

Matters, Issues & Questions:

Matter 1: Minerals – Concreting Sand and Gravel

Question 16 - 24

Concreting Sand and Gravel

16. Although MWJP paragraph 5.17 states that the supply of building sand and concreting sand and gravel has been addressed separately, and Tables 1 and 2 relating to summary requirements break down the provision into different types and distributions (north/south), should the total provision for each type and distribution be set out within Policy M02 (Provision of sand and gravel) to give it the weight of policy? (I note that for crushed rock, Magnesian Limestone is split from other limestones within Policy M05).

Policy M02 - *Provision of sand and gravel* is intended to work in conjunction with Policy M03 *Overall distribution of sand and gravel provision*, which identifies the allocation of overall sand and gravel requirements between the three main subdivisions. Reference to Policy M03 is included in the policy justification for Policy M02 to indicate this link (see CD17 page 51 paragraph 5.14) and forms the basis for the numerical requirements identified in Tables 1 and 2 of the Plan.

17. Whilst it may be justified to state in MWJP paragraph 5.15 that “*..it is not considered appropriate to specify, at this stage, the precise level of further provision that may be needed in order to maintain a minimum 7 year landbank at 31 December 2030*” (with reviews going forward ensuring greater accuracy), it is nonetheless important to be clear in the policy that the MWJP still makes provision for a steady and adequate supply of the different aggregates based on current information for the plan period. The wording of the second paragraph of Policy M02 appears somewhat ambiguous. It could be taken to mean the additional provision needed to maintain a 7 year landbank as of 31 December 2030 or alternatively any extra provision for the Plan period that might be identified by later LAAs? To be effective, would the Policy benefit from clearer wording?

The second paragraph of M02 - *Provision of sand and gravel* is intended to set out a clear commitment to maintaining an adequate landbank (in line with national policy requirements) at the end of the Plan period. It is considered that

the policy justification (page 51 paragraphs 5.15) provides appropriate clarification of this policy commitment. Policy M04 – *Landbanks for sand and gravel* provides a further commitment to maintain a minimum 7 year landbank throughout the Plan period. However, it is acknowledged that circumstances (such as a very high level of unforeseen demand) could lead to a pressure on availability of supply at an earlier stage. The Plan (page 46 paragraph 4.11 first bullet) acknowledges that such a circumstance (i.e. an unforeseen shortfall in the latter part of the Plan period) could arise and is a factor that may lead to a need for review of the Plan. Such an approach is considered to be in line with the purpose of landbanks, as stated in NPPF (Paragraph 145, 5th bullet) and PPG (IDs 27-060-29140306 and 27-080-20140306). However, in order to provide further clarity in this matter, the Authorities consider that a modification could be made to the second paragraph of Policy M02, as follows: *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 gravel at 31st December 2030 and/or to meet additional requirements identified through updates to the Local Aggregates Assessment, based on an annual rate of provision to be determined through the review*

18. Should reference be made to a “*mid-term review*” or should there be a commitment to carry out a review within 5 years from adoption? (PPG ID: 12-008-20140306). The Town and Country Planning (Local Planning)(England)(Amendment) Regulations 2017, regulation 4 “*Review of local development documents*” states that reviews of local plans must be completed every five years, starting with the date of adoption of the local plan. This regulation is due to come into force on 6 April 2018.

It is agreed that references in the Plan to a mid-term review should be replaced with a specific commitment to carry out a review within 5 years of adoption, in line with pending new Regulation 4 of the 2017 Amendment Regulations (LPA17). A relevant modification will be included in the ‘*Main Modifications*’ document to reflect this.

19. In order to be effective should Policy M03 (Overall distribution of sand and gravel provision) refer to the Mineral’s Key Diagram (and cross-reference its location in the Plan) which shows the Southwards distribution area and the Northwards distribution area?

