

Matter 3: Transport, infrastructure and safeguarding

Issue: Whether the vision, objectives and plan policies together seek to provide appropriate direction for transport and infrastructure development and safeguarding.

Questions:

Other infrastructure

112. Is Policy I02 (Locations for ancillary minerals infrastructure) too restrictive in requiring at part 1) i) ancillary development to produce a “value added” or complementary product?

Yes. If the ancillary development is proposed to make the primary use more efficient for example, then this should be appropriate development. As it currently stands the Plan could be considered to not be prepared positively as required by para.157 of NPPF. and not be supporting rural enterprise as required by para.28 of NPPF.

113. Is Policy I02 part 3) too restrictive in preventing ancillary development in the North York Moors National Park unless located at Boulby mine or Doves Nest Farm mine?

Yes. As ancillary development it should be judged by normal development management policies unless it falls to be considered as major development and will falls under para.116 of NPPF. As such ancillary development should not restricted within the NYMNP. Currently this policy has not been prepared positively against the requirement of NPPF para. 157, and is not supporting rural enterprise as required by NPPF para. 28.

Safeguarding

125. Explain briefly why each of the different buffer requirements set out in Policy S01 are the most appropriate.

In addition to buffer zones perhaps the principle of *agent of change* should be considered as recently advocated in the London Plan as follows;

- *The Agent of Change principle places the responsibility for mitigating impacts from existing noise-generating activities or uses on the proposed new noise-sensitive development.*
- *Reflecting the Agent of Change principle to ensure measures do not add unduly to the costs and administrative burdens on existing noise-generating uses*

131. For effectiveness and to give proper direction as to what “exempt” development is, should Policy S02 Part 1 vi) be cross referenced to the location of the Safeguarding Exemption Criteria list?

Yes

132. To be effective should the Plan more clearly explain what the practical implications are for development applications on safeguarded land, safeguarded sites and surrounding buffers?

Yes. We refer to response to Q.125 and the agent of change principle. The onus must be on the encroaching development to ensure that there will be no adverse effect

from the safeguarded operation, and that the future of the safeguarded operation will not be prejudiced.

142. With reference to Policy S04 how has the 100m buffer zone around transport infrastructure been determined and is this buffer justified?

In addition to buffer zones the agent of change principle should be considered...see response to Q.125

144. Should Policy S04 cross reference the location of the Safeguarding Exemption Criteria list?

Yes

145. Does the word "frustrate" in Policy S04 give sufficiently clear guidance to developers on what is meant or is additional explanation required?

The word '*frustrate*' might be better replaced with '*prejudice*' to better explain the threat to the safeguarded site/operation by the encroachment of inappropriate development.

147. With reference to Policy S05 (Minerals ancillary infrastructure safeguarding) how has the 100m buffer zone around infrastructure sites been determined and is this buffer justified?

In addition to buffer zones the agent of change principle should be considered...see response to Q.125

150. Should Policy S05 cross reference the location of the Safeguarding Exemption Criteria list?

Yes

151. Does the word "frustrate" in Policy S05 give sufficiently clear guidance to developers on what is meant or is additional explanation required?

The word '*frustrate*' might be better replaced with '*prejudice*' to better explain the threat to the safeguarded site/operation by the encroachment of inappropriate development.

152. Should Policy S06 (Consideration of applications in Consultation Areas) cross reference the location of the Safeguarding Exemption Criteria list?

Yes

153. To be effective, should the Safeguarding Exemption Criteria in paragraph 8.47 be given the weight of policy?

The list is referenced in the policy and as such is considered part of that policy in our view.

154. Is the list comprehensive in that it includes all development that should be exempt?

Yes

END

681 words including questions