of the plan.

We hope that you will find merit in our suggestions and indicate your support prior to the EIP for we would like to be able to attend the hearing and lend our support to an amended Joint Mineral and Waste Plan.

Yours faithfully

Christopher Stratton
Chairman
South Hambleton Shale Gas Advisory Group

Mineral Planning Team
North Yorkshire County Council
County Hall
Northallerton

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title: MR	Initial(s): C.H.
Surname: STRATTON		
Organisation (if applicable): South Hambleton Shale Gas Advisory Group, Also representing Coxwold ,Crayke and Husthwaite Parish Councils , Oulston Parish Meeting & Helmsley Town Council		
Address:	Bank Farm	
	Oulston	
	York	
Post Code: YO61 3 RA		
Telephone: 01347 868854		
Email: chstratton50@gmail.com		

Agent contact details (if applicable)

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in separate guidance notes. You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.

A separate Part B form **MUST** be produced for each separate representation you wish to make. After this stage, further submissions will only be at the invitation of the inspector who will conduct an Examination in Public of the Joint Plan, based on the matters they identify during the Examination.

All responses should be returned by 5pm on Wednesday 21st December 2016. Please note that representations cannot be received after this deadline.

Responses can be returned by email to: mwjointplan@northyorks.gov.uk or by post using the address below:

Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	SHSGAG. With Coxwold, Crayke, and Hustwaite PCs, Oulston Parish Meeting & Helmsley Town Council
------------------------	-------------------------------------------------------------------------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	D06	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to attached Critique Paragraph 3 (b) & (d)

(b) *It is obviously desirable, indeed essential, to eliminate small inconsistencies and ambiguities.*

(d) *Words such as "inappropriate" and "unacceptable" are imprecise and subjective. They are therefore capable of ambiguous interpretation and application. As may be seen in the next paragraph, far preferable and objective are "effective" and "adverse".*

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [REDACTED]	Date:17 th December 2016
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Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	SHSGAG. With Coxwold, Crayke, and Husthwaite PCs, Oulston Parish Meeting & Helmsley Town Council
------------------------	--------------------------------------------------------------------------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M16	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	-----	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="text"/>	No	<input checked="" type="text"/>
2.(2) Sound	Yes	<input type="text"/>	No	<input checked="" type="text"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared	Yes	<input type="text"/>	No	<input type="text"/>	Justified	Yes	<input type="text"/>	No	<input type="text"/>
Effective	Yes	<input type="text"/>	No	<input type="text"/>	Consistent with National Policy	Yes	<input type="text"/>	No	<input checked="" type="text"/>

2 (3) Complies with the Duty to co-operate	Yes	x	<input type="text"/>	No	<input type="text"/>
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3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to the attached Critique Para 3 (a) & (c)

- (a) In line with the NPPFs presumption in favour of development it is appreciated why so many of the draft policies begin "will be permitted" but then reservations need invariably to follow the word "unless" or "only".
- (c) **Buffer zones.** We welcome the inclusion of buffer zones to safeguard National Parks and AONBs and strongly support the proposed distance of 3.5km. However a significant discrepancy presently exists between Policy M16 b) (i) and d) (i). As drafted, in b) (i) an absolute prohibition is proposed against all surface development involving hydraulic fracturing in National Parks, AONBs.....Fountains Abbey/Studley Royal World Heritage Site and accompanying buffer zone etc. ; yet in d) (i) all kinds of surface development is anticipated within a National Park or an AONB or associated 3.5km buffer zone with the requirement only of a detailed assessment supporting any application, and permission forthcoming where acceptable harm arises. We

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please refer to the attached Critique

Paragraphs 4 Proposed Amendments 1, 2 &3

1. *Page 84 Policy M16, b) (i), lines 4 and 5: for "and accompanying zone" substitute "(each with accompanying zones of 3.5km)."*
2. *Page 84 Policy M16 d): delete para (i) entirely but retain para (ii) but without its number.*
3. *Page 87, para 5.125, line 1: for "appropriate" substitute "effective".*

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :

SHSGAG. With Coxwold, Crayke, and Hustwaite PCs, Oulston
Parish Meeting & Helmsley Town Council

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site
Allocation Reference No.

Policy No.

M17

Policies Map

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant

Yes

No

2.(2) Sound

Yes

No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared

Yes

No

Justified

Yes

No

Effective

Yes

No

Consistent with National Policy

Yes

No

2 (3) Complies with the
Duty to co-operate

Yes

No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to attached Critique

Paragraph 3 (d),(e), and (f)

- (d) *Words such as "inappropriate" and "unacceptable" are imprecise and subjective. They are therefore capable of ambiguous interpretation and application. As may be seen in the next paragraph, far preferable and objective are "effective" and "adverse".*
- (e) ***Vehicular access.** While "direct" access to a well pad from a classified A or B road is clearly understood, "indirect access" is capable of a variety of meanings including the use of classified C or even unclassified roads, the use of which by a large number of tankers and other plant and machinery would be highly undesirable. If there must be indirect access we suggest it should be contained within 1km of any A or B road. In addition we strongly support the requirement for a Traffic Management Plan to be included in any planning application*
- (f) ***Separation from habitation.** A general distance rule of 500m ignores the different heights from which development or activity may be seen, and while a 2 ha well pad of 10 drilling masts, properly screened,*

3018

surface hydrocarbon development, particularly those involving hydraulic fracturing, will not be permitted between within 500m of one or two isolated residential buildings and other sensitive receptors or 1.5km of any residential settlement of 3 or more dwellings at the same or similar height above sea level or 3km where such settlement overlooks such activity from a height of 50m or more, the effective distance then being assessed in each case by the Local Planning Authority to take into account topographical variation“.

9. Page 91 para 5.131 line 15: for “and businesses” substitute “businesses or the environment.”
10. Page 92 para 5.136 line 9: Add “Landscape Character Assessments and Capacity Studies will be of positive help in this respect, when the extent of the resource is better known, to determine the capacity of any given area to accommodate further drilling sites. The MPA will produce Supplementary Planning Guidance to this effect.”
11. Page 94 para 5.146 line 19: between “reasonable” and “distance” insert “minimum” and (line 23) between “perceived impact.” and “For the purpose” insert “While the ‘protected building’ principle is applicable in this context the nature and extent of activity together with the particular nature of the county’s terrain and the dispersed nature of its settlements demand a discrete approach. Thus nearby activity may be acceptable in some isolated or relatively isolated situations on the same or similar level where effective screening is possible, but the same may not be acceptable when viewed from a greater distance and from a greater height. Accordingly a sliding scale of separation distance is needed commensurate with elevation.”

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	SHSGAG. With Coxwold, Crayke, and Husthwaite PCs, Oulston Parish Meeting & Helmsley Town Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M18	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to attached Critique Paragraph 3 (g)

(g) **Financial Security.** To ensure the satisfactory restoration of any drilling or extraction site to its previous state requires a much greater degree of financial security than that which a commercial energy company, or group of companies could provide by simple guarantee. Either a bond lodged with the MPA, commensurate with each permitted activity or a 3rd party guarantee by a UK registered bank or insurer of equal standing is needed.

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To amplify the above

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature:

[REDACTED]

Date: 17th December 2016

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	SHSGAG. With Coxwold, Crayke, and Hushwaite PCs, Oulston Parish Meeting & Helmsley Town Council
------------------------	-------------------------------------------------------------------------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M19	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please refer to attached Critique Paragraph 3(b) and (d)

3(b) *It is obviously desirable, indeed essential, to eliminate small inconsistencies and ambiguities.*

3(d) *Words such as "inappropriate" and "unacceptable" are imprecise and subjective. They are therefore capable of ambiguous interpretation and application. As may be seen in the next paragraph, far preferable and objective are "effective" and "adverse".*

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [REDACTED]	Date: 17 th December 2016
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**CRITIQUE OF NORTH YORKSHIRE COUNTY COUNCIL'S
MINERALS AND WASTE JOINT PLAN (OCTOBER 2016)
BY SOUTH HAMBLETON SHALE GAS ADVISORY GROUP**

1. Introduction

The South Hambleton Shale Gas Advisory Group comprises technical and professional disciplines. It is non-partisan, and over the past 12 months and more has sought to inform ourselves, the public and local parish councils on shale gas exploration and extraction. We offer this critique by way of constructive criticism, confining ourselves to the legal and procedural compliance or soundness of the final draft plan, including its conformity and the duty to cooperate. We are keen to ensure the final plan will be sufficiently robust and of such clarity as to withstand the scrutiny and challenges it will face at the Examination in Public and subsequent planning appeals. This paper is drafted by a professional planner and a lawyer, each with long and extensive experience in our respective fields, having advised and acted for and against Government and planning authorities over many years.

2. General Comment

It must be said at the outset that since the initial consultative draft Minerals and Waste Joint Plan was published a great deal of thought and detailed work have gone into the preparation of the draft plan now in final consultation. The overall strategy of general principles covering all aspects of minerals and waste in North Yorkshire, leading to their specific application, is a matter for congratulation. Although this critique is concerned solely with shale gas we must observe that such an integrated approach serves only to strengthen the particular aspects upon which it then focuses. We fully endorse the great body of principle and criteria, following both those principles set out in the National Planning Policy Framework document and the fundamental needs of the county. En passant, it is both gratifying and encouraging to note the extent to which the consultee responses to the original document have been recognized and imported into the joint plan now under consideration. Save therefore for a very few substantive matters of detail, this paper seeks to clarify and thereby strengthen some of the language employed in the Joint Plan. We would add, however, that as hinted at

in the present draft Joint Plan (e.g. para. 5.136) Supplementary Planning Guidance will probably be needed to deal with, for example, Landscape Character Assessments when the extent of the shale gas resource is better known. That would determine the capacity of each given area to accommodate further drilling sites. We note that Hambleton District Council have recently produced (May 2016) an LCA which would be an excellent basis for such a capacity study. Likewise it may be both prudent and beneficial to the community at large, as well of advantage to energy companies, for such further Guidance to include Preferred Sites, as the Joint Plan presently provides with regard to other resources such as gravel.

3. General Points

This paragraph contains the argument for and justification of the changes to the draft Joint Plan which we propose. To avoid repetition we discuss the different points with which we take issue or make suggestion, and where they recur in the Joint Plan deal with them compendiously. In the following paragraph we list with page, Policy, paragraph and line reference the specific amendments which then arise.