The policy justification to Policy M03 (see page 52, paragraph 5.18 of the Plan) clarifies that the indicative division between northwards and southwards distribution areas is shown on the key diagram and it is not considered necessary to reference this directly in the Policy. It is acknowledged that it would be helpful to provide, in paragraph 5.18, a cross-reference to the location

of the key diagram within the Plan. A relevant modification will be included in the 'Main Modifications' document to reflect this.

20. In order to reflect the geographical application of policies M03 (Overall distribution of sand and gravel provision), M04 (Landbanks for sand and gravel) and M07 (Meeting concreting sand and gravel requirements) should the Southwards distribution area and the Northwards distribution area be shown on the Policies Map and should this be referred to in these policies?

Whilst the approach to defining northwards and southwards distribution areas for concreting sand and gravel is a well-established policy approach, supported by the YH AWP and in operation since 1997, the boundary between the two areas has not previously been defined as a specific boundary capable of linear expression on an OS map base. This is because a judgement needs to be made in any particular site-specific case, taking into account the intended market area to be served by the site. In practice, sites working sand and gravel resources in the Catterick/Scorton area have tended to serve markets to the north of the Plan area, for reasons of proximity (and bearing in mind that sand and gravel is a high volume relatively low value product where transport costs are a very significant cost element). However, factors including commercial decisions by operators could influence this and it is considered that a precisely defined boundary would lack flexibility. Identification of an indicative boundary on the key diagram provides a means of reflecting the strategic approach and practical operation of the market over time, whilst retaining appropriate flexibility. This approach is considered to be consistent with the requirement (NPPF Paragraph 157, fourth bullet point) to identify broad locations for strategic development on a key diagram and it is considered this approach should be retained in the Plan.

21. Does Policy M07 (Meeting concreting sand and gravel requirements) allocate sufficient sites in both northwards and southwards distribution areas to meet current forecasts of need for the main types of concreting sand and gravel throughout the Plan period including at least a 7 year landbank at the end of the Plan period?

The policy justification for Policy M07 sets out (CD18, page 58, paragraph 5.38 Table 1) information in respect of resources in sites allocated through Policy M07. For the northwards distribution area site MJP21 (Land at Killerby, page 32, CD18) provides, in combination with existing permitted reserves, sufficient additional resources to meet estimated requirements over the period to 31 December 2030. The Table identifies that an additional 7.7mt would be required to maintain a full 7 year landbank at that date. Site allocations for a further 6.7mt are included in Policy M07 which would provide a very substantial contribution towards this additional requirement. However, it should be noted

that the effect of proposed changes PC102 and PC104 contained in the *Addendum of Proposed Changes to the Publication Draft* (CD09) would be to reduce the contribution of these two allocations to approximately 5.7mt, thus leading to a theoretical shortfall of around 2mt in the provision required to maintain a 7 year landbank at the end of the plan period. Please note that NYCC has now resolved to grant permission for development of the allocation site, subject to completion of a legal agreement. The scheme subject of the resolution contains 11.37mt rather than the 10.65mt in the allocation and is proposed to be changed. The granting of this permission would therefore reduce the extent of this minor residual shortfall to approximately 1.28mt.

For the southwards distribution area, site allocations MJP06 (Langwith Hall Farm, east of Well, page 16, CD18) and MJP14 (Ripon Quarry, North Stainley, page 40, CD18) provide sufficient resources to meet the identified shortfall to 31 December 2030. This would remain the case taking even into account the effects of withdrawal of part of site MJP14 (Ripon Quarry, North Stainley, page 40, CD18) by the operator. Resources in these two sites, in combination with permitted reserves, would be sufficient to also make some contribution to maintenance of a landbank at the end of the Plan period. Additional resources are expected to be available in *Preferred Area* MJP07 (Oaklands, near Well, page 20, CD18), which would make a further contribution to a 7 year landbank at 31 December 2030. In combination with resources within *Areas of Search* A and C, these allocated resources are expected to be sufficient to provide for an adequate landbank at the end of the Plan period.

