

North Yorkshire County Council - Joint Minerals and Waste Local Plan (JMWLP)

Examination in Public

Sibelco response to Inspectors Draft Matters, Issues and Questions (MIQs) (dated 18 January 2018)

Matter 1: Minerals

Issue: Whether the vision, objectives and strategic minerals policies seek to provide a sufficient supply of locally and nationally important minerals in an efficient and sustainable manner and whether the proposed allocations are the most appropriate.

Silica sand

34.

With respect to Policy M12 (Continuity of supply of silica sand), the MWJP at paragraph 5.66 says that the resource at Blubberhouses Quarry overlaps with internationally important nature conservation designations. Bearing this in mind and also the national importance of silica sand, should part 2) of the policy make reference to potential impacts on integrity and potential “Imperative Reasons of Overriding Public Interest” (IROPI) subject to securing compensatory measures that ensure the overall coherence of the Natura 2000 network in accordance with *The Conservation of Habitats and Species Regulations 2017*?

Neither the permitted mineral site nor the identified and proven silica sand resource to the north-east overlap with any nature conservation designation.

Paragraph 5.67 of the Publication Draft (November 2016) correctly recognises the “... *proximity of designated internationally important nature conservation sites*” (our emphasis)

35.

NPPF paragraph 146 (3rd bullet) requires at least a 10 year stock of permitted reserves to support individual silica sand sites. Is the reference to a “10 year landbank” in paragraph 5.68 of the Plan consistent with national policy?

Paragraph 5.68 is not consistent with national policy. Silica sand national policy is not based on a mineral planning authority having a 10 year landbank. National policy as expressed in NPPF paragraph 146 requires a stock of permitted reserves of at least 10 years and at least 15 years where significant new capital is required on a site by site basis. There is currently no processing plant at Blubberhouses and significant investment would be required.

37.

With respect to the omission site at Blubberhouses Quarry (MJP15), should it be allocated in Policy M12, given the national importance of silica sand in the area for glass manufacture and its national scarcity?

In a plan led system the Blubberhouses site should be allocated. Neither the site, nor the identified and proven resource adjacent to the north-east, are coincident with any nature conservation designation.

The Blubberhouses site and the adjacent identified and proven resource do lie within the Nidderdale AONB. However, the location of the site within an AONB is not a reason for non-allocation especially for a mineral of national importance. In addition, the Nidderdale AONB was established in 1994 in full knowledge of and taking account of the presence of the Blubberhouses site which was established in the mid to late 1980's.

38.

Are the reasons for discounting Blubberhouses Quarry set out in the *Discounted sites summary document*, October 2016 (SD18) justified?

The reasons for discounting Blubberhouses Quarry set out in the Discounted sites summary document, October 2016 (SD18) are not justified.

- The location of the site within an AONB is not a reason for non-allocation.
- The matters of proximity to nature conservation designations have been comprehensively dealt with in the planning application submission for an extension of time (currently undetermined)
- In document SD18 it is noted that Historic England supported the discounting of the site and yet this statutory consultee has no objection to the time extension planning application

41.

Whilst great weight should be given to conserving landscape and scenic beauty in AONBs and *planning permission* for major development should only be granted in exceptional circumstances (NPPF paragraphs 115 and 116), silica sand resources are of national importance and great weight should be given to the benefits of mineral extraction (NPPF paragraph 144 1st bullet)? Taking account of the PPG (ID: 27-008-20140306) has the right balance been reached in not allocating Blubberhouses Quarry site?

The right balance has not been reached in not allocating the Blubberhouses site. The quarry site was in operation before the designation of the Nidderdale AONB and therefore accepted as landscape component Quarries, including silica sand sites exist within AONB designations in other Local Authority areas, therefore, the national advice contained within PPG (ID: 27-008-20140306) is relevant and applicable to this matter in so far as Mineral planning authorities should plan for the steady and adequate supply by designating Specific Sites or Preferred Areas. There is clearly sufficient information available on the Blubberhouses site for it to be allocated as a Specific Site.

42.

I note that there is potential for the realignment of the A59 at Kex Gill to overlap with the Blubberhouses Quarry site. However, given that there is no definitive route for this road and no land has been safeguarded for its development, should this potential realignment influence the allocation of Blubberhouses quarry? What are the views of North Yorkshire County Council Highways Authority? Does Highways England have any remit for this and, if so, what are its views?

The possible realignment of the A59 in the vicinity of the Blubberhouses site should not influence the allocation of the site. There is currently no definitive route for the realigned road; there is no definitive timescale for implementation of the realigned road and no planning application or planning consent for the realigned road; there is no highways objection (either strategically or locally) to the application for an extension of time at the Blubberhouses site and the possible realignment was not presented as a reason for discounting the site in the Discounted sites summary document, October 2016 (SD18).

43.

Should Burythorpe Quarry and/or Blubberhouses Quarry be allocated to give certainty to when and where development may take place (PPG ID: 27-009-20140306)?

The Blubberhouses site should be allocated. Such an approach will properly reflect Government advice contained in PPG Paragraph: 009 Reference ID: 27-009-20140306 which states that *“Designating Specific Sites in minerals plans provides the necessary certainty on when and where development may take place. The better the quality of data available to mineral planning authorities, the better the prospect of a site being designated as a Specific Site”*.

44.

In relying on criteria based policies rather than allocations, and taking account of development management policy D04: (Development affecting the North York Moors National Park and the AONBs), does the MWJP provide adequate opportunities to ensure there are reasonable prospects of producing sufficient supplies of silica sand to maintain adequate stocks of permitted reserves as per NPPF paragraph 146?

The MWJP does not provide adequate opportunities to ensure there are reasonable prospects of producing sufficient supplies of silica sand to maintain adequate stocks of permitted reserves as per NPPF paragraph 146. Criteria based policies should only be used in isolation where no sites are put forward for consideration for allocation. Criteria based policies in these types of circumstance do not provide a reasonable prospect of site development in the event of a non-allocation.