- (a) In line with the NPPF's presumption in favour of development it is appreciated why so many of the draft Policies begin "will be permitted" but then reservations need invariably to follow the word "unless" or "only".
- (b) It is obviously desirable, indeed essential, to eliminate small inconsistencies and ambiguities.
- (c) **Buffer zones.** We welcome the inclusion of buffer zones to safeguard National Parks and AONBs and strongly support the proposed distance of 3.5km. However a significant discrepancy presently exists between Policy M16 b) (i) and d) (i). As drafted, in b) (i) an absolute prohibition is proposed against all surface development involving hydraulic fracturing in National Parks, AONBs.....Fountains Abbey/Studley Royal World Heritage Site and accompanying buffer zone etc. ; yet in d) (i) all kinds of surface development is anticipated within a National Park or an AONB or associated 3.5km buffer zone with the requirement only of a detailed assessment supporting any application, and

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permission forthcoming where acceptable harm arises. We strongly advocate the absolute prohibition in b) (i) for a National Park or AONB together with a 3.5km buffer zone. There seems little if any difference between the justification for a buffer zone for the World Heritage Site and the needs of a National Park or AONB. The National Trust/English Heritage submission (February 2012) relied upon visual setting, integrity and views and vistas. The Harrogate District Local Plan (May 2013) added the need to increase certainty in managing change. These criteria apply with equal force to our National Park and AONB.

But if, and only if that is unacceptable to Government we submit, as a fall-back position, for the same reasons which justify the World Heritage Site which is in neither a National Park nor AONB there should be at least some absolute prohibition of surface development which involves hydraulic fracturing within a National Park, AONBs with a lesser buffer zone of, say, 1.5km, with the other provisions contained in d) (i) applying to a wider zone of 3.5km, and a strengthening of its wording by substituting 'significant' for "unacceptable" harm.

As currently drafted we do not consider that M16(d) (i) to be compliant with the absolute prohibition of surface unconventional shale gas development in National Parks and AONBs provided for by section 50 of the Infrastructure Act 2015. Therefore we do not regard the Mineral and Waste Joint plan as being legally compliant.

- (d) Words such as "inappropriate" and "unacceptable" are imprecise and subjective. They are therefore capable of ambiguous interpretation and application. As may be seen in the next paragraph, far preferable and objective are "effective" and "adverse".
- (e) **Vehicular access.** While "direct" access to a well pad from a classified A or B road is clearly understood, "indirect access" is capable of a variety of meanings including the use of classified C or even unclassified roads, the use of which by a large number of tankers and other plant and machinery would be highly undesirable. If there must be indirect access we suggest it should be contained within 1km of any A or B road. In addition we strongly support the requirement for a Traffic Management

Plan to be included in any planning application.

- (f) **Separation from habitation.** A general distance rule of 500m ignores the different heights from which development or activity may be seen, and while a 2 ha well pad of 10 drilling masts, properly screened, may be acceptable to the occupier of an isolated farmhouse on whose land the activity occurs, it would not be so to the inhabitants of a village of 300 people whose homes enjoy extensive views from a height of 100m or more above the same activity, such as those with distant views over the Vales of York and Mowbray from settlements on the South and West flanks of the Howardian and Hambleton Hills respectively. We suggest that 500m should be stated as a minimum, the effective distance then being assessed in each case by the Local Planning Authority so that topographical variation can be taken into account.
- (g) **Financial Security.** To ensure the satisfactory restoration of any drilling or extraction site to its previous state requires a much greater degree of financial security than that which a commercial energy company, or group of companies could provide by simple guarantee. Either a bond lodged with the MPA, commensurate with each permitted activity or a 3rd party guarantee by a UK registered bank or insurer of equal standing is needed.

4. Proposed Amendments

1. *Page 84 Policy M16, b) (i), lines 4 and 5:* for “and accompanying zone” substitute “(each with accompanying zones of 3.5km).”
2. *Page 84 Policy M16 d):* delete para (i) entirely but retain para (ii) but without its number.
3. *Page 87, para 5.125, line 1:* for “appropriate” substitute “effective”.
4. *Page 88 Policy M17 1) i) line 2:* delete “or indirect” and for “and” substitute “and only”.

5. *Page 89 Policy M17 2) i) line 2:* for “unacceptable” substitute “an adverse”.
6. *Page 90 Policy M17 4) i) line 2:* for “unacceptable” substitute “an adverse”.
7. *Page 90 Policy M17 4) i) line 3:* for “Adequate separation distances should” substitute “ Adequate separation distances, including those specified below, must”.
8. *Page 90 Policy M17 4) i) lines 8 – 12:* delete the last sentence beginning “Proposals for surface hydrocarbon” and substitute “ Proposals for surface hydrocarbon development, particularly those involving hydraulic fracturing, will not be permitted between within 500m of one or two isolated residential buildings and other sensitive receptors or 1.5km of any residential settlement of 3 or more dwellings at the same or similar height above sea level or 3km where such settlement overlooks such activity from a height of 50m or more, the effective distance then being assessed in each case by the Local Planning Authority to take into account topographical variation”.
9. *Page 91 para 5.131 line 15:* for “and businesses” substitute “businesses or the environment.”
10. *Page 92 para 5.136 line 9:* Add “Landscape Character Assessments and Capacity Studies will be of positive help in this respect, when the extent of the resource is better known, to determine the capacity of any given area to accommodate further drilling sites. The MPA will produce Supplementary Planning Guidance to this effect.”
11. *Page 94 para 5.146 line 19:* between “reasonable” and “distance” insert “minimum” and *(line 23)* between “perceived impact.” and “For the purpose” insert “While the ‘protected building’ principle is applicable in this context the nature and extent of activity together with the particular nature of the county’s terrain and the dispersed nature of its settlements demand a

discrete approach. Thus nearby activity may be acceptable in some isolated or relatively isolated situations on the same or similar level where effective screening is possible, but the same may not be acceptable when viewed from a greater distance and from a greater height. Accordingly a sliding scale of separation distance is needed commensurate with elevation."

12. *Page 95 and 96 Policy M18 1) Waste Management and reinjection wells i) line 1 and 2) Decommissioning and restoration line 2:* after "permitted" insert "only".
13. *Page 96 Policy M18 2) iii) line 2:* for "may" substitute "will" and after "guarantee" insert "including that of a 3rd party approved by the MPA such as a UK registered bank or insurer of similar standing."
14. *Page 98 Policy M19 ii):* for "unacceptable" substitute "adverse".
15. *Page 170 Policy D06 1) line 3, 2) line 4 and 3) line 3:* for "unacceptable" substitute "adverse".

5. Conclusion

The precise wording of these proposals are by way only of suggestion but we hope that the sense and purpose of each is clear. Should they find favour with the Authorities the Group which we represent would give full hearted support at the Examination in Public.

Christopher Stratton OBE, DipLA, FLI, MRTPI

Peter Fox QC, LLD

**For and on behalf of the SHSGAG,
also endorsed and adopted by the following Local Councils:**

**Coxwold
Crayke
Hustwaite
Oulston Parish Meeting
Helmsley Town Council**

December 2016

mwjointplan

From: Chris Stratton <chstratton50@gmail.com>
Sent: 21 December 2016 10:23
To: mwjointplan
Subject: NYCC Mineral and Waste Joint Plan _response by South Hambleton Shale Gas Advisory Group FAO James Whiteley
Attachments: Letter NYCC .pdf; Response Form Part A .pdf; Response Form Part B D06.pdf; Response Form Part B M16. docx.pdf; Response Form Part B M17.pdf; Response Form Part B M18.pdf; Response Form Part B M19.pdf; CRITIQUE OF NORTH YORKSHIRE COUNTY COUNCIL'S.pdf

Dear Sirs,

I refer to the hard copies of our response which I handed to James Whiteley at County Hall yesterday afternoon As agreed I now attach pdf digital copies of all the documents, namely:

- The covering letter
- Form A
- Forms B (5no)
- Our Critique

There is one important difference to note between the hard copies I deposited with you yesterday and the digital submission today.

Last night we learnt that Helmsley Town Council had endorsed and adopted this submission, so we have added their name to all the forms A&B and the critique.

There are no other changes.

If you have any queries that it would be helpful to discuss as you process the documentation for the EIP please contact me.

I would be grateful if you could acknowledge receipt of this email.

Yours faithfully

Christopher Stratton

Chairman
South Hambleton Shale Gas Advisory Group

BANK FARM
OULSTON
NORTH YORKSHIRE
YO6 13RA

TEL: 01347 868854
E mail: chstratton50@gmail.com

Dec 21st 2016

Dear Sirs,
North Yorkshire Minerals and Waste Joint Plan 2016 - Publication Stage Response

I attach the response in digitised format that has been prepared by the South Hambleton Shale Gas Advisory Group on behalf of Hushwaite, Crayke, Coxwold parish councils, Oulston Parish Meeting and Helmsley Town Council.

Please note that since I submitted hard copies of Forms A&B to County Hall yesterday, Helmsley Town Council have discussed and adopted the SHSGAG response so are added to the list above.

In order to comply as far as possible with your request that we use your forms A & B. we have completed Five B forms which deal, with those specific points of policy that we wish to bring to the EIP.

Other points of amendment which arise from the justification and explanatory paras of the plan are also contained in a Critique which is attached. This document also explains who we are, and deals with general points. It also sets out our qualified support for the Oct 2016 version of the plan.

We hope that you will find merit in our suggestions and indicate your support prior to the EIP for we would like to be able to attend the hearing and lend our support to an amended Joint Mineral and Waste Plan.

Yours faithfully

Christopher Stratton
Chairman
South Hambleton Shale Gas Advisory Group

Mineral Planning Team
North Yorkshire County Council
County Hall
Northallerton

mwjointplan

From: Howard <howardmountain1@btinternet.com>
Sent: 20 December 2016 10:43
To: mwjointplan
Cc: Mike Hurford
Subject: Minerals and Waste Joint Plan

Dear Sirs,

Kirkby Malzeard, Laverton and Dallowgill Parish Council have considered the Joint Plan and wish to make the following comment:

'We would not wish to see any safeguarding of mineral or coal deposits which would affect normal development within the Parish. It is felt that the extraction of both sand/gravel or coal would be detrimental to the nature of the area, particularly given the AONB status.'