In the context of the above, it should be noted that whilst NPPF (paragraph 145 6th bullet) states that MPAs should Plan for a steady and adequate supply of aggregate by '*making provision for the maintenance of landbanks of at least 7 years for sand and gravel ...*' neither the NPPF nor PPG contain an express requirement to provide for a full landbank beyond the plan period. Specifically, PPG (ID: 27-080-20140306) states:

What are landbanks of aggregate mineral reserves?

Landbanks of aggregate mineral reserves, or aggregate landbanks, are principally a monitoring tool to provide a mineral planning authority with early warning of possible disruption to the provision of an adequate and steady supply of land-won aggregates in their particular area.

Aggregate landbanks should be used principally as a trigger for a mineral planning authority to review the current provision of aggregates in its area and consider whether to conduct a review of the allocation of sites in the plan. In doing so, it may take into account the remaining planned provision in the minerals local plan.

The Plan sets out an express policy commitment, through Policy M04 – *Landbanks for sand and gravel*, to maintain a minimum 7 year landbank for concreting sand and gravel in the northwards and southwards distribution areas

throughout (and hence at the end of) the Plan period. However, it also recognises the need for the scale of requirements to meet this to be kept under review, including through the LAA process, as reflected in paragraph 2 of Policy M02 – *Provision of sand and gravel* and the text of the Plan at paragraph 4.11. This approach is consistent with a managed approach to aggregates supply as required by national policy and guidance (e.g. NPPF (Paragraph 145, 5th bullet) and PPG (IDs 27-060-29140306 and 27-080-20140306)).

It is further noted that there are inherent uncertainties in forecasting demand for aggregate, even in the short term. In this respect it is relevant that actual sales during 2016 (the first full year of the Plan period) in each of the subdivisions were lower in 2016 than the forecast figures (see Tables 2 and 24 of LPA/05 LAA *Third Review 2017* (Draft)), thus increasing the likelihood that allocated resources in combination with permitted reserves will be adequate .

Policy M10 – *Unallocated extension to existing quarries* provides further flexibility for additional reserves to come forward through unallocated extensions to existing quarries, where these would meet the criteria in the Policy. Any reserves coming forward in this way would also contribute to the landbank, as noted in the policy justification at paragraph 5.50.

22. Table 1 (Summary of requirements, allocations and sites for concreting sand and gravel) only seeks to provide just enough concreting sand and gravel to meet current estimates of needs. Should there be planned additional provision to ensure flexibility in meeting requirements?

Please refer to the response to Q. 21.

23. In M07 Part 2) ii) for clarity and effectiveness, should the Areas of Search for concreting sand and gravel be identified as “Area of Search A” and “Area of Search C” to correspond with MWJP Appendix 1? Should it be stated that consideration should be given to the key sensitivities and development requirements in Appendix 1?

Individual referencing of the Areas of Search A & C will be added to Policy M07 Part 2) ii) to assist understanding as a *Main Modification*.

To ensure clarity regarding consideration of sensitivities and requirements for the *Areas of Search*, a similar sentence to that used at the end of Policy M07 Part 1) and Part 2) i) will be added as a *Main Modification*.

24. Natural England objects to the allocation in Policy M07 of Land at Pennycroft and Thorneyfields, Ripon (MJP14) on the basis of potential damage to Ripon Parks SSSI and River Ure Bank Ripon Parks SSSI in terms of hydrology and geomorphology. Can these potential impacts be acceptably mitigated? How has the balancing exercise justified the allocation?

Since the *Publication Draft (CD17)* discussions have taken place with Natural England, including regarding the risks to the Ripon Parks SSSI and River Ure Bank Ripon Parks SSSI from the development of the MJP14 (Ripon Quarry, North Stainley, page 40, CD18) site and agreement has been reached regarding the mitigation of potential impacts on hydrology and geomorphology. Natural England confirmed, by email on 9 May 2017 ((LPA/12) that proposed text changes to the site's key sensitivities and development requirements in *Appendix 1 (CD18)* as sent to Natural England (28 April 2017 – (LPA13) were acceptable. Unfortunately, it was not possible to insert these into the *Addendum of Proposed Changes (July 2017) (CD09)* due to the meeting with Natural England (14 March 2017) coming after North Yorkshire County Council's sign off meeting for the Addendum on 7 March 2017. However, the text is included, as further proposed changes F48 and F49 on pages 13 and 14 of the *Schedule of Further Proposed changes to Publication Draft (November 2017) (SD01)*.