If you require any further information please let me know.

Yours faithfully,

Mr Howard Mountain,
Chairman and Acting Clerk,
Kirkby Malzeard, Laverton and Dallowgill Parish Council

Contact details:
Mount Pleasant, Laverton, Ripon HG4 3RH
Tel: 01765 658838
E-mail: howardmountain1@btinternet.com

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Leavening Parish Council
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	Policy No.	Policies Map
----------------------------------------------	------------	--------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	No
2.(2) Sound	Yes	No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	No	<i>Justified</i>	Yes	No
<i>Effective</i>	Yes	No	<i>Consistent with National Policy</i>	Yes	No

2 (3) Complies with the Duty to co-operate	Yes	No
--------------------------------------------	-----	----

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

On close reading of the draft Minerals and Waste Joint Plan, there are internal inconsistencies between the two of the Plan's Policies, which render the intent of some aspects of the plan ambiguous and therefore unworkable. This is specifically in relation to the intention expressed in the introductory paragraphs of the Joint Plan, and Policy D09 (Water Environment) that designated Principal Aquifers "need additional protection" (para 2.18), and that "a very high level of protection will be applied to principal aquifers and groundwater Source Protection Zones" (Policy D09, 2). Policy M16 (Key spatial principles for hydrocarbon development) section (b)(i) refers directly to Protected Groundwater Source Areas, but does not refer to the Principal Aquifers which para 2.18 and Policy D09 promise the same "very high level of protection". For Policy D09 to be Effective and Justified, the list of designated areas referred to in M16 must explicitly include principal aquifers, which are required by Policy D09 to be afforded the same "very high level of protection" as Protected Groundwater Source Areas (which are included in the list of designated areas).

(continue on a separate sheet/expand box if neces-

sary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

We specifically request an amendment to Policy M16 (Key spatial principles for hydrocarbon development) to the affect that section (b)(i) reads:

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 including Principal Aquifers, 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.*

This amendment would render the intent behind policy D09 workable across the Minerals and Waste Joint Plan and the Policy would be internally consistent, and would enable to planning authority to exercise its duties in relation to the Water Framework Directive.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Nominated representatives of the Parish Council would be happy to participate in the oral examination, to ensure that the Council's representations are heard and understood, particularly as this issue is of high interest to our local residents.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: Peter Bosson, Clerk to Leavening Parish Council

Date: 20th December 2016



Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Leavening Parish Council
------------------------	--------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	Policy No.	Policies Map
----------------------------------------------	------------	--------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	No
2.(2) Sound	Yes	No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	No	<i>Justified</i>	Yes	No
<i>Effective</i>	Yes	No	<i>Consistent with National Policy</i>	Yes	No

2 (3) Complies with the Duty to co-operate	Yes	No
--------------------------------------------	-----	----

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

We believe the Plan to be unsound on the grounds that is unjustified in relation to Policy M17.

Para. 5.146 of the Draft Plan states that there should be a separation distance of 500m between well pads and the nearest residence. We believe this is of significant concern, as no rationale or reason is given for the 500m minimum distance. Information about hydraulic fracturing processes informs us that drilling operations on a well pad run continuously 24 hours a day for extended periods of time with resultant noise and light pollution. We also know that higher volumes of heavy goods traffic are required to transport wastewater and collected gas away from well sites.

Increased hydrocarbons development close to residences and communities poses an obvious increased risk to pedestrians, cyclists and horse-riders, of which there are many in the Leaveing Parish and across Ryedale who make use of the narrow roads in and out of, and between our villages.

Without any clear justification for the minimum 500 metre distance between a well pad and a residence, local planning decision makers will not be able to provide their local residents with any certainty about the impact on local communities, particularly in terms of noise and light disturbance, and public safety.

(continue on a separate sheet/expand box if neces-

sary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

We request an amendment to Policy M17 (Other spatial and locational criteria applying to hydrocarbon development), point 4(i) should therefore be amended to require new minimum distance of 750 metres, and 1,000 metres for other sites like schools and care homes, as follows:

"4.(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 750 metres of residential buildings and 1,000 metres for other sensitive receptors such as schools, care homes and similar, are unlikely to be consistent with this requirement."

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

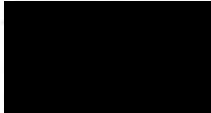
Nominated representatives of the Parish Council would be happy to participate in the oral examination, to ensure that the Council's representations are heard and understood, particularly as this issue is of high interest to our local residents.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: Peter Bosson, Clerk to Leavening Parish Council

Date: 20th December 2016



We believe that the as currently drafted the Plan will not be able to adequately protect the area against negative cumulative impact. Policy M17 of the Draft Plan purports to limit the density of production sites (well pads) so as to ensure that the development will not give rise to unacceptable cumulative impact. However, para. 5.137 sets the density in broad terms as 10 production sites (well pads) every hundred square kilometres. 100 square kilometres equates to 38.6 square miles which is an area just larger than six miles by six miles. Therefore, the Draft Plan is suggesting that (if pads are spaced out at equal intervals) there can be one production site approximately every three miles in every direction. Para 5.134 indicates that a typical production site (well pad) will have a surface area of 2ha and "several individual well heads". However, well-pads frequently contain as many as 40 or 50 individual wells therefore a 10x10 km² PEDL licence area could contain up to 500 fracking wells. By underestimating the concentration of well heads on a single well pad, the Plan significantly misjudges the impact of just one well pad and so also the cumulative impact.

Furthermore, there is no guidance given on the separation distance between each well-site. One prominent MP for the area has suggested that well-sites should be at least six miles apart, which would be incompatible with the current plan of 10 well-pads per PEDL licence block. The lack of any separation distance between well pads in the MWJP is a significant failing in terms of soundness, as it simply enables developers to concentrate more production on a single site, multiplying the impact on that area. A minimum separation distance of at least 3 miles should be included in the plan, which would avoid all the allowed well-sites in one PEDL licence area to be 'bunched up' in one place.

(continue on a separate sheet/expand box if neces-

sary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Without specifying a reduced permitted concentration of well pads, the Plan will be permitting highly damaging and unmanageable cumulative impact of fracking wells on the road network, biodiversity, climate change, water use, water contamination, air pollution, noise and light pollution, soil contamination, human health and traditional rural industries.

This failing in the Plan means that it fails the test of soundness on the grounds of effectiveness, justification and consistency with national policy.

We recommend that Policy M17 be amended to include specific reference to the maximum permitted concentration of well pads in each PEDL license area (rather than only referring to this in the explanatory text below the Policy) and also refer directly to a minimum separation distance between each well pad. Suitable amended wording could be:

Amend section 2 (ii) to:

"Well pad density and/or the number of individual wells within a PEDL area will be limited to 10 well pads per 100km² with a minimum separation distance between well pads of 5km 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..."

Furthermore, paragraph 5.137 of the MWJP says "For PEDLs located within the Green Belt or where a relatively high concentration of other land use constraints exist, including significant access constraints, a lower density may be appropriate. This should be amended to 'will be appropriate', as otherwise it provides for very little workable protection.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

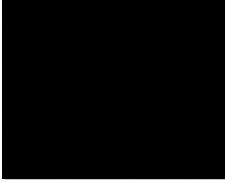
Nominated representatives of the Parish Council would be happy to participate in the oral examination, to ensure that the Council's representations are heard and understood, particularly as this issue is of high interest to our local residents.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature:
Peter Bosson, Clerk to Leavening Parish Council

Date: 20th December 2016



Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Leavening Parish Council
------------------------	--------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	Policy No.	Policies Map
----------------------------------------------	------------	--------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	No	<i>Justified</i>	Yes	No
<i>Effective</i>	Yes	No	<i>Consistent with National Policy</i>	Yes	No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The Draft Plan makes no reference to the Ryedale Plan, which is a key document that Parish and Town Council's contributed to and is an adopted local plan which has statutory force and has been made in accordance with the requirements of the NPPF.

As the Draft Plan does not refer to the Ryedale Plan, this must be a material planning consideration. The Key Diagram on Page 42 of the Ryedale Plan shows the entire Vale of Pickering, The Yorkshire Wolds and the Ryedale part of the Vale of York as "Landscape of Local Value and Areas of High Landscape Value." Ryedale's policies in regard to these areas is set out in Policy SP13 of the Ryedale Plan. These can be summarised as the protection and enhancement of distinctive elements of landscape character that are the result of historical and cultural influences, natural features and aesthetic qualities. It is therefore difficult to understand why the Vale of Pickering and the Yorkshire Wolds should be treated any differently from "Areas which protect the Historic Character and Setting of the City of York" which are protected by Policy M16 of the draft minerals plan.

We believe that the the draft minerals plan could is unsound as it fails to take proper account of Policy SP13 of the Ryedale Plan.

(continue on a separate sheet/expand box if neces-

sary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Amend Policy M16 so that it specifically refers to and includes the protected areas as defined by the Ryedale Plan, as follows:

(b) (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, Landscape of Local Value and Areas of High Landscape Value as defined by the Ryedale Plan, Ramsar sites and Sites of Special Scientific Interest.*

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

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5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Nominated representatives of the Parish Council would be happy to participate in the oral examination, to ensure that the Council's representations are heard and understood, particularly as this issue is of high interest to our local residents.

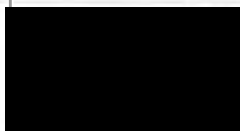
Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Official Use Only Reference Number

Signature: Peter Bosson, Clerk to Leavening Parish Council

Date: 20th December 2016



Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Leavening Parish Council
------------------------	--------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	Policy No.	Policies Map
----------------------------------------------	------------	--------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	No	<i>Justified</i>	Yes	No
----------------------------	-----	----	------------------	-----	----

<i>Effective</i>	Yes	No	<i>Consistent with National Policy</i>	Yes	No
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2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

The areas surround Leavening and across the Yorkshire Wolds area have particularly high concentrations of nationally important scheduled ancient monuments, including:

- Aldro Earthworks (**List ID: 1007500**)
- Mount Ferrant: a motte and bailey castle (**List ID: 1011603**)
- Hanging Grimston barrow group: a long barrow 400m east of Wold Farm, incorporating part of a prehistoric linear boundary (**List UID: 1007922**)
- Hanging Grimston medieval settlement adjacent to Mount Pleasant Farm (**List UID: 1019093**)
- Part of Leppington medieval village, a moated site and site of the former parish church of St Helen (**List UID: 1011515**)
- Acklam Wold barrow group: a pair of bell barrows and a bowl barrow 200m south-west of Acklam Wold House (**List UID: 1011547**)
- The Queen Dike: part of a cross-dyke 600m east of Wold Farm (**List UID: 1007919**)

Although each scheduled ancient monument site is protected in the Draft Plan from surface operations (i.e. from well sites being created on top of existing scheduled monuments), we believe that because of the particularly high concentration of these sites in a relatively small area of land, and the huge historical importance that these sites collectively represent, a buffer zone around all scheduled ancient monuments should be explicitly included in Policy M16.

Having taken advice from local archaeology specialists, we suggest that the Plan should require any surface development to take place at least 500 metres from any scheduled monument to ensure these nationally important sites are not damaged or disrupted in any way by drilling operations.

Without this additional protection we believe the Plan fails the test of soundness on the grounds of justification and effectiveness.

(continue on a separate sheet/expand box if neces-

sary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

We recommend that Policy M16 be amended to include a new point (iii) under (d) as follows:

d)

...

(iii) Surface hydrocarbon development will only be permitted outside of a 500 metre buffer zone around any scheduled ancient monument

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

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5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

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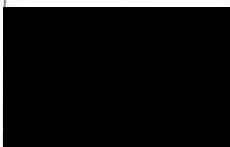
Nominated representatives of the Parish Council would be happy to participate in the oral examination, to ensure that the Council's representations are heard and understood, particularly as this issue is of high interest to our local residents.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: Peter Bosson, Clerk to Leavening Parish Council

Date: 20th December 2016



Michelle Saunders

From: Peter Bosson <peterbosson11@gmail.com>
Sent: 19 December 2016 11:15
To: mwjointplan
Subject: Waste and Mineral Joint Plan (consultation submission)
Attachments: MWJP Publication - Response Form Part B - Leavening Parish Council - Response 1 - Principal Aquifers-1.pdf; MWJP Publication - Response Form Part B - Leavening Parish Council - Response 2 - Separation distances between well pads and residences.pdf; MWJP Publication - Response Form Part B - Leavening Parish Council - Response 3 - Well pad density and cumulative impact.pdf; MWJP Publication - Response Form Part B - Leavening Parish Council - Response 4 - Ryedale Plan.pdf; MWJP Publication - Response Form Part B - Leavening Parish Council - Response 5 - Scheduled Ancient Monuments.pdf

Dear sirs,

Please find consultation submission from Leavening Parish Council.

Should you need any further information please do not hesitate to contact me.

Best Regards



Peter Bosson - Clerk to Leavening Parish Council

Peter Bosson
Swan Cottage
Malton Road
Leavening
Malton
North Yorkshire
YO17 9SW
01653 658151
07957 980566

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title:	Initial(s):
BERYL	MRS	B.
Surname: PLIMMER		
Organisation (if applicable): LONG MARSTON PARISH COUNCIL		
Address:	6 SADDLERS WAY	
	LONG MARSTON	
	NORTH YORKSHIRE	
Post Code: YO 26 7BJ		
Telephone:		
Email: PLIMMTRCV@ROB.COM		

Agent contact details (if applicable)

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in the **guidance notes** (see reverse of this page). **You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.**

A separate **Part B** form **MUST** be produced for each separate representation you wish to make. After this stage, further submissions will only be at the invitation of the inspector who will conduct an Examination in Public of the Joint Plan, based on the matters they identify during the Examination.

All responses should be returned by 5pm on Wednesday 21st December 2016. Please note that representations cannot be received after this deadline.

Responses can be returned by email to: mwjointplan@northyorks.gov.uk or by post using the address below:

Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

Data Protection:

North Yorkshire County Council, the North York Moors National Park Authority and the City of York Council are registered under the Data Protection Act 1998. For the purposes of the Data Protection Act legislation, your contact details and responses will only be retained for the preparation of the Minerals and Waste Joint Plan. Representations made at Publication stage cannot remain anonymous, but details will only be used in relation to the Minerals and Waste Joint Plan. Your response will be made available to view on the website and as part of the examination.

For official use only:
Respondent Number

Date received.....Date entered.....Date acknowledged.....

Guidance Notes to Accompany the Publication stage Response Form

1. Introduction

- 1.1. The plan is published in order for representations to be made prior to submission. The representations will be considered alongside the published plan when submitted, which will be examined by a Planning Inspector. The Planning and Compulsory Purchase Act 2004¹ (as amended) (PCPA) states that the purpose of the examination is to consider whether the plan complies with the legal requirements, the duty to co-operate and is sound.

2. Legal Compliance and Duty to Co-operate

- 2.1. The Inspector will first check that the plan meets the legal requirements under s20(5)(a) and the duty to co-operate under s20(5)(c) of the PCPA before moving on to test for soundness.

- 2.2. You should consider the following before making a representation on legal compliance:

- The plan in question should be included in the current Local Development Scheme (LDS) and the key stages should have been followed. The LDS is effectively a programme of work prepared by the LPA, setting out the Local Development Documents (LDDs)² it proposes to produce. It will set out the key stages in the production of any plans which the LPA proposes to bring forward for independent examination. If the plan is not in the current LDS it should not have been published for representations. The LDS should be on the LPA's website and available at its main offices.
- The process of community involvement for the plan in question should be in general accordance with the LPA's Statement of Community Involvement (SCI) (where one exists). The SCI sets out the LPA's strategy for involving the community in the preparation and revision of LDDs (including plans) and the consideration of planning applications.
- The plan should comply with the Town and County Planning (Local Planning) (England) Regulations 2012 (the Regulations)³. On publication, the LPA must publish the documents prescribed in the Regulations, and make them available at its principal offices and on its website. The LPA must also notify the various persons and organisations set out in the Regulations and any persons who have requested to be notified.
- The LPA is required to provide a Sustainability Appraisal Report when it publishes a plan. This should identify the process by which the Sustainability Appraisal has been carried out, and the baseline information used to inform the process and the outcomes of that process. Sustainability Appraisal is a tool for appraising policies to ensure they reflect social, environmental, and economic factors.
- In London, the plan should be in general conformity with the London Plan (the Spatial Development Strategy).

- 2.3. You should consider the following before making a representation on compliance with the duty to co-operate:

- The duty to co-operate came into force on 15 November 2011 and any plan submitted for examination on or after this date will be examined for compliance. LPAs will be expected to provide evidence of how they have complied with any requirements arising from the duty.
- The PCPA establishes that non-compliance with the duty to co-operate cannot be rectified after the submission of the plan. Therefore, the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector has no choice but to recommend non-adoption of the plan.

¹ View at <http://www.legislation.gov.uk/ukpga/2004/5>

² LDDs are defined in regulation 5 – see link below.

³ View at <http://www.legislation.gov.uk/uksi/2012/767/contents/made>

3. Soundness

3.1. Soundness is explained in paragraph 182 of the National Planning Policy Framework (NPPF). The Inspector has to be satisfied that the plan is positively prepared, justified, effective and consistent with national policy:

- **Positively prepared:** This means that the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.
- **Justified:** The plan should be the most appropriate strategy when considered against reasonable alternatives, based on proportionate evidence.
- **Effective:** The plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities.
- **Consistent with national policy:** The plan should enable the delivery of sustainable development in accordance with the policies in the NPPF

3.2. If you think the content of the plan is not sound because it does not include a policy where it should do, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning policy (or the London Plan)? If so, it does not need to be included.
- Is what you are concerned with covered by any other policies in the plan on which you are seeking to make representations or in any other plan?
- If the policy is not covered elsewhere, in what way is the plan unsound without the policy?
- If the plan is unsound without the policy, what should the policy say?

4. General advice

4.1. If you wish to make a representation seeking a modification to a plan or part of a plan you should make clear in what way the plan or part of the plan is inadequate having regard to legal compliance, the duty to cooperate and the four requirements of soundness set out above. You should try to support your representation by evidence showing why the plan should be modified. It will be helpful if you also say precisely how you think the plan should be modified.

Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further submissions based on the original representation made at publication. After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

4.2. Where there are groups who share a common view on how they wish to see a plan modified, it would be very helpful for that group to send a single representation which represents the view, rather than for a large number of individuals to send in separate representations which repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

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Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	LONG MARSTON PARISH COUNCIL
------------------------	-----------------------------

Please tick as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only tick one element of soundness per response form).

Positively Prepared	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Justified	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Effective	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Consistent with National Policy	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
--------------------------------------------	-----	--------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

HAREWOOD WHIN, RUFFORTH (CYC WTP 11)

The volume of traffic travelling through Long Marston, Hutton Handley and Angiam is likely to increase to 267 HGV's a day to access this site.

There is also an anticipation of extra air pollution created by traffic and waste.

As this site is within the Green belt any future development must comply with relevant Green belt policies.

The Parish Council would be interested to know why the 2017 closure date has been changed.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	HONG MARSTON PARISH COUNCIL
------------------------	-----------------------------

Please tick as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only tick one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

UPPER POPPLETON (MUP 52 CYC) relating to clay extraction for landfill. Again, concerns over increased traffic; 80 plus vehicles per day onto the A59

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	LONG MARSTON PARISH COUNCIL.
------------------------	------------------------------

Please tick as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
----------------------------------------------	----------------------	------------	----------------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only tick one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

ALLERTON PARK (NY W15P008) Concerns are expressed over the amount of "weasel words" used "may" "could" "possibly" with reference to pollution and flooding. A possible 80 vehicles per day using the A59 to access the site

From: Clerk - MTC <clerk@malton-tc.gov.uk>
Sent: 19 December 2016 15:38
To: mwjointplan
Cc: clerk@malton-tc.gov.uk; Paul Andrews
Subject: Joint Minerals and Waste Plan Response. from Malton Town Council

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Sir

Please see below the of Malton Town Council (in bold) re the Joint Minerals and waste Plan offered for consultation

The draft joint waste and minerals plan is unsound because the section on Hydrocarbons (paras 5.93 – 5.161) is inconsistent with National Policy in that it fails to take into account Policy SP13 of the Ryedale Plan which is an adopted Statutory Plan made in accordance with the NPPF in the following respects:

- 1. The failure to include the Vale of Pickering and the Yorkshire Wolds under Policy M16 (b)(i) as one of the areas where hydraulic fracturing would not be permitted;**
- 2. The scale and density of well pads proposed in regard to the SP13 policy objective of the protecting and enhancing distinctive elements of landscape character that are the result of historical and cultural influences, natural features and aesthetic qualities.**

The Council therefore requests:

- a) the insertion of the words ‘land shown on the Key Diagram of the Ryedale Plan as landscape of local value and areas of high landscape value, and the River Derwent SSSI and neighbouring land (including the towns of Malton and Norton) to act as a buffer’, after the words ‘Areas which Protect the Historic Character and Setting of York’ in Policy M16(b)(i)**
- b) The modification of para 5.137 by substituting ‘10 well pads per 1,300 square kilometers’ for ‘ten well pads per 100 square miles’ ” .**

The Malton Town Council hopes that you can appreciate its concerns and amend the draft plan as recommended.

Yours faithfully
 Mike Skehan
 Clerk to Malton Town Council

From: Clerk - MTC <clerk@malton-tc.gov.uk>
Sent: 20 December 2016 08:13
To: mwjointplan
Cc: clerk@malton-tc.gov.uk; Paul Andrews
Subject: Re Joint Minerals and Waste Plan. Malton Town Council response

Dear Sir

Malton Town Council has submitted its response to the draft plan. The Council notes that the Examination in Public is set to commence in April 2017.

May I formally record that Malton Town Council wishes to be represented at the Examination.

Please acknowledge this request.

Yours faithfully

Mike Skehan

Clerk to Malton Town council

MINERAL AND WASTE JOINT PLAN (PUBLICATION STAGE) Consultation response

Date 20/12/2016

TITLE	Clerk to Nawton Parish Council
INITIALS	A
SURNAME	Twine
ORGANISATION (if applicable)	NAWTON PARISH COUNCIL
ADDRESS	C/O Melrose House 1 Southlands Court Nawton
POSTCODE	YO627RF
TELEPHONE	01439 772044
EMAIL	annetwine@gmail.com

No, I do not want to attend the Oral Examination of the MWJP.

Mineral Waste Joint Plan Consultation Response

The scope of this document has been limited by NYCC, to issues 'relating to legal compliance and tests of soundness'

Climate

The plan does not conform to section 19 of The Planning and Compulsory Purchase Act '*local planning authorities should adopt proactive strategies to mitigate and adapt to climate change*'. CCC (Committee of Climate Change) concluded that the exploitation of shale gas would not be compatible with UK carbon budgets or the legally binding commitments in the Climate Change Act to reduce emissions by 80% by 2050 unless 3 crucial tests are met.

The CCC reports emissions from shale gas exploitation will need to be offset by emission reduction in other areas of the economy to ensure carbon budgets are met.

How can this be met when government has reduced subsidies for renewable energy and scrapped plans to make all new homes zero carbon.

The MWJP ability to meet these tests are not clearly defined and therefore unsound to claim Policy M16 could have positive impact.

Future applications for hydrocarbons including Fracking must be assessed on CO2 emissions and fugitive methane leaks and CO2 emissions from both production and combustion must be included.

LOCAL IMPACT

Landscape and Visual Impact

The MWJP is in conflict with The Ryedale Plan so is unsound as it does not take into account Policy SP13 (landscapes). The area has high landscape value with Neolithic features and ancient buildings in particular for Nawton St Gregory's Minster dating back to the 7th century and should require specific consideration and be protected by M16 in the MWJP.

If fracking were to develop in the way described by the MWJP, this would clearly contravene The Ryedale Plan.

Nawton Parish Council believe the impact of the proposed density of 10 fracking well sites per 10x10km (6.6 miles) each with 40-50 wells on it with drilling rigs in place for 5-6 years with the potential of being sited only 500m away from the nearest home would have a serious affect on the views around us, where in parts of the parish you can see 360*. The pristine countryside will be impacted on all sides. This would seriously affect the tourist and associated industries around us.

Noise

The noise levels in many rural parts of North Yorkshire are very low so the impact of night time drilling will be very noticeable. It is therefore essential that the MWJP set clear policy to curb noise emissions to protect local public health. Considering the noise could go on for 5-6 years and then repeated again when the companies re-drill the well, a setback distance of 750m would help to reduce the noise from drilling. The caveat that fracking would be allowed within the 3.5 buffer zone 'in exceptional circumstances' is legally unsound as it would contravene the guidelines in the NPPF (National Planning Policy Framework).

A health impact assessment should be required for all fracking operations.

Noise would affect wildlife as all animals use their senses, especially hearing, to locate food and also to warn them of danger.

Air

As there is clear evidence that air quality from fracking has been shown to pose risks to health ,the MWJP should insist on a baseline Health Impact assessment prior to work and a 1km setback distance from 'sensitive receptors' (schools, retirement homes, hospitals etc). There are two schools in Nawton and one retirement home and a further three schools in the neighbouring towns –all of which are included in the PEDL.

Biodiversity

Nawton is located right at the boundary of the North York Moors and experience a wide range of biodiversity including owls, bats, bramblings and many other wildlife species along with trees, hedges, organic farms etc. Noise, light, water, air pollution along with the massive increase in traffic will have a detrimental impact. Nocturnal creatures will lose their habitat when trees and hedges are cleared and noise affects prey animals as they use their hearing sense to avoid predation.

The MWJP must ensure that there is no impact on local wildlife, so as to be in accord with conservation objectives as offsetting has been shown as an unsatisfactory solution to problems, and that the MWJP should maintain the unique environment that is a key economic asset for the area, it does not do so in its present form. Offsetting cannot work when the density of wells proposed will cover most of Ryedale. This approach is unsound.

Water impacts

Nawton and the surrounding areas have many waterways under the ground in aquifers, there are wells in fields and rivers less than half a mile away. Our drinking water comes from a borehole. The American Environmental Protection Agency has now confirmed, after listening to the Science Advisory Board, that fracking impacts drinking water.

Pollution can be caused by

Spills**Injection****Mechanical integrity breakdown**

The British Geological Survey has highlighted the risks of groundwater contamination by extracting shale gas and has said that they are not confident that current methods to monitor groundwater are adequate.

Therefore the MWJP should incorporate the precautionary principle.

Highways and Traffic Impacts

Yorkshire roads are not suitable for the large increase in traffic movements.

HGV's will be carrying water, chemicals and sand to well sites and then more HGV's to remove contaminated waste water often containing NORMs, solid waste, and gas if there are no pipes.

That is a possible 2000-7000 truck movements per borehole and there are plans for 40-50 wells per site. The MWJP need to guarantee the safety of other users such as cyclists, horse riders, walkers, pedestrians this must be included in the plan.

The plan is to use A roads as much as possible, this will adversely affect air quality which will be an issue near schools and other sensitive receptors.

The MWJP should restrict movement of lorries within school opening and closing times as the roads are already congested during these times.

Huge numbers of HGVs would have a detrimental effect on Nawton and other villages they pass through. People and cars will have difficulty crossing the road, vibrations will impact houses and there will be constant noise and poor air quality. In summer our roads are congested with holiday traffic, queuing occurs as tourists try and make their way to the coast. The exponential increase in traffic would put people off visiting our area and as a consequence many of our businesses who rely on tourism will be badly hit and possibly be forced to shut down. The fracking process may take 5-6 years but as it runs out of gas the well will then be re-drilled again.

The MWJP is unsound as it does not adequately include restrictions to prohibit fracking HGV traffic from impacting on the air quality on sensitive receptors.

Cumulative Impact

The biggest concern regarding fracking is that the industry will require 1000's of wells in the next 20 years to be financially viable. The endless proliferation of wells, traffic, pipes, processing plants and compressor plants means the industrialisation of the countryside.

The cumulative impact of the fracking industry could have very damaging impacts on road networks (the deterioration will be the responsibility of the councils not the company), biodiversity, climate change, water use, water contamination, air pollution, noise and light pollution, soil contamination, human and animal health and rural industries.

There is no guidance on the separation distance between each well site which is a failing in the issue of soundness in the MWJP and a minimum of 3 miles should be included in the plan.

To abide by legal guidelines, the precautionary principle should be applied.

Waste management and re-injection wells

The MWJP has a statutory duty to invoke the PP regarding re-injecting fracking waste fluid in North Yorkshire and ensure that re-injection is not permitted.

Oklahoma experienced 230 earthquakes with a magnitude of 3.0 or greater this year. Before 2008 the state averaged one.

The faulted geology of Nawton and of North Yorkshire may be even more severe.

From: Anne Twine <annetwine@gmail.com>
Sent: 20 December 2016 10:36
To: mwjointplan
Subject: Waste and Minerals Joint Plan Consultation Submission
Attachments: NPC MINERAL-AND-WASTE-JOINT-PLAN-CONSULTATION-GUIDELINES.docx

Please find attached comments from Nawton Parish Council

Anne Twine
Clerk

Stillington Parish Council

Here with our comments on NYCC Minerals and Waste Plan for your consideration

The process we are asked to accept in our County is an Industrial Process, which is to be installed in an Agricultural- Domestic Environment.

The consequences of Responsible Management gives rise to a Fruitful extraction of Gas from Fracked shale below the earth in an efficient and cost effective process within limits. The consequences of an irresponsible management of the Process would be a disastrous destruction of Communities and Farm Land in the proportion we have never seen before. This is due to the nature and collective destruction, which can occur if the Parameters of Fracking are not adhered to. I.e. if a high-pressure valve were to split open when in the line of the Compressed fluid been pumped at high pressure into the earth. The surrounding area would be contaminated for miles around the Well Head. Or The Installed pipe deep in the earth may hit a fissure and distributed under pressure a mixture into a watercourse, which ran into a Natural Reservoir and is in turn pumped for drinking water; a whole community could be wiped out without notice.

The question we wish to have answerers to

Before the Fracking Process begins.

Who will record the original attributes of any area nominated for drilling before the Drilling begins. (I.e. Reference for any adverse Land / Amenity disruption or subsidence attributed to Fracking).

Who will Monitor the Community life sustainable attributes. Such as Water quality, Atmosphere quality and Traffic flow.

The attributes to any Drilling site should be defined before any work is started, we concur that a Buffer zone of 1.5k is required and a Separation distance of 500m should be the minimum.

A defined pathway for any Problems and Responsibilities should be well identified and agreed by all interested parties before Fracking on any site can begin.

On start up.

Who will ensure that the safety criteria are in place, such as Monitoring Air Quality, Health and safety ensuring all levels of protection are in place.

Who will indemnify the insurance costs of recompense for mismanagement issues and the initial mess, which may accompany the start up procedure.

Where will any grievance be heard during the Start up Procedure or any claim for compensation for the destruction of Life attributes within the immediate communities.

During the operational Process

Who will be held responsible for the operational management process within the limits of the operating licence.

Who will be the Monitoring agent for the community.

Who will be responsible for reporting to the community at regular intervals, the progress of Fracking in the Community.

Whilst we take for granted the Air we breathe is monitored by the environment agency. The process of Fracking is a business and is like all other businesses endemic of cost effectiveness, which means if costs can be cut, this will be exploited. The question arises, who will be the assessor of Legal exploitation.

The Fracking process is very volatile and at worst is corrosive to the Community and at best may run within limits and provide benefits. Not only the Management of the Process requires a constant monitoring to the overarching process. There is a requirement for a regular executive period of audit for reliability and safety to all attributes of the Process Who will be responsible for the overall safety of the Fracking Process.

We thought the Document NYCC's final Minerals & Waste Joint Plan consultation prepared by the South Hambleton Shale Gas Advisory Group. Gave a balanced view however, we suggest a more practical answer to the forgone questions need to be forthcoming before any further progress is made.

Regards

Bob Brown
Parish Clerk
16th December 2016

From: Bob <stillingtonbrown@hotmail.com>
Sent: 17 December 2016 09:48
To: mwjointplan
Subject: Re: Minerals and Waste Joint Plan - Publication Stage
Attachments: Comments Fracking PlanDec16.docx

Good Morning

Herewith Stillington Parish Council's to to the Minerals and Waste Joint Plan for your consideration

Regards

Bob Brown

Parish Clerk

On 9 Nov 2016, at 13:36, mwjointplan <mwjointplan@northyorks.gov.uk> wrote:

Dear Parish Clerk,

Minerals and Waste Joint Plan – Publication

North Yorkshire County Council, City of York Council and the North York Moors National Park Authority are working together to produce a Minerals and Waste Joint Plan covering all three planning authority areas. When finalised the new Joint Plan will help the three authorities take decisions on planning applications for minerals and waste development up to 31 December 2030. A number of public consultations have already taken place to help develop the new Plan, including an 'Issues and Options' consultation in 2014 and a 'Preferred Options' consultation in 2015.

A final draft of the Joint Plan has now been prepared and is being published for a six week period to allow for representations to be made, before it is submitted for examination in public by an independent planning inspector. At this stage only representations relating to the legal compliance and soundness of the Joint Plan are required. More information about this is contained in the guidance notes attached with this email.

The formal publication period commences on **Wednesday 9th November 2016** and will close on **Wednesday 21st December 2016**. All responses must be received by **5pm** on that day. Please note we will be unable to accept responses after this deadline.

The Joint Plan and supporting documents are available to view on the Joint Plan Website: www.northyorks.gov.uk/mwconsult. Paper copies of the Joint Plan and main supporting documents, including a response form and guidance notes, are available to view during normal opening hours at all public libraries in the area covered by the Joint Plan, including mobile libraries and at all main offices of the three Authorities, as well as at District and Borough Council main offices and the National Park Centres.

Please see attached to this email:

- Formal Publication Letter,
- Statement of Representations Procedure,
- Response Form (Part A & Part B) and
- Guidance Notes

For further information about the Minerals and Waste Joint Plan please visit our website: www.northyorks.gov.uk/mwconsult

Yours faithfully

Minerals and Waste Joint Plan Team

On behalf of:
North Yorkshire County Council, City of York Council and North York Moors National Park Authority

This email has been sent on behalf of North Yorkshire County Council (NYCC), City of York Council (CYC) and North York Moors National Park Authority (NYMNP).

WARNING

Any opinions or statements expressed in this e-mail are those of the individual and not necessarily those of NYCC, CYC or NYMNP.

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North Yorkshire County Council

City of York Council

North York Moors National Park Authority

<MWJP Formal Publication Letter (Nov 2016).pdf><Statement of Representations Procedure.pdf><MWJP Publication - Response Form Part A.docx><MWJP Publication - Response Form Part B.docx><Guidance Notes.pdf>

Rose Cottage,
Stonegrave, York.
YO62 4LJ

December 15th. 2016

Minerals and Waste Joint Plan Team
Planning Services
Business and Environmental Services
North Yorkshire County Council
County Hall, Northallerton
DL7 8AH
mwjointplan@northyorks.gov.uk

Dear Sir or Madam,

On behalf of the Stonegrave Parish Meeting, in consideration of legal compliance and soundness we wish to object to certain provisions and assumptions of the above plan, whilst making specific suggestions for improvement which we believe will contribute to the 'soundness' of these policies. This necessitates an element of commentary and justification. Suggestions for improvement or reinforcement will be found below in bold type. In some cases the adoption of one suggestion might obviate the need for another suggestion made.

Whilst commendably seeking to hold a balance and comply with requirements arising from duty, the MWJP's dutiful presumption in favour of shale exploration and recovery sits uneasily, we find, with its efforts to restrict such development to the least contentious locations and to limit the scale and density of the proposed development to a level which it deems the area could sustain. As an example of this; its efforts (passim) to avoid such development to varying degrees within the protected areas as detailed in M16 b) i), are inconsistent with the provisions of 9.25 which permit development in these areas, given assertions of "public interest" or "national need". This quandary, the demonstrable undesirability of shale development on one side according to significant scientific opinion, and the government's assertion of the contrary on the other, underlies sections of the MWJP and commands our sympathies for the predicament of the authors of the plan. It nevertheless underlines the need for a clearer statement as to how and when the criterion of national need and public interest (surely identical in this context) might be invoked. It should not be taken as given by the planners and therefore used to circumvent any application for a shale well, no matter where.

We propose the insertion of a clause in the MWJP clarifying how and when the criterion of national need might be invoked.

We propose an absolute interdiction on hydrocarbon surface development involving fracking within National Parks, AONBs, Protected Groundwater Source Areas, World Heritage Sites, or within a 5km buffer zone of any. A 3.5km buffer zone should be applied to the remaining sites in M16 b) i). Amend 5.128 accordingly.

(Justification: where the stakes are so great, the precautionary principle should apply and the 'safe' zone extended.)

In view of the Yorkshire Wolds' application to Natural England for AONB status, possibly to be granted in the life of the proposed MWJP, we further propose that consideration be given

to affording the North Yorkshire portion of the Wolds a similar protected status to those mentioned above.

Justification: those qualities, such as landscape, history, and aesthetic qualities which have contributed to the designation of, for example, the Howardian Hills as an AONB, are also present in the Yorkshire Wolds which have in addition rich archaeological sites, designated or undesignated.

We suggest, further to the above that similar protected status be accorded to the Vale of Pickering where similar aesthetic qualities as well as qualities of landscape, history etc. apply.

In certain respects, the MWJP does not enable the delivery of sustainable development and is therefore inconsistent with the National Planning Policy Framework (NPPF) and with the Ryedale Plan (RP).

1, Climate Change.

a. Water safeguarding. Flooding.

“Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, ..., and water supply and demand considerations.” (p21 NPPF).

Climate Change - “undoubtedly the biggest environmental challenge facing society” (RP p. 117) – will of course increase the likelihood of ever more severe flooding in the numerous flood zones within the MWJP area. This is recognised in the Plan.

The thrust of the MWJP, whilst acknowledging the risk, is at variance in this respect with the cautious and safeguarding thrust of the RP, (itself reflecting the NPPF), in that the MWJP fails to provide adequate mitigatory safeguards for flooding as an effect of climate change in its provision for the location and density of shale pads which are a source of potential contamination via drilling, via recovery of shale gas and via transportation (tankers and pipelines carrying water or waste), contamination which would be exacerbated by flooding. The MWJP's consideration of the flooding risk concentrates disproportionately on flooding as a risk to shale or minerals development, rather than on the contaminatory effects of shale developments being spread by flooding.

This risk and others, (see below), might *to some extent* be mitigated by addressing the density question, apparently arbitrarily settled as a maximum in 5.137.

We propose a precautionary approach to the question of density of well pads as envisaged in 5.137 and suggest that the wording should permit far fewer well pads for the area stated, ie fewer than 40% of those envisaged to be permitted as a maximum.

b. Air quality. The health risks of leakage to air – emissions – at any stage of the hydraulic fracturing process and its aftermath, or as a result of venting or flaring which might be required as an emergency recourse, or from increased machinery and vehicle emissions are considerable and are not adequately addressed by the proposed 500m separation distance between well pads and residential developments. In such circumstances any suggestion is arbitrary but the MWJP must err on the side of caution.

We therefore propose an increase in the separation distance between residential developments, schools, hospitals etc. and well pad to 1km at least.

The climate change impacts of the use of fossil fuels and the associated release of methane must not be obscured in the MWJP by a statement of the duty to reflect government policy in the latter's assessment of the national need. The exigencies of climate change must not be overruled by government diktat.

We therefore propose a re-writing of 5.106 - "However, the government believes that shale gas...etc. and is currently encouraging further exploration". The rest of the paragraph – set – until the final clause where "its belief" should be inserted after "indicated".

We propose that in 9.102 "where possible" should be inserted before the second clause . Justification: a significant body of reputable scientific opinion holds that shale exploration and development is inimical to climate change mitigation. As it stands, the text implies significant mitigation is possible.

We further propose M17 4) iii) be re-written as follows: "All proposals involving hydraulic fracturing should be accompanied by an air quality monitoring plan, a Health Impact Assessment, and an Environmental Impact Assessment."

The question of decommissioning of wells after exploitation is inadequately addressed in the plan in the continuing risk to climate, health, and to agriculture posed by leakage to air and to land as wells progressively degrade. Such considerations require considerably more than the 5-year "aftercare" proposed, and suggest monitoring for a much longer period. Although this would probably extend beyond the applicability period of the proposed MWJP, it is vital that such requirements be understood by industry at the application stage. Similar considerations apply to the question of bonds and financial guarantees.

We propose, therefore, that decommissioned wells be cared for and monitored, both on a weekly basis by industry and monthly by an independent body for the first 5 years, and monthly by industry and six-monthly by an independent body for the next 15 years, and at annual intervals thereafter until such time as it is certain that well degradation will not lead to contamination.

We further propose that 9.79 be amended by addition of a provision such as the following: "Notwithstanding these considerations, in view of the risk of potentially catastrophic consequences in the event of a major accident with this technology, new and untried in the UK, and new to the geological circumstances prevailing, in view also of the likely detrimental cumulative environmental, agricultural and economic effects of shale development, all shale activity should be considered "exceptional circumstances", and bonds and financial guarantees should always be sought."

General Points/Amendments - some as a result of points made above.

We suggest that the policies M16, M17 and M18 in particular avoid the use of the subjective term "unacceptable" which weakens the protection afforded by the policies, replacing it where possible with the less subjective "adverse". Some particular instances are detailed below.

We further suggest that the formula commonly used in the MWJP - "will be permitted" - should usually be reinforced with, as appropriate' "only" or "unless".

We suggest that policy M18 (or another policy if deemed more effective) contain a provision along the following lines: Whilst welcoming the Environmental Agency's concern with the chemicals permissible in fracking fluid, this Plan deems it essential for the protection of our communities that the chemicals used be fully disclosed by the operator and limited to those deemed by competent international authorities to have been proven to be non-hazardous in

interaction with chemicals commonly encountered at fracking depths.

Justification: 5.109 states with reference to the procedures used in hydraulic fracturing: "Operators must demonstrate to the Environment Agency that all the chemicals used in the process are non-hazardous". The definition of 'non-hazardous' as the term is used by the EA appears to be 'has not proved in tests to be hazardous'. A safer definition might be 'has been proved to be not hazardous in relevant contexts, eg. the sub-surface hydraulic fracturing context'.

This concern arises from the difficulty in knowing how unknown (or known) chemicals will react with unknown chemicals in a sub-surface context where the two or more are brought into reactive proximity. The wording above does not fully address this concern but goes part of the way.

A further concern resides in the possibility within the lifetime of the MWJP of transatlantic trade agreements such as TTIP or CETA coming into force with the EU while the UK is a member, or with the UK thereafter, when it has already been shown that corporations/industry are willing to enter into litigation with a national entity which they deem threatens their commercial interests by 'anti-competitive' regulations, such as those limiting chemicals to be used in the fracking process. We therefore believe it is in the interests of the MWJP area to reinforce existing regulations in this way.

M17. 4) i) replace "within 500m of residential buildings" with "within 1km of residential buildings" AND

replace "are unlikely to...etc" (at the end) with "are not consistent with this requirement and will not be permitted."

M17. 4) iii) Add "Air quality and possible health impacts should during exploration and production be monitored monthly by independent authorities. The accuracy of industry reporting will not be relied upon and in instances of doubt, the precautionary principle will apply and operations suspended until a full investigation has taken place."

M18. 1) ii) After "locations", replace the clause "where a high standard of protection.." with "where the risk to ground and surface waters can be demonstrated to be negligible", AND, replace the existing "where it can be demonstrated" clause with "where it can be demonstrated that there is no or negligible seismic risk".

M18. 2) iii) Replace "may require" with "will require" and add "This guarantee would be forfeit in the event of proof of operational negligence."

5.159 Replace final sentence with: "This policy will continue throughout the Plan period." and amend appropriate policy.

In justification for this it should be pointed out that observance of regulatory requirements on one or several occasions is no guarantee of continuing observance, and also that one operator might be replaced by another either during or between sets of fracking operations.

M19. iii) Replace 'unacceptable' by 'adverse'.

W10.1) Delete "unacceptable"

DO2 1) line 3 Replace 'unacceptable' with 'adverse' ALSO line 2 insert 'only' before 'where'

DO7 1) and 3) Replace 'unacceptable' with 'adverse'.

Justification: It seems as though the MWJP is using the terms interchangeably although 'adverse' is clearly stronger and less subjective than 'unacceptable'. The use of the two terms in close proximity creates a distinction which might or might not be intended. Whether intended or not, we believe

'adverse' should usually replace 'unacceptable'.

DO8. 3) second sentence - Delete after “unless” and resume after the present “or”, to read: “unless all of the following apply”.

Justification: A government-defined 'national need' for shale could be termed a 'substantial public benefit' (deleted), opening up many sites for shale exploration which these provisions intend to exclude.

DO9 1) replace 'unacceptable' by 'adverse' 2) delete 'unacceptable' 3) delete 'an unacceptable'

Conclusion:

We have done our best to consider the MWJP and make representations following the lay-out of the Plan used. To the extent that we have not succeeded in this respect, we request the indulgence of the inspectors and apologise for inconvenience occasioned.

Yours sincerely,

David Cragg-James (Chair)

Niall Rodger (Clerk) Matthew Dwyer (Treasurer) Jackie Powell (Secretary)

For and on behalf of the Stonegrave Village meeting

mwjointplan

From: David Cragg-James <david.craggjames@googlemail.com>
Sent: 15 December 2016 08:53
To: mwjointplan
Subject: Response on behalf of the Stonegrave Meeting
Attachments: MWJP Response on behalf of Stonegrave Meeting.rtf

Dear Sir or Madam,

Please find attached the response to the MWJP for and behalf of the Stonegrave Meeting. We should like to be present at the Inspection meeting.

Yours sincerely,

Stonegrave Village Meeting

pp. David Cragg-James

mwjointplan

From: James Mackman <jmackman3@gmail.com>
Sent: 12 December 2016 14:50
To: mwjointplan
Subject: Re: Minerals and Waste Joint Plan – Publication
Attachments: UPPC Preferred Options Consultation - Response Form V2.pdf

Dear Team

Thank you for your advice below to which our response is

'Upper Poppleton Parish Council considered the Plan at their November meeting, and concluded that they had nothing further to add to their Preferred Option previously submitted and herewith attached for your further consideration'.

Regards

James Mackman
Clerk to Upper Poppleton Parish Council

----- Original Message -----

From: mwjointplan
To: 'James Mackman'
Sent: Thursday, December 08, 2016 3:45 PM
Subject: RE: Minerals and Waste Joint Plan – Publication

Dear Mr Mackman,

Thank you for your email regarding providing a response from Upper Poppleton Parish Council. There are 2 approaches you can take

1. If the views of Upper Poppleton Parish Council are the same as the views provided by Nether Poppleton Parish Council then a response from Upper Poppleton Parish Council stating that they endorse the response provided by Nether Poppleton Parish Council and would like the views presented in that response to be taken into account as being Upper Poppletons Parish Council response as well.

Or if, bearing in mind some of the policy text has changed, the Parish Council feel that the views presented at Preferred Options have not been addressed adequately

2. Resend your response that was provided at Preferred Options stating that the Parish Council would like it to be taken as their response to the Publication document.

I hope this is helpful and enables you to be able to provide a response to the Publication document.

Regards

Minerals and Waste Plans Team

From: James Mackman [mailto:jmackman3@gmail.com]
Sent: 08 December 2016 14:40



Minerals and Waste Joint Plan

Response Form- Preferred Options Consultation

Closing Date for responses 5pm Friday 15th January 2016

Your contact details

Name:	Title: Mr	Initial(s): James
Surname: Mackman		
Organisation (if applicable): Upper Poppleton Parish Council		
Address:	39 Calder Avenue	
	Nether Poppleton	
	York	
Post Code: YO 26 6RG		
Telephone: 01904 399277		
Email: jmackman3@gmail.com		

Agent contact details (if applicable)

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

We ask a number of questions within the consultation documenton which we would like your views. When making your comments please use the following format:

- All Comments within **column A** must reference a chapter and/or Section
- Policy Comments: In **column B** include the draft Policy reference number (this is located in the top left hand side of each draft Policy box). Then in **column C** indicate the question you are responding to.
- Site Comements: In **column B** use the site reference number (found on the top of the sites summary tables in Appendix 1).
- Comments on individual paragraphs: In **column C** indicate the paragraph to which your comments relate

Recording your comments in this format is important as this will enable us to ensure that your responses are logged correctly. If it is not clear to which section / policy or site your comment relates to we may need to contact you for clarification. Please continue on a separate sheet if necessary.

0	A	B	C	D	E
<i>Official use only</i>	Chapter and Section	Policy Ref or site Ref	Question / Paragraph	Do you support the Policy?	Response
<i>Official use only</i>	5: Aggregate supply	M04	Q04	Y/N	<i>Please enter your comment here. Thank you for your assistance.</i>
<i>Official use</i>	Appendix	WJP06	Q14		<i>Please enter your comments here. Thank you for</i>

For official use only:
Representation / reference number
____ / ____ / Reg18.3

Date received.....
Date entered.....
Date acknowledged.....
Recorded by..... Category.....

only	1: Sites				your assistance.
	Chapter and Section	Preferred Policy Option or site reference	Question / Paragraph	Do you support the Policy/ Site?	Response
	P190	I02		NO	<p>Locations for ancillary minerals infrastructure.</p> <p><i>The Policy states: 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</i></p> <p>Response : Dutton Farm the site of the preferred mineral extraction is none of the above being on grade 2 agricultural land within the agreed Green Belt area of the City of York. The purpose of which is to protect the historic and character setting of this historic City. The previous extraction that had taken place was closed by the enforcement officer of the City of York as it was considered illegal, inappropriate, and without permission.</p> <p><i>The Site has good access to the transport network</i></p> <p>Response : The attached photos show the condition of the road leading to the previous clay pit extraction point and is clearly a rutted cart lane with no provision for HGV of which it is proposed at 12-14 per day will make a two way visit to the area at the height of production.</p> <p>The exit from the cart track is onto a single track lane with three passing places. If the exit from the single track road onto the busy A59 be widened, as the officers suggest, it would encourage additional traffic to make use of the single track road and increase the likelihood of accidents. The road is unlit and the junction with the A 59 is on a blind bend. The vehicles would be turning right into oncoming traffic which at peak times is a continuous stream of commuters, tourist and delivery vehicles to and from York.</p> <p><u>This site does not have good access to transport links and has the potential for a high accident risk.</u></p> <p>It would be proposed that no vehicles may turn left out of the cart track lane. This would only increase the traffic through the single track access to other farms in the area and the</p>

				<p>village of Upper Poppleton. The likelihood of clay being on the tyres of the vehicles will reduce the level of friction on the road thus creating a further accident hazard.</p> <p><i>The development would not create significant adverse impact on local communities, businesses or the environment including heritage assets</i></p> <p>Response : It is felt that the historic centre of Upper Poppleton could be at risk of disruption and destruction if HGV's at the rate of 12-14 per day were at any time to use the roads through the village as a means of access to the ring road to avoid the persistent traffic congestion at the junction of the A1237 and A 59.</p> <p>Local communities in the area are mostly arable farming, with occasional grazing for sheep in preparation for market. It is considered that any effect on the water tables created by the extraction of minerals could have an effect of the viability of some crops that are susceptible to water table access. It is suggested within the policy document that the increase in greenhouse gases is likely to be minimal. Given that at the present time there are no emissions on the roads in the immediate vicinity of the extraction source, it follows that if approved, this will greatly increase the greenhouse gas emissions.</p>
P221	DO 3		NO	<p>Transport of minerals and waste and associated traffic impacts.</p> <p><i>The Policy states: Where practicable minerals and waste movements should utilise alternatives to road transport.</i></p> <p>Response: Dutton Farm access and egress from the site is along a single unsurfaced cart track which is rutted, and unsafe for HGV vehicles in that there is no protection from subsidence, no hard core foundation to the road and no lighting. Given that the proposal is for 12-14 HGV per day movement in both directions this constitutes a major disruption to the rural setting.</p> <p><i>There is capacity within the existing network for the level of traffic proposed.</i></p> <p>Response: The reasons for the closure by the enforcement officer included the poor access to the site and the nature of the road surface and the impact on the A59. In wet weather</p>

				<p>mud and clay deposits creates a film on the road surface which exacerbates the likelihood of vehicles skidding and sliding on the surface. Highways and the police have records of fatalities on this section of the road over the past 10 years, due to the camber of the main road, the blind access of the lane and the heavy traffic use. Adding to this already busy road with more HGV is not within the capacity of the existing network the parish council would propose.</p> <p><i>There are suitable arrangements in place for on-site manoeuvring, parking and loading/unloading</i></p> <p>Response: The Upper Poppleton Parish Council (UPPC) would wish to add to this that the facility for tyre washing was added to the requirement at the on-site area at Dutton Farm. As already stated the road access is inadequate and therefore any development would require all the roads to have the capacity to take the weight of loaded and unloaded vehicles.</p> <p><i>Any adverse impacts can be appropriately mitigated for example, by traffic controls, highway improvements and traffic routing agreements.</i></p> <p>Response : The UpperPoppleton Parish Council (UPPC) would oppose any left turn by vehicles from the end of Kettlewell Lane into Newlands Lane and the existing 7.5 T weight limit to be observed at all time. No vehicles from the site should be traveling towards either Upper or Nether Poppleton Villages. All HGV traffic should be restricted from left turn from the end of Dutton Farm. It is not felt appropriate or desirable to place traffic lights on the road as the speed limit is 60 mph on this section of the A59. The building of the Park and Ride on the Greenbelt land and common land in Upper Poppleton has increased the traffic significantly on this section of the A 59. The NPPC would wish a restricted access sign on the junction to deter more vehicles from using the country lanes as a means of avoiding traffic congestion on the A59/A1237 junction.</p>
	P 245	D10		<p>Reclamation and afteruse</p> <p><i>Proposals which require restoration and afteruse element will be permitted where it can be</i></p>

demonstrated that they would be carried out to a high standard and which, where relevant, demonstrate!

Been brought forward in discussion with the local communities and other relevant stakeholders and where practicable reflect the outcome of those discussions.

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

Part two

In addition to the criteria of Part One above, proposal will be permitted which deliver a more targeted approach to mineral site restoration and afteruse by contributing towards objectives appropriate to the 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;

Response: The Area surrounding and including Dutton Farm, according to the City of York Agricultural Survey shows that this is grade 1 and 2 agricultural land. It is therefore important if extraction of minerals is to be allowed on the fertile land, which on completion of the period of extraction the landscape is returned to the rural setting and not considered as brownfield site for housing development which would be totally out of keeping with the green belt designation of the area.

UPPC understands from the consultation documentation that the landfill proposed is inert building materials. This again would involve HGV movements along a cart track which currently has no foundations to take the weight of such vehicles. The use of landfill materials must be carefully monitored as the water table and nearby Foss dyke, which feeds the Poppleton Lakes complex needs to be kept clean for aquatic life. Any contaminated materials could have disastrous consequences for not only the upstream activity but also excess water pumped into the Ouse could affect the capacity of the river basin to cope in

times of flood. The area is prone to flood risk at level 2 which is indicated on the accompanying map from the Environmental Agency at the present time of high flood risk in York December 2015.

Enhancement of topsoil on completion of the extraction of minerals could bring the land back into agricultural use. Also extensive planting of trees could help to reduce flooding by holding water in the canopy during the summer however would have little effect during the winter when flooding is most likely, either from excessive rain or snow melt.

UPPC would reiterate the key sensitivities noted by CYC on the site being:

- Ecological issues including impacts on existing pond, protected species and habitats.
- Impact on grade 1 and 2 agricultural land
- Heritage assets including potential archaeological remains
- Land and visual intrusion issues on Historic York landscape
- Impacts on Greenbelt and the potential for the area to be reclaimed as a brownfield site with buildings permitted on conclusion of extractions.
- Water issues including Flood Risk mostly Zone 1 and Zone 2
- Traffic impact access and egress and local traffic management.
- Amenity issues including noise, dust, pollution of waterways.

Given this extensive list of potential hazards, and likely disruption to rural life it is very difficult to see why this would in any way be a preferred site.

This issue is further referenced in Chapter 4 Protecting the Environment of the Waste - North Yorkshire Local Plan 2006 (which has never been adopted or passed inspection.) and which now claims to be covered in D 03 and D 10 which UPPC have commented on in detail above.

	Any Other Comments: Please use the Space below to provide any other comments you may wish to make relating to minerals and waste policy matters				

Thank you for providing us with your comments.

**All responses should be returned 5pm Friday 15th January 2016
by email to: mwjointplan@northyorks.gov.uk**

or, post using the contact details below.

Minerals and Waste Joint Plan Team
 Planning Services
 North Yorkshire County Council
 County Hall
 Northallerton
 DL7 8AH

North Yorkshire County Council, the North York Moors National Park Authority and the City of York Council are registered under the Data Protection Act 1998. For the purposes of the Data Protection Act legislation, your contact details and responses will only be retained for the preparation of the Joint Minerals and Waste Plan. All responses received will be summarised and will be displayed on the Joint Plan website. (All personal information such as e-mail addresses and telephone numbers will be removed before publication).

mwjointplan

From: Alison E Carter <tanfieldparishcouncil@yahoo.co.uk>
Sent: 09 December 2016 15:49
To: mwjointplan
Subject: Re: Minerals and Waste Joint Plan - Publication Stage

Follow Up Flag: Follow up
Flag Status: Flagged

Morning

Tanfield Parish Council, discussed the above plan at their last Parish Council meeting on Wednesday 30 November, 2016.

We have no comments to make with regard to the legal compliance and the soundness of the joint plan.

Regards

Alison E Carter
Clerk to Tanfield Parish Council
E-mail: tanfieldparishcouncil@yahoo.co.uk
Tel: 07762403999
Website: www.tanfieldparishcouncil.btck.co.uk

From: mwjointplan <mwjointplan@northyorks.gov.uk>
To: mwjointplan <mwjointplan@northyorks.gov.uk>
Sent: Wednesday, 9 November 2016, 13:36
Subject: Minerals and Waste Joint Plan - Publication Stage

Dear Parish Clerk,

Minerals and Waste Joint Plan – Publication

North Yorkshire County Council, City of York Council and the North York Moors National Park Authority are working together to produce a Minerals and Waste Joint Plan covering all three planning authority areas. When finalised the new Joint Plan will help the three authorities take decisions on planning applications for minerals and waste development up to 31 December 2030. A number of public consultations have already taken place to help develop the new Plan, including an 'Issues and Options' consultation in 2014 and a 'Preferred Options' consultation in 2015.

A final draft of the Joint Plan has now been prepared and is being published for a six week period to allow for representations to be made, before it is submitted for examination in public by an independent planning inspector. At this stage only representations relating to the legal compliance and soundness of the Joint Plan are required. More information about this is contained in the guidance notes attached with this email.

The formal publication period commences on **Wednesday 9th November 2016** and will close on **Wednesday 21st December 2016**. All responses must be received by **5pm** on that day. Please note we will be unable to accept responses after this deadline.

The Joint Plan and supporting documents are available to view on the Joint Plan Website: www.northyorks.gov.uk/mwconsult. Paper copies of the Joint Plan and main supporting documents, including a response form and guidance notes, are available to view during normal opening hours at all public libraries in the area covered by the Joint Plan, including mobile libraries and at all main offices of the three Authorities, as well as at District and Borough Council main offices and the National Park Centres.

Please see attached to this email:

- Formal Publication Letter,
- Statement of Representations Procedure,
- Response Form (Part A & Part B) and
- Guidance Notes

For further information about the Minerals and Waste Joint Plan please visit our website: www.northyorks.gov.uk/mwconsult

Yours faithfully

Minerals and Waste Joint Plan Team

On behalf of:

North Yorkshire County Council, City of York Council and North York Moors National Park Authority

This email has been sent on behalf of North Yorkshire County Council (NYCC), City of York Council (CYC) and North York Moors National Park Authority (NYMNP).

WARNING

Any opinions or statements expressed in this e-mail are those of the individual and not necessarily those of NYCC, CYC or NYMNP.

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North Yorkshire County Council

City of York Council

North York Moors National Park Authority