It is considered that the potential impacts can be acceptably mitigated as Natural England has withdrawn its objection to the planning application NY/2011/0429/ENV for the MJP14 site (LPA14)). The County Council resolved on 29 August 2017 to grant planning permission subject to conditions and to the prior completion of Section 106 Agreement (regarding a bird management plan and the control of the long-term restoration, aftercare and management of the site) and subsequently, the decision notice was issued on 22nd January 2018. Given that the application site area is the same as for the MJP14 site it is considered that the balancing exercise and justification for the allocation is summarised in section 7 of the Planning & Regulatory Functions Committee report (LPA15) as that sets out the need for the mineral and the other material considerations including hydrological and hydrogeological impacts.

Prepared by;

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Appendix

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Main Modifications

The modifications below are expressed either in the conventional form of ~~strikethrough~~ for deletions and underlining for additions of text.

The page numbers and paragraph numbering below refer to the submission local plan, and do not take account of the deletion or addition of text.

Ref	Page	Policy/ Paragraph	Main Modification
Q17	50	M02	<p>Insert additional text in second paragraph of M02 as following:</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 <u>and/or to meet additional requirements identified through updates to the Local Aggregates Assessment</u>, based on an annual rate of provision to be determined through the review.</p>
Q18	50	M02	<p>Change reference of "mid-term review" to "5 yearly review" as following:</p> <p>Revise 2nd Para of the Policy:</p> <p>Additional provision shall be made, through a mid-term<u>5 yearly</u> review of provision in the Plan, ...</p>
Q18	51	5.15	<p>Change reference of "mid-term review" to "5 yearly review" as following:</p> <p>Revise 3rd sentence:</p> <p>This is a matter which can be addressed in</p>

Ref	Page	Policy/ Paragraph	Main Modification
			monitoring of the Joint Plan and via a mid-term-5 <u>yearly</u> review, at ...
Q18	53	M05	<p>Change reference of "mid-term review" to "5 yearly review" as following:</p> <p>Revise 2nd paragraph of the Policy:</p> <p>Additional provision shall be made, through a mid-term-5 <u>yearly</u> review of provision in the Plan, ...</p>
Q18	55	5.30	<p>Change reference of "mid-term review" to "5 yearly review" as following:</p> <p>Revise 3rd sentence:</p> <p>This is a matter which can be addressed in monitoring of the Joint Plan and via a mid-term-5 <u>yearly</u> review, at ...</p>
Q18	58	5.39	<p>Change reference of "mid-term review" to "5 yearly review" as following:</p> <p>Revise sentence:</p> <p>Additional provision, if required ... through a mid-term-5 <u>yearly</u> review of the Joint Plan in line with Policy M02.</p>
Q19	52	5.18	<p>Revise last sentence:</p> <p>The division between the concreting sand and gravel northwards and southwards distribution areas is shown indicatively on the minerals key diagram (<u>see page 44 of the Plan</u>).</p>
Q23	57	M07	<p>Revise Part 2) ii) of the Policy:</p> <p>Areas of Search A and C for concreting sand and gravel are identified as shown on the key diagram and are set out in Appendix 1 as Area of Search A (in Harrogate Borough with a small part in Hambleton District) and Area of Search C (in Harrogate Borough). Planning permission will be ...of additional sites for working.</p> <p>Proposals for development of site(s) in the Areas of Search will be required to take account of the key sensitivities and incorporate the necessary</p>

Ref	Page	Policy/ Paragraph	Main Modification
			mitigation measures that are set out in Appendix 1